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THE LONDON BOROUGH
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DATE: 26 January 2016

To: Members of the
PLANS SUB-COMMITTEE NO. 3

Councillor Katy Boughey (Chairman)
Councillor Douglas Auld (Vice-Chairman)
Councillors Kevin Brooks, Alan Collins, Nicky Dykes, William Huntington-Thresher,
Charles Joel, Alexa Michael and Stephen Wells

A meeting of the Plans Sub-Committee No. 3 will be held at Bromley Civic Centre on
THURSDAY 4 FEBRUARY 2016 AT 7.00 PM

MARK BOWEN
Director of Corporate Services

Members of the public can speak at Plans Sub-Committee meetings on planning reports, contravention reports or tree preservation orders. To do so, you must have

- already written to the Council expressing your view on the particular matter, and
- indicated your wish to speak by contacting the Democratic Services team by no later than 10.00am on the working day before the date of the meeting.

These public contributions will be at the discretion of the Chairman. They will normally be limited to two speakers per proposal (one for and one against), each with three minutes to put their view across.

To register to speak please telephone Democratic Services on 020 8313 4745

If you have further enquiries or need further information on the content of any of the applications being considered at this meeting, please contact our Planning Division on 020 8313 4956 or e-mail planning@bromley.gov.uk

Information on the outline decisions taken will usually be available on our website (see below) within a day of the meeting.

Copies of the documents referred to below can be obtained from
<http://cds.bromley.gov.uk/>

A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF MINUTES OF MEETING HELD ON 3 DECEMBER 2015**
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- 4 **PLANNING APPLICATIONS**

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NO REPORTS			

SECTION 2 (Applications meriting special consideration)

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4.2	West Wickham	19 - 56	(15/04594/FULL3) - La Rioja, High Street, West Wickham, BR4 0LZ
4.3	Shortlands Conservation Area	57 - 66	(15/04608/FULL1) - 28 Wickham Way, Beckenham, BR3 3AF
4.4	Bromley Town	67 - 74	(15/04641/FULL4) - 165 Masons Hill, Bromley, BR2 9HW
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4.6	Plaistow and Sundridge	81 - 94	(15/04872/FULL1) - Workshop Rear of 38 Palace Road, Bromley BR1 3JT
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SECTION 3 (Applications recommended for permission, approval or consent)

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4.9	Copers Cope	119 - 128	(15/03847/FULL1) - 1 Canterbury Close, Beckenham, BR3 5EP
4.10	Clock House	129 - 134	(15/04988/FULL6) - 28 St James's Avenue, Beckenham BR3 4HG
4.11	Bromley Common and Keston	135 - 152	(15/05113/FULL1) - The Lodge, Cowper Road, Bromley BR2 9RT
4.12	West Wickham	153 - 160	(15/05149/FULL6) - 21 Boleyn Gardens, West Wickham BR4 9NG
4.13	West Wickham	161 - 168	(15/05205/FULL6) - 25 Braemar Gardens, West Wickham, BR4 0JN
4.14	Bromley Common and Keston	169 - 176	(15/05310/FULL6) - 51 Oakley Drive, Bromley, BR2 8PS
4.15	Hayes and Coney Hall	177 - 182	(15/05376/FULL6) - 47 Courtlands Avenue, Hayes, Bromley. BR2 7HY
4.16	Plaistow and Sundridge	183 - 190	(15/05553/TELCOM) - Land at junction of London Road and London Lane, Bromley.
4.17	Mottingham and Chislehurst North	191 - 196	(15/05647/TELCOM) - Land Opposite 1 Grove Park Road, Mottingham SE9 4NP
4.18	Farnborough and Crofton	197 - 204	(15/05665/TELCOM) - Land Opposite 161 to 171 Crofton Road, Orpington BR6 8JB

SECTION 4 (Applications recommended for refusal or disapproval of details)

Report No.	Ward	Page No.	Application Number and Address
4.19	Cray Valley East Conservation Area	205 - 214	(15/03965/FULL1) - 10 Chelsfield Road, Orpington BR5 4DN

5 CONTRAVENTIONS AND OTHER ISSUES

Report No.	Ward	Page No.	Application Number and Address
5.1	Copers Cope	215 - 218	(DRR16/012) - Untidy Site - land adj 39 Southend Road, Beckenham, BR2 1SP.

6 TREE PRESERVATION ORDERS

Report No.	Ward	Page No.	Application Number and Address
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PLANS SUB-COMMITTEE NO. 3

Minutes of the meeting held at 7.00 pm on 3 December 2015

Present:

Councillor Katy Boughey (Chairman)
Councillor Douglas Auld (Vice-Chairman)
Councillors Kevin Brooks, Alan Collins, William Huntington-Thresher, Charles Joel, Alexa Michael and Stephen Wells

Also Present:

Councillors Robert Evans and Tim Stevens J.P.

17 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Nicky Dykes.

18 DECLARATIONS OF INTEREST

There were no declarations of interest reported.

19 CONFIRMATION OF MINUTES OF MEETING HELD ON 8 OCTOBER 2015

RESOLVED that the Minutes of the meeting held on 8 October 2015 be confirmed.

20 PLANNING APPLICATIONS

SECTION 1

(Applications submitted by the London Borough of Bromley)

20.1 FARNBOROUGH AND CROFTON

(15/03456/FULL1) - Farnborough Primary School, Farnborough Hill, Orpington BR6 7EQ

Description of application – Demolition of existing classroom extension, erection of two storey classroom extension, refurbishment of existing school buildings, provision of two temporary classroom buildings, bike store, refuse store and two sheds, with additional car parking and associated landscaping to enable expansion of school from 1 form of entry to 2 forms of entry.

Oral representations in objection to and in support of the application were received at the meeting. It was reported that a petition had been received signed by 358 residents in objection to the application on highway grounds, the risk of accidents and the need to re-route buses to the A21. Comments from the Tree Officer were also reported.

Ward Member, Councillor Charles Joel, said that during the summer he and his fellow Ward Members, Councillors Bob Evans and Tim Stevens, had attended various meetings of the Farnborough Village Society where residents had voiced their concerns to increase the expansion of the school from one form of entry to 2 forms of entry, which would increase pupil numbers by nearly one hundred percent. This would result in seven full time teachers and fourteen part-time support staff being employed with the possibility of further catering and cleaning staff. Currently a number of staff parked outside the school premises as there was insufficient parking on site and, if there was further staff employed, this would add pressure to the limited street parking in the village in addition to the parental parking and additional traffic movements.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** for the following reasons:-

1. The proposed development is considered to be detrimental to highways safety and residential amenity by virtue of increased traffic congestion, inadequate on-site parking provision and increased levels of on street parking contrary to policy T18 and BE1 of the Unitary Development Plan.

SECTION 2

(Applications meriting special consideration)

20.2 SHORTLANDS

(14/1464/FULL6) - 2 Rosemere Place, Shortlands, Bromley BR2 0AS

Description of application – Single storey side and rear extensions.

Oral representations in objection to and in support of the application were received at the meeting. It was reported that the application had been amended by documents received on 21 May 2015. Comments from the Drainage Officer were reported and photographs had been received from the objector and circulated to Members.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner with an additional condition and Informative to read:-
“4. Details of the drainage layout plan including the locations of the tank and pipe networks are required to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and maintained as such thereafter.
REASON: To ensure satisfactory means of surface water drainage and to accord with Policy 5.12 of the London Plan.
INFORMATIVE: The recommendations within the tree report shall be carried out in accordance with British Standard (BS5837) under the supervision of an approved arboricultural consultant.”

**20.3
CHELSFIELD AND PRATTS
BOTTOM**

(15/01516/FULL1) - Fairtrough Farm, Fairtrough Road, Orpington, BR6 7NY

Description of application – Conversion of existing barn and adjoining building to create 3 three bedroom dwellings including front and rear dormer extensions, elevational alterations and associated landscaping/car parking.

Oral representations in support of the application were received at the meeting. It was reported that the application had been amended by documents received on 15 October and 9 November 2015. Comments from Ward Member, Councillor Lydia Buttinger, were reported.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner with a further condition to read:-
“13. A full structural survey, including details on the foundations, is required to be undertaken and submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
REASON: In order to provide a satisfactory form of development in compliance with policy BE1 of the Unitary Development Plan.”

**20.4
CHELSFIELD AND PRATTS
BOTTOM**

**(15/01932/PLUD) - Knockholt Farm, New Years
Lane, Knockholt, Sevenoaks TN14 7PQ**

Description of application - Change of use and operational development to create Class C3 dwellinghouse of 223.3sqm floorspace with residential curtilage of 223.3sqm in accordance with details submitted under ref. 14/04750/FLXAG.
CERTIFICATE OF LAWFULNESS FOR A PROPOSED CHANGE OF USE AND DEVELOPMENT.

Oral representations in support of the application were received at the meeting. Advice from the Legal Officer was given and received.

It was reported that an information pack had been received from the applicant and circulated to Members together with an email response from the Planning Department.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reason set out in the report of the Chief Planner.

**20.5
PLAISTOW AND
SUNDRIDGE**

**(15/03561/FULL1) - Sundridge Park Management
Centre Ltd Plaistow Lane Bromley BR1 3TP**

Description of application – Partial demolition and single storey extension to gate house and erection of garage and related works.

Oral representations in support of the application were received at the meeting. It was reported that the application had been amended by documents received on 10 November, 25 November and 26 November 2015.

A revised ordnance survey map was circulated. Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

**20.6
PLAISTOW AND
SUNDRIDGE**

**(15/03688/LBC) - Sundridge Park Management
Centre Ltd Plaistow Lane Bromley BR1 3TP**

Description of application – Demolition of the existing Gate House and erection of a two storey 2-bedroom dwelling with detached garage, entrance piers to Willoughby Lane, and alterations to vehicular and pedestrian access (Listed Building Consent).

Oral representations in support of the application were

received at the meeting. A revised ordnance survey map was circulated. Comments from Ward Member, Councillor Peter Morgan, in support of the application were reported.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reason set out in the report of the Chief Planner.

**20.7
SHORTLANDS**

(15/03804/FULL6) - 90 Malmaims Way, Beckenham, BR3 6SF.

Description of application - First floor front, side, rear extension.

The Chief Planner's report had correctly indicated that the application site was within Shortlands Ward. Councillor Alan Collins was requested by the Chairman to speak to this application as the Ward Member in error. Councillor Stephen Wells requested this be minuted.

Members having considered the report and objections, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reason set out in the report of the Chief Planner.

**20.8
PLAISTOW AND
SUNDRIDGE**

(15/03927/LBC) - Sundridge Park Management Centre Ltd Plaistow Lane Bromley BR1 3TP

Description of application – Partial demolition and single storey extension to gate house and erection of garage and related works (Listed Building Consent).

Oral representations in support of the application were received at the meeting. A revised ordnance survey map was circulated.

Members having considered the report, objections and representations, **RESOLVED that LISTED BUILDING CONSENT be GRANTED** as recommended, subject to the condition set out in the report of the Chief Planner.

**20.9
PLAISTOW AND
SUNDRIDGE**

(15/03928/FULL1) - Sundridge Park Management Centre Ltd Plaistow Lane Bromley BR1 3TP

Description of application – Demolition of the existing Gate House and erection of a two storey 2-bedroom dwelling with detached garage, entrance piers to Willoughby Lane, and alterations to vehicular and pedestrian access.

Oral representations in support of the application were received at the meeting. It was reported that the

application had been amended by documents received on 12 November and 25 November 2015. A revised ordnance survey map was circulated. Comments from Ward Member, Councillor Peter Morgan, in support of the application were reported. Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reason set out in the report of the Chief Planner.

SECTION 3

(Applications recommended for permission, approval or consent)

20.10 CHISLEHURST

(15/03963/FULL6) - 25 Berens Way, Chislehurst, BR7 6RH

Description of application – Part one/two storey rear and first floor side extensions, front porch and conversion of garage to form granny annexe.

Members having considered the report and objections, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner with a further condition to read:-

“5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order, shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

REASON: In order to prevent the overdevelopment of the site in compliance with policy BE1 of the Unitary Development Plan.”

20.11 HAYES AND CONEY HALL

(15/04012/FULL6) - 22 Dartmouth Road, Hayes, BR2 7ME

Description of application – Two storey rear and side extension and front porch.

Oral representations in support of the application were received at the meeting.

Members having considered the report and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner with an amendment to Condition 4 and a further condition to read:-

“4. Before the development hereby permitted is first occupied the proposed window(s) in the first floor flank south eastern elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.

REASON: In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan.

5. The development hereby permitted shall be started and finished within 6 months of the development as permitted within reference 15/04013/FULL6 (20 Dartmouth Road, Hayes).

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.”

**20.12
HAYES AND CONEY HALL**

**(15/04013/FULL6) - 20 Dartmouth Road, Hayes,
BR2 7NE**

Description of application – 2 storey rear extension, single storey side extension and porch to front.

Oral representations in support of the application were received at the meeting.

Members having considered the report and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner with an amendment to Condition 4 and a further condition to read:-

“4. Before the development hereby permitted is first occupied the proposed window(s) in the first floor northern eastern flank shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.

REASON: In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan.

5. The development hereby permitted shall be started and finished within 6 months of the development as permitted within reference 15/04012/FULL6 (22 Dartmouth Road, Hayes).

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.”

SECTION 4

(Applications recommended for refusal or disapproval of details)

**20.13
CHELSFIELD AND PRATTS
BOTTOM**

(15/03601/RECON) - Scout Hall, Highfield Avenue, Orpington.

Description of application amended to read, ‘Variation of Condition 99 of planning permission reference 83/02042, to extend hours of operation from 9am-12 noon Monday to Friday to 7:30am-12 noon and 3pm-6.30pm during school times Monday to Friday, and to 7:30am- 6:30pm during school holidays Monday to Friday. RETROSPECTIVE APPLICATION.’

Oral representations in objection to the application were received at the meeting. The objector reported that Ward Member, Councillor Keith Onslow, had given permission for her to inform the Sub-Committee that he objected to the application. It was reported that the Council was aware that the use was operating from 7.30 am to 12 noon retrospectively. Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reason set out in the report of the Chief Planner.

**20.14
PENGE AND CATOR**

(15/03813/FULL1) - 11 Provincial Terrace, Green Lane, Penge, London, SE20 7JQ.

Description of application – Demolition of two-storey side extension and creation of access road; erection of a pair of 1 1/2 storey semi-detached two bedroom houses with associated parking and residential curtilage.

Ward Member, Councillor Kevin Brooks reported that he had received a petition signed by 32 residents objecting to the application.

Members having considered the report and objections, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reasons set out in the report of the Chief Planner.

**20.15
PENGE AND CATOR**

(15/03823/FULL1) - 11 Provincial Terrace, Green Lane, Penge, London, SE20 7JQ

Description of application – Demolition of two-storey side extension and creation of access road and 2 car park spaces, and erection of a two bedroom dormer

bungalow with residential curtilage.

Members having considered the report and objections, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reasons set out in the report of the Chief Planner.

The Meeting ended at 9.10 pm

Chairman

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SECTION '2' – Applications meriting special consideration

Application No : 15/04108/FULL6

Ward:
Chislehurst

Address : 22 Selby Close Chislehurst BR7 5RU

OS Grid Ref: E: 543304 N: 170932

Applicant : Mr David Rogers

Objections : YES

Description of Development:

Two storey side and rear extension

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Smoke Control SCA 16
Urban Open Space

Proposal

Planning permission is sought for a two storey side and rear extension to the detached property. The proposed extension would project 2.5m to the side of the property (when scaled from the submitted drawings) and would retain a 1m side space to the boundary with No.20 Selby Close. The proposed extension would run alongside the property and wrap around the rear at two storey level projecting approximately 5.2m to the rear. First floor flank windows are proposed in the north-western elevation which are indicated to be obscure glazed.

Additional plans were submitted on 13th November 2015 (showing obscure flank windows) and 29th December 2015 (showing additional information requested by Highways).

Location

The property is not located within the Chislehurst Conservation Area.

Consultations

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- plans take away existing parking at the site
- will result in additional parking in Selby Close
- limited existing capacity for regular parking

- for 16 years have enjoyed a garden with open, light and spacious feel
- beautiful view of neighbouring gardens and woodland
- extension would impact views
- make garden feel more enclosed, overlooked and dark
- impact on rear patio
- impact on overlooking
- loss of sunlight to rear garden of No.27
- extension would be out keeping with the original footprint of the building
- hugely negative impact on adjoining neighbour

A letter of objection was also received from the Chislehurst Society which is summarised as follows:

- discrepancy between plans
- loss of privacy to adjoining neighbour
- contrary to Policies BE1 and H8

Highways - Initial concerns raised regarding the size of the proposed garage and limited information regarding the existing parking arrangements. Additional revised drawings were submitted on 29th December 2015 to address Highways comments and no objections are now raised.

Planning Considerations

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

BE1 Design of New Development
 H8 Residential Extensions
 H9 Side Space

Planning History

There is no recent planning history at the site. It is noted that planning permission was granted under ref. 13/02820 for a Part one/two storey side and rear extension and side elevational alterations (previously refused under ref. 12/02632) at the adjoining neighbour at No. 20.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

The proposed extension would project to the side of the property and would maintain a 1m side space to the boundary. The side space proposed is considered to be adequate to comply with the requirements outlined in Policy H9 of the Unitary Development Plan. The proposed side extension is set slightly back from the front building line which assists in breaking up the massing of the extension in relation to the host property. The extension would maintain a gable end to the roof and is

considered to be in-keeping with the host dwelling and wider streetscene. The proposed extension when viewed from the front is similar in design to that constructed at No.20 (ref. 13/02820). Members may consider that the design of the proposed extension is in-keeping with the host building when viewed from the frontage. The proposed extension is substantial in size with a depth of 5.2m at two storey level, significantly enlarging the existing footprint and scale of the host dwelling. On balance, Members may consider that the setting of the properties with large rear gardens and open space beyond would not result in an overdominant addition.

In respect of the amenities of adjacent, neighbours, it is noted that there have been strong concerns raised by the adjoining owner at No.27 regarding the impact of the extension on the current amenities of this property which have been taken into careful consideration whilst assessing the application. The proposed extension would project approximately 5.2m to the rear of the existing property. From visiting the site, there is a footpath that runs alongside the property between the host dwelling and No.27. It is also noted that No.27 is set at a slightly higher ground level. Members may consider that given the gradient of the land, along with the separation distance maintained to the two storey element of the property at No.27 the resulting harm would not be significant enough to justify the refusal of planning permission on this basis alone.

The plans show the flank windows to be obscure glazed and a condition will be added to require this as part of the permission. The other adjoining property, No.20, currently benefits from a part one/two storey side and rear extension and is set further back into the site than the application property. On this basis, Members may consider that the proposal would not result in a loss of amenity to this neighbour.

With regards to parking at the site, revised plans have been submitted showing an increase in the size of the proposed garage and a parking space at the front of the property. No objections are now raised by the Council's Highways officer.

Given the size of the proposal and the comments received from the adjoining neighbour the application is presented on List 2 of the agenda.

as amended by documents received on 29.12.2015 and 13.11.2015

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

REASON: Section 91, Town and Country Planning Act 1990.

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 4 Before the development hereby permitted is first occupied, the proposed windows in the first floor flank elevations shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties

- 5 No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the first floor flank elevation(s) of the two storey extension hereby permitted, without the prior approval in writing of the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 6 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.**

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking

inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

You are further informed that :

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).**

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

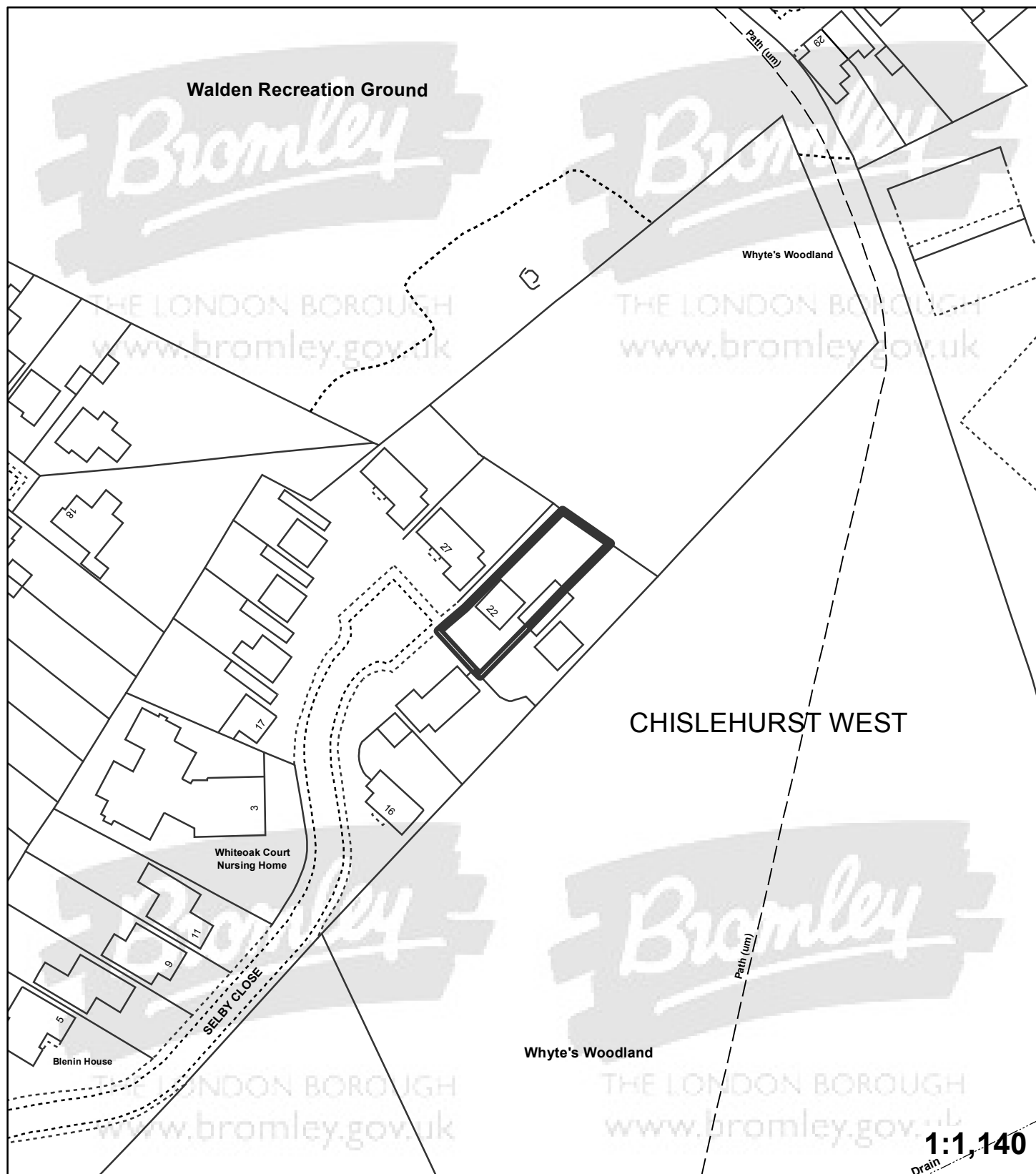
Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

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Application: 15/04108/FULL6

Address: 22 Selby Close Chislehurst BR7 5RU

Proposal: Two storey side and rear extension



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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SECTION '2' – Applications meriting special consideration

Application No : 15/04594/FULL3

Ward:
West Wickham

Address : La Rioja High Street West Wickham BR4
0LZ

OS Grid Ref: E: 537526 N: 166149

Applicant :

Objections : YES

Description of Development:

Change of use from A3 restaurant to A3/A5 restaurant with takeaway, alterations and extension to existing building and provision of new drive-thru lane, new car park, managed private woodland for nature conservation purposes and associated tree planting and landscaping (duplicate application of 15/00489)

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Sites of Interest for Nat. Conservation
Smoke Control SCA 51
Urban Open Space

Proposal

The current application is a resubmission/duplicate application following the withdrawal of an Appeal for Non-determination of application ref: DC/15/00489/FULL1. The applicant has confirmed that the proposal remains identical to the proposal under the above ref, which was taken to Planning Sub-Committee No 3 on the 8th October 2015. Determination of that application was subsequently deferred by Members pending the outcome of an independent transport review, which was to be undertaken by the Council.

The Council commissioned The Waterman Group to independently review the applicants Transport Assessment (TA) in respect of its methodology and subsequent conclusions. The review also sought to provide a view as to whether a neighbouring drive through McDonalds restaurant should have been used as comparative within the applications TA. The conclusions are set out in this report.

The current application therefore seeks consent for the change of use from A3 restaurant to an A3/A5 restaurant with takeaway, alterations and extension to the existing building and provision of a new drive through lane, new car park, managed private woodland which is managed for nature conservation purposes and associated tree planting and landscaping.

The proposal would include the demolition of the existing side extension and conservatory and the construction of a new wrap around extension along the

western and northern elevation of the building. The drive-through lane would be a one way system wrapped around the existing building with entry along the western flank and exiting along the eastern flank.

The proposed parking area would be relocated from the front to the rear of the site in the position of the existing outdoor terrace and barbeque area. A total of 21 parking spaces would be provided.

The proposed opening hours would be between 11am to 11pm Monday - Sunday and Bank Holidays.

The scheme would include the removal of twelve trees, including two Sycamores and a group of Willows which are subject to Tree Preservation Orders. The applicant has included a landscaping strategy which includes the provision of 5 super semi-mature alders 10-12m in height and 40-80cm girth within the south western wedge of the application site which fronts Wickham Road. The applicant also proposes the planting of an additional tree, alongside the already proposed two semi mature trees, within the north western landscaped area of the site. This newly proposed tree is a super semi mature sorbus torminalis at 10-12m in height and 40-80cm in girth. In total this results in the number of native semi mature trees to be planted on site to two, and super semi mature native trees to be planted on site to six.

To the north of the proposed parking area is a large area of open space and woodland which is within the application site boundary. The applicant proposes that this area of woodland remains private but is managed for nature conservation purposes.

Location

The application site is situated on the north east side of Wickham Road, approximately 40m to the west of a roundabout and at the north-western end of High Street West Wickham. The northern half of the site is made up of woodland, which is linked to High Broom Wood and which is situated just beyond the northern boundary. To the east of the site there is a Travis Perkins builder's merchant and the rear gardens of a number of properties along Cavendish Way. To the west is the River Beck, which runs along the entire western boundary of the site. Immediately beyond the River Beck are the residential properties of Crittenden Lodge.

The existing building is Locally Listed and is currently vacant. It has historically been used as a Public House, known as the White Hart, and more recently has been operating as a restaurant.

The site includes a number of trees which run along the western boundary and to the north of the building which are subject to Tree Preservation Orders.

Part of the site is within the High Broom Wood Site of Nature Conservation Importance (SINC). This includes all of the land to the west of the site from the

highway to the western flank elevation of the building and the north of the site, approximately 30m from the rear elevation.

The site is designated as Urban Open Space and is within Flood Zone 2.

The surrounding area is mixture of residential and commercial properties

Consultations

Nearby owners/occupiers were notified of the duplicate application and representations received from interested parties and residents associations can be summarised as follows:

- o The site is on a red route and there will be major traffic congestion, which is already severely congested. Particularly bad at peak times and will block neighbouring roads such as the Alders.
- o The roundabout will become blocked and will impact the whole of West Wickham
- o The layout and right hand turn will cause congestion
- o Traffic generated should be considered against neighbouring developments such as the Lidl Supermarket on the opposite end of the high street. The cumulative impact should be considered
- o Proposal will harm pedestrian and highway safety especially with the proximity to the roundabout
- o Conflict with pedestrians crossing, lolly pop lady at school pick up and drop off times and neighbouring Travis Perkins vehicles
- o Concerns about the feasibility and enforcing the left and right hand turning treatment at the access
- o The site is not on the high street
- o The proposed drive-through would be fundamentally different to the A3 and give rise to a more intensive use.
- o Objections to the content of the applicants response to the objection raised by the West Wickham Residents Association.
- o Increased traffic and the location of the access will increase accident numbers on this stretch of road and on the roundabout. Accident rates in the area are already high.
- o Concerns regarding the information and accuracy of the data provided in the Transport Assessment and submission documents
- o Drive through is not big enough for the number of cars that will use the site. This will result in cars blocking up the access.
- o The site is too small for this use and there is not enough car parking spaces to account for the number of visitors
- o Will take money away from the high street
- o Permanent loss of a Public House
- o Proximity to local schools such as Oak Lodge, and exposing children to unhealthy eating habits
- o Against Government Guidance about reducing obesity and promoting healthy eating
- o Increased noise and disturbance for local residents particularly neighbouring buildings such as Crittenden Lodge

- o Noise from speakers, doors slamming, music, customers talking, engines revving. Increased number of people will also cause disturbance especially at the rear where there was no noise originally
- o Noise report is flawed as they survey was carried out during the school holidays and is based on inaccurate trip rates
- o Lighting will disturb neighbours and wildlife
- o The site is part of a Green Corridor and removal of trees will harm this.
- o Inappropriate location for this use.
- o The sequential test is outdated. Notable in-centre sites are omitted without justification and these may provide potential opportunity for consideration
- o Smells and odours
- o Loss of open space
- o Pollution to River Beck
- o This should be a community use
- o Unethical practices
- o Reduce house prices in the area.
- o Increase level of crime and anti-social behaviour
- o No benefit to the local community.
- o Objections against the loss of Trees subject to TPOs. This would harm the character and appearance of the area.
- o Overconcentration of takeaway uses on the high street and in close proximity to a McDonalds drive through.
- o A KFC and drive would change the character and appearance of the area, which is currently quiet and peaceful
- o Harmful to the 'village feel'
- o Deliveries at unsociable hours
- o Negative impact on High Broom Wood and wildlife
- o Increased rubbish and litter in the wider area
- o Concerns about the design of the extensions and advertisements
- o Harm to the character and appearance of the Locally Listed building
- o The amendments to the scheme have not addressed original objections
- o Removal of the community woodland and providing managed woodland for nature conservation has no impact on the main issues.
- o The replacement tree planting is limited in contrast and does not ameliorate the loss of a vast number of preserved trees. It would present a harsh physical environment in stark contrast.
- o The SA and TA are inadequate and fail to consider fully whether there are sequentially preferable sites available.
- o The community woodland was the only acceptable element of the scheme and this has now been removed, there is now no benefit.
- o Other views also stated that a woodland that is not accessible to the public would be better for wildlife.

Copies of the letters are available on the file for Members to view.

Letters of objection also make reference to an online petition with over a thousand signatures.

Comments from Consultees

Transport for London (TfL): TfL's comments in its email dated 19 January 2016 are still pertinent on the basis that the vehicle access/transport related matters appear to be resolvable, subject to TfL's requested conditions. For the purpose of clarity these comments are reiterated below with some additional material.

TfL has had pre application dialogue with the applicant relating to vehicle access to the site. The access onto the highway must be upgraded to the satisfaction of TfL prior to the restaurant opening to the public. These works include right turn and left turn treatment and must be secured as a condition of consent. No works can occur on the highway without the express permission of TfL in the form of a Section 278 (S278) agreement (Highways Act 1980). The agreed highway concept plan forms part of Appendix F and any design would be subject to TfL's safety audit processes, and further modelling, as part of the S278 agreement. Any issues relating to the design would be clarified at this stage between TfL and the developer.

The proposed level of car parking exceeds London Plan (2015) maximum standards. Car parking should be capped at 8, including blue badge parking in accordance with London Plan standards. Electric vehicle charge points should also be provided for in accordance with London Plan standards.

The proposed level of cycle parking does not accord with London Plan standards. To accord with London Plan standards, there needs to be provision for 9 cycle parks (2 long stay, 7 short stay).

TfL also requires that a Travel Plan, Construction Logistics Plan and Delivery and Servicing Plan is secured as part of the application.

Highways Officer - Comments on original application: - The application site is located on Wickham Road, approximately 200 metres west of the main cluster of shops and amenities. Also the development is within a low PTAL area of 2. West Wickham Road (A232) is part of Transport for London Road Network (TLRN); therefore TfL should be consulted.

Development Proposals- The development proposals to provide a class A3 restaurant with a class A5 takeaway along with a 'drive thru' facility. The restaurant will provide 298.0m² of floor space served by 21 car parking spaces including 2 disabled spaces and 2 'drive-thru' waiting bays.

Vehicular Access - The existing vehicular access to the site is directly from the A232 Wickham Road, 50 metres west of the entry to the roundabout with the High Street, Cavendish Way and Manor Park Road. There is an existing flush median to facilitate right turning movements into the site.

Following the applicant's discussions with local residents and TfL, the current design of the access has been amended to provide:

A dedicated right turn lane into the site;

A left turn out configuration of the site egress to avoid the potential for conflicting traffic movements.

Car Parking- the restaurant will be served by 21 car parking spaces, including 2 waiting bays associated with the 'drive thru' facility.

Currently, the site is used for A3 restaurant purposes and provides 11 car parking spaces; the proposals would result in a net increase in 11 spaces, 20% of all spaces will be provided with electric charging points.

Cycle Parking- Eight cycle parking stands will be provided on site. Secure lockers and changing facilities will also be provided for staff.

Servicing- Servicing and deliveries associated with the proposed restaurant will be undertaken in the car park to the rear of the restaurant. A grasscrete area along with 4 car parking spaces will provide adequate room to manoeuvre for vehicles up to a 10 metre rigid or large refuse vehicle. Swept Path Analysis showing a 10 metre rigid vehicle and a large refuse vehicle is provided. However the applicant should note that LBB's refuse vehicles are 10.28m long by 2.55m wide; therefore a new swept path analysis is required showing the above refuse vehicle.

Trip Attraction- Vehicle Trip Attraction, the applicant interrogated the TRICs database in order to gain a likely number of trips associated with this type of development. For the weekday trip rate, two fast food outlets with 'drive-through's' in Greater London were used, both of which were surveyed on a Friday. For the Saturday trip rate no London surveys were available, therefore, a site outside of London was used, it is considered that this will generate a higher trip rate.

The results of the weekday TRICs trip generation brought up two different PM Peaks, both with very similar trip rates. The first peak is at 12:00-13:00 and the second is at 15:00-16:00. Since the 1500-1600 periods are closer to the highway network evening peak, this peak was carried through to the assessment.

Development impact- Traffic flows with the development in place have been calculated by adding the vehicle trips associated with the development proposals. Not all trips to the restaurant will be new trips to the highway network, it is assumed that the majority of all trip attraction will be linked with longer journeys, such as people travelling from work or to and from shopping and leisure destinations. A 30% pass by factor has therefore been applied to the estimated development traffic to account for this assumption.

The distribution of development traffic on the road network has been based on the surveyed traffic counts with development traffic distributed proportionally through each link and junction. Since all exiting traffic will be left out only, traffic seeking to head west towards Shirley and Croydon would first head east towards the roundabout with the High Street, Cavendish Way and Manor Park Road before undertaking the appropriate turning movement.

		With Development Operation	
		Weekday PM Peak	Saturday Peak
Site Access (Left Turn)	RFC	0.080	0.131
	Q	0.09	0.15
Wickham Road (Right Turn)	RFC	0.044	0.072
	Q	0.05	0.08

The results shown in the above table that the access junction onto Wickham Road will operate with sufficient capacity and will not cause any detriment to the operation of the highway network.

Junction Capacity- to assess the effect of the development proposals on the adjacent A232 roundabout an ARCADY model was used. This model was used to assess the operation of the roundabout in the current situation and then with the development traffic applied.

		Existing Operation	
		Weekday PM Peak	Saturday Peak
Cavendish Way	RFC	0.063	0.089
	Queue	0.1	0.1
Manor Park Road	RFC	0.342	0.356
	Queue	0.5	0.5
High Street	RFC	0.489	0.553
	Queue	0.9	1.2
Wickham Road	RFC	0.736	0.861
	Queue	2.7	5.7

The above results demonstrate that the roundabout operates with sufficient spare capacity at all times with Wickham Road carrying the largest flows of traffic.

		Existing + Development	
		Weekday PM Peak	Weekday PM Peak
Cavendish Way	RFC	0.065	0.095
	Queue	0.1	0.1
Manor Park Road	RFC	0.352	0.374
	Queue	0.5	0.6
High Street	RFC	0.502	0.576
	Queue	1.0	1.3
Wickham Road	RFC	0.761	0.907
	Queue	3.0	8.3

The above demonstrates that the development proposals would not result in any significant impact to operation of the highway network in respect of the operation of this roundabout junction.

Table below presents the results of the PICADY assessment on the operation of the A232 and The Alders with the proposed development in place.

		Existing + Development	
		Weekday PM Peak	Weekday PM Peak
The Alders (Right and Left Turn)	RFC	0.422	0.379
	Queue	0.72	0.60
Wickham Road (Right Turn)	RFC	0.232	0.230
	Queue	0.30	0.30

The applicant has provided evidence showing that the development would not have a significant impact on the surrounding road network. The site has A3 class use already and can operate without any need for the planning permission. The alterations and extension to existing building and provision of new drive-thru lane would marginally increase the traffic on High Street and I am of the opinion that the increase would not impact on the traffic within the local road network. Furthermore the servicing and deliveries associated with the proposal would be carried out on site within the car park to the rear of the building having minimum impact on High Street, West Wickham.

The following conditions should be applied with any permission:

CONDITIONS

H03 (Car parking)

H22 (Cycle Parking)

H28 (Car Park Management)

H29 (Construction Management Plan)

A condition is required that, the Developer prepare a Delivery and Servicing Plan (DSP) providing further information, to be agreed with the Council prior to first occupation of the site.

No objections received to the Swept Path analysis submitted by the applicant regarding refuse vehicles.

Comments from Highways regarding the current application:

The applicant has prepared a note in response to resident's objections regarding the development proposals. The West Wickham residents association have objected to the development proposals at the La Rioja site on the grounds that the traffic generation assessment is flawed, and have endeavoured to justify this by conducting traffic counts at a nearby McDonald's fast-food restaurant/drive-thru, approximately 1 kilometre west of the site located in LB Croydon.

The McDonald's on Wickham Road is not a directly comparable site when traffic attraction is considered for the following reasons:

- o The McDonald's store on Wickham Road is next to a petrol station, making linked trips by car more likely as users of the petrol station are likely to stop off for food whilst taking a break from their journey for petrol;
- o McDonald's Drive-Thru's in general attract a greater amount of trips than KFC Drive-Thru's
- o The McDonald's on Wickham Road has 36 car parking bays, significantly more than the proposed 21 at the proposed KFC (it is generally accepted that greater parking provision attracts greater parking demand); and,
- o The McDonald's on Wickham Road has a gross floor area of 666 square metres compared to the proposed 298 square metres at the proposed KFC store at West Wickham.

The above statement is acceptable as stated previously the applicant has provided evidence showing that the development would not have a significant impact on the surrounding road network. The site has A3 class use already and can operate without any need to for the planning permission. The alterations and extension to existing building and provision of new drive-thru lane would marginally increase the traffic on High Street and I am of the opinion that the increase would not have a significant impact on the traffic within the local road network. Furthermore the servicing and deliveries associated with the proposal would be carried out on site within the car park to the rear of the building having minimum impact on High Street, West Wickham.

However the applicant should be encouraged to investigate measures preventing customers from turning right of the site, the length of the right turn bay into the site and pedestrian safety at crossings.

Conservation Officer - From a Conservation Area point of view, this will clearly be a more intensive use of the site and it could not be considered as the ideal use of a locally listed building. Nonetheless the proposal does retain the building with some relatively subservient extensions. This cannot be overlooked as a significant benefit because the building is not in a conservation area and planning controls over demolition are therefore limited.

The existing setting has a lot of hardstanding is generally untidy so it is suggested that landscaping improvements could be brought about through a landscaping condition

It is suggested that a condition requiring the submission of material samples is applied. The signage can be controlled through a separate advert consent application. The need for the latter should be included in an informative.

Suggested conditions: Submission of Landscaping Details, Submission of Satisfactory Materials & Submission of window details.

Environmental Health - The following condition should be imposed:

- o Standard Condition J10

In respect of plant noise the suggested condition is acceptable:

- o *The noise from fixed plant associated with the development shall not exceed a rating level of 42 dBA between 0700 and 2300 hours and 35 dBA between 2300 and 0700 hours when measured or calculated at 1 metre from the façade of the nearest noise sensitive property. The measurements and assessment shall be made according to BS 4142:2014*

In respect of other noise the assessment finds that there will be no significant impact. This finding is reliant on accurate input data on noise levels for the various noise 'events' modelled and whilst these appear reasonable I am not able to verify the levels. It also relies to a lesser extent on accurate data on trip generation (it takes fairly large increases in trips to have a small impact on noise).

Whilst the assessment is probably correct that the impact on equivalent continuous (average) noise level is likely to be minor, with this type of use there may be some impact irritation from door slams, engine revving, shouting, car radios etc. Such noises rarely significantly affect the overall noise level but can be a source of complaints. Acoustic fencing to the perimeter of the Western Boundary, and perhaps the Section of the Eastern Boundary where the car park extends past the Travis Perkins (i.e. borders housing) could be conditioned to mitigate this impact if you consider it to be necessary.

- o I would recommend that the opening hours are restricted by condition to 11.00-23.00 as stated in the application document.

Based on the information submitted I would not have any objections on lighting grounds. It may be prudent to condition that lighting installation is fully in accordance with submitted plans to ensure compliance.

Tree Officer - No objections were raised to the loss of the Willow Trees to the front of the site due to their overall condition and safe usual life expectancy (subject to satisfactory and substantial mitigation tree planting). Objections were initially raised to the loss of two Protected Sycamores which are in a satisfactory condition (Cab B. BS: 5837) and significant within the site. However the applicant has provided a revised landscaping strategy to mitigate the loss of these trees which includes significant tree planting. From a trees point of view, the tree officer has stated that 'The revised scheme detailing improved tree sizes, and planting specifications, is on balance an acceptable solution'.

Croydon Council - It is considered that the proposals are of a sufficiently minor nature and an adequate distance away from the Borough Boundary, the Council do not wish to comment on the proposals.

Natural England - Statutory nature conservation sites - no objection
Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species - We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

Environment Agency - We have no objection to the proposal as submitted subject to the following condition being imposed on any planning permission granted.

Condition

Prior to the construction of any part of the building, or raising of ground, on land identified as being liable to flood, details for level for level floodplain compensation shall have been approved by the local planning authority and implemented on site. The scheme shall be retained on site in perpetuity for the lifetime of the development.

Reason

To prevent an increase in flood risk to others from displacing floodwaters offsite. We ask to be consulted on the details submitted for approval to your Authority to discharge this condition and on any subsequent amendments/alterations.

We would like to add the following comments with respect to flood risk management, and proximity to The Beck river.

We reiterate the advice we provided in our response to your previous consultation below.

The site is situated across Flood Zones 2 and 3, the medium and high risk zones respectively. Under the National Planning Policy Framework (NPPF) Planning Practice Guidance, use as a restaurant is classified as less vulnerable in terms of flood risk. The site lies adjacent to The Beck river.

The submitted flood risk assessment (FRA) by Motion, dated 5 February 2015, does not include any finished floor levels for the existing development, but the submitted topographic survey indicates that floor levels are set between 65.37mAOD and 65.55m AOD. Comparing these floor levels with the Environment Agency's Product 4 flood level information shows the finished floor level to be 300mm above the 1 in 100 year plus climate change flood level which we consider acceptable.

Proximity to the river

We would like to draw your attention to The Beck, the watercourse flowing adjacent to the property. We request that a distance of 8 meters is maintained between any

works and the watercourse, including the site working boundary. We need to ensure that appropriate pollution prevention measures are applied during the works to ensure no pollution to the watercourse.

Informative - Flood defence consent

Please be aware that The Beck is designated a main river and under the jurisdiction of the Environment Agency for its land drainage functions as stated within Water Resources Act 1991 and associated byelaws. Any works in, over, under or within eight metres of the top of bank will require consent from ourselves. We encourage the applicant to ensure that their works are outside the 8 metre byelaw. If they do encroach they should contact the Partnerships and Strategic Overview team at PSO.SELondon&NKent@environmentagency.gov.uk to apply for consent.

Drainage- Please impose D02 and add the following: In order to check that the proposed storm water system meets our requirements, we require that the following information be provided: A clearly labelled drainage layout plan showing pipe networks and any attenuation soakaways. Where infiltration forms part of the proposed storm water system such as soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365. Calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change.

Thames Water - Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Met Police - I have read the documentation attached to this application and cannot find any specific details for the plans to incorporate measures that will be employed to meet Secured by Design standards to reduce and prevent criminality. The application therefore does not demonstrate how such measures are to be

incorporated into the development especially given the guidance within NPPF paragraphs 58 and 69 which state:-

Paragraph 58 of National Planning Policy Framework clearly states that local and neighbourhood policy should 'create safe and accessible environments where the fear of crime does not undermine quality of life or community cohesion.'

Paragraph 69 of this document 'promoting Healthy Communities' underlines this statement by encouraging the planning system to play an important part in facilitating 'safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.'

Also having reviewed the plans submitted for this application, I see from the Safer Places Statement on Page 19 of the Design and Access Statement, that security proposals are detailed, but not to any specific standards. But with respect to the application I also feel that should this application proceed, it should be able to achieve Secured by Design accreditation in respect of layout and design and part 2 physical security with the guidance of Secured by Design Commercial Developments 2015 and by incorporating accredited, tested, certificated products.

I would therefore seek to have the agreed 'Secure by Design' condition attached to any permission that may be granted in connection with this application and that the wording is such that the development will achieve certification - not merely seeking to achieve accreditation.

Planning Considerations

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

BE1 Design of New Development
T1 Transport Demand
T3 Parking
T6 Pedestrians
T15 Traffic Management
T18 Road Safety
BE7 Railings, Boundary Walls and Other Means of Enclosure
BE10 Locally Listed Buildings
NE2 Development and Nature Conservation Sites
NE3
NE7 Development and Trees
NE8 Conservation and Management of Trees and Woodland.
G8 Urban Open Space
S9 Food and Drink Premises
ER9 Ventilation
ER10 Light Pollution

London Plan (2015)

Policy 3.2 Improving Health and Addressing Health Inequalities

Policy 4.1 Developing London's Economy
Policy 5.2 Minimising Carbon Dioxide Emissions
Policy 5.3 Sustainable Design and Construction
Policy 5.12 Flood Risk Management
Policy 5.13 Sustainable Drainage
Policy 6.3 Assessing effects of development on Transport Capacity
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An inclusive Environment
Policy 7.3 Designing out Crime
Policy 7.4 Local Character
Policy 7.5 Public Realm
Policy 7.6 Architecture
Policy 7.8 Heritage Assets and Archaeology
Policy 7.14 Improving Air Quality
Policy 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
Policy 7.19 Biodiversity and Access to Nature
Policy 7.21 Trees and Woodland

Mayor's Best Practice Guidance on Health Issues in Planning (2007)

National Planning Policy Framework (NPPF)

National Planning Practice Guidance. - This complements the National Planning Policy Framework and provides advice on how to deliver its policies. The guidance includes advice on the determination of applications, on flexible options for planning permissions and viability in determining applications. Relevant sections include Paragraphs relating to Health and Wellbeing.

Relevant Planning History

88/04480 - Permission granted on the 31/10/89 for the construction of a conservatory and formation of a terrace area to the side/rear.

96/00432 - Permission granted on the 03/07/1996 for the single storey side/rear extension to provide restaurant/kitchen with hard landscaping, access drive and 58 car parking spaces.

96/00747 - Permission refused on the 3/10/1996 for the construction of a single storey side/rear extension to provide a restaurant/kitchen, hard landscaping, access drive and 46 car parking spaces.

97/00772 - Permission allowed on Appeal for the construction of a single storey side/rear extension to provide a restaurant/kitchen, hard landscaping, access drive and 45 car parking spaces.

08/03213 - Permission granted for an outdoor barbeque area at the rear with associated counter area, canopy, decking and seating.

15/00489 - Change of use from A3 restaurant to A3/A5 restaurant with takeaway, alterations and extension to existing building and provision of new drive-thru lane, new car park, managed private woodland managed for nature conservation purposes and associated tree planting and landscaping. Appealed for Non-determination but this was subsequently withdrawn.

Conclusions

The main planning considerations in respect of the current application include the principle of development, the impact on the character and appearance of the area and the amenities of neighbouring residents with particular regard to potential increase in traffic and other sources of noise and smell, litter and disturbance. Consideration should also be given to the Urban Open Space, the Site of Nature Conservation Importance, highways and flooding.

Principle of Development

Saved Policy S9 Food and Drink Premises states that the Council will only permit proposals for additional restaurants and cafes (Class A3), drinking establishments (Class A4) and hot food takeaways (Class A5) where:

- (i) the proposal would have no adverse impact on residential amenity;
- (ii) the proposal would not cause undue traffic congestion or be detrimental to the safety of other road users and pedestrians;
- (iii) the proposal would not result in an overconcentration of food and drink establishments, out of character with the retail function of the area; and
- (iv) where appropriate, the proposal does not conflict with Policies S1, S2, S4 or S5.

The application site is also designated as Urban Open Space (UOS). Policy G8 states that proposals for built development in areas defined as UOS, will be permitted only under the following circumstances:

- (i) the development is related to the existing use; or
- (ii) the development is small scale and supports the outdoor recreational uses or children's play facilities on the site; or
- (iii) any replacement buildings do not exceed the site coverage of the existing development site.

Where built development is involved; the Council will weigh any benefits being offered to the Community, such as new recreational or employment opportunities, against a proposed loss of open space.

In this case the application relates to an existing Restaurant (Use Class A3), which has already been established but has been vacant for an extended period. The current application seeks to expand the restaurant use to now incorporate a takeaway element (Class A5). There is a large area of open space situated to the rear of the site that would be maintained under the current scheme and managed for nature conservation purposes. The applicant also proposes a significant planting strategy in terms of tree provision. The car park would be relocated to the

rear, however given the extensive planting strategy, location of the car park and size of the rear woodland officers consider that the site would still retain a sense of openness. Further, the applicant explains that when combining the existing footprint of the main building and outbuildings on site there is an existing total building footprint of 350.74sqm. When this is compared with the proposed development which gives a total footprint of 296.73sqm, there would be reduction in the total building footprint by 54.01sqm. Finally the proposal would create 50 full and part time employment opportunities. Given the above, it is considered that the scheme complies with Policy G8.

It is considered that the principle of takeaway use and drive through component will be based upon the impact of the scheme in relation to the character of the area, Site of Nature Conservation Importance, highways and neighbouring impact.

Objections have been raised by local residents regarding the proximity of the proposed restaurant to a number of schools, particularly the potential to undermine healthy eating initiatives. There are 7 Primary schools within 1 mile of the site, with the closest being Oak Lodge Primary School (5-11 years approx. 0.28miles away), Beckmead School (7-16 years approx. 0.28miles), St David's College (4-11 years 0.40miles away).

The NPPF requires local authorities to promote healthy communities, use evidence to assess health and wellbeing needs and work with public health leads and organisations. Paragraph 69 acknowledges the important role that planning can play in facilitating social interaction and creating healthy, inclusive communities.

The London Plan (Policy 3.2) directs boroughs to promote the health and well-being of communities and identify and address significant health issues, for example by increasing access to healthy foods and developing local policies to address concerns over the development of fast food outlets close to schools.

The Council currently has no Policy that specifically restricts takeaway uses, however the health and well-being of residents is a material consideration. In this context, the closest schools to the site are primary schools. Children are not usually permitted to leave the premises at mid-day and, given the age of the children, it is also unlikely that they would travel to and from the school unaccompanied by an adult. Previous inspectors, and subsequent appeal decisions for similar developments (e.g. APP/P4415/A/11/2159082) have observed that 'pupils would not be able to eat the food at the proposed restaurants during the school day and outside of that time they are at school, the children's diet is the responsibility of their parents or guardians'. Given the current policy position officers have no reason to disagree with this conclusion.

Paragraph 24 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up to date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. There is currently no definition of a 'Town Centre' provided within the adopted UDP nor does it set boundaries of local centres. The

Council's emerging Local Plan does provide a District Centre Boundary for West Wickham, however this document is currently undergoing consultation and has yet to be examined, and it therefore affords little weight at this stage. Annex 2 of the NPPF does however provide a definition of 'main town centre uses' and this includes pubs, restaurants and drive-throughs.

The site has a long and established history as a pub and restaurant which are also classified as 'main town centre uses'. The applicant has stated that 'Many District/Town sites are, by nature, not suitable for drive through formats. Secondly, this proposal would relocate the existing District Centre Unit to an edge of centre site which already operates under a lawful and well established 'main town centre use' (A3) as defined by the NPPF. Finally it would free up an existing unit which has the potential to become any Class A Use without the need for planning permission'. The applicant has carried out a sequential test, which confirms that proposals are compliant with local and national policy.

Character, Appearance and Design

Saved Policy BE1 states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. This includes being imaginative and attractive to look at, compliment the scale, form, layout and materials of adjacent buildings and areas; should not detract from existing streetscene and/or landscape.

Policy BE10 Locally Listed Building states that a proposal to alter, extend or for the change of use of a locally listed building will be permitted provided that it will be sympathetic to the character, appearance and special local interest of the building and will respect its setting.

The application property is a locally listed building that has an Arts and Craft design. A Historic Building Assessment has been produced in support of the application and sets out the history of the building from its construction in 1908 as a public house to the subsequent changes over the prevailing years. This includes the removal of a pond which was originally located at the front of the site, creation of a car park and various extensions and alterations to the façade. The above report states that although there is some historic value due to the architectural interest of the front elevation and some internal features, the building itself is not of a quality that would warrant a statutory designation.

The existing site includes a conservatory with some additional adjoining patio areas on the western elevation and an external seating and decking area to the rear. There is a brick outbuilding to the east of the restaurant and a barbeque area to the north west. A timber shelter is also present with a variety of paved patio materials linking the barbeque area to the main building.

The site is located on Wickham Road, which is situated to the western end of High Street, West Wickham. The site has an established A3 use and within the vicinity there is a mixture of residential and commercial properties, including Travis Perkins and a McDonald's drive through. Given the above, it is considered that the proposal would not be out of character with the wider area.

The proposal would include the removal of the existing conservatory and decking area to the rear and the construction of a single-storey extension that would wrap around the western boundary and carry onto the north facing elevation. The drive through component would also wrap around the side and rear elevations of the existing building. The extensions would be contained mostly to the rear of the building and would therefore have a minimal impact on the front elevation and wider streetscene.

Given the location of the extensions and existing development on site, officers consider that the overall scale, design and proportions of the additions are sympathetic and would not result in significant harm to the character or appearance of the existing building. It should be noted that the building has previously operated as a public house and more recently as a restaurant; the A3 restaurant element of the proposal has already been established. The above alterations are therefore considered to preserve the character, appearance and special local interest of the building.

The proposed car park would be relocated from the front of the site to the rear and would partially cover an area with an existing building which has been formally used as an outdoor barbeque area/shelter and terrace. This area has already therefore been subject to some development. The applicant has explained that 'the total amount of grassed area on site amounts to 4,792sqm. The proposal would result in a total grassed area of 4,432sqm, a net decrease of 390sqm (7.5%). It is important to note that 81% of the existing total site area is actually grassed. The proposal would retain 75% of the total, further demonstrating that the majority of the site will remain open space'.

The existing front elevation has also been largely retained. Changes would be made to the entrance lobby, which would be removed under the current proposal, however this does not appear to be an original part of the building. The fascia sign above the canopy at first floor level would also be removed and a balustrade would be reinstated.

Two new entrance doors are proposed and the existing timber windows would be replaced with aluminium versions.

From a conservation point of view it is considered that whilst the use will clearly be a more intensive use of the site and it could not be considered as the ideal use of a locally listed building. The proposal does retain the building with some relatively subservient extensions. This cannot be overlooked as a significant benefit because the building is not in a conservation area and planning controls over demolition are therefore limited. The existing setting has a lot of hardstanding is generally untidy so landscaping improvements could be brought about through a landscaping condition.

The scheme would provide a significant area of woodland to the north of the car park which would be managed for nature conservation purposes and also the provision of a significant landscaping and planting strategy.

Therefore, subject to the use of matching materials, submission of window details and a landscaping strategy, which could be controlled by way of a condition, members may consider that on balance the extensions, drive through and associated works would be acceptable alterations that would preserve the special local interest of the building and character and appearance of the area.

Neighbouring amenity

In respect of Noise paragraph 123 of the NPPF states that 'a) planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and b) mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions while recognising that many developments will create some noise'.

In context the site is located immediately to the North of Wickham Road (A323); located between Crittenden Lodge retirement apartments to the west and Travis Perkins builders' yard to the east. The closest residential properties to the site area are Crittenden Lodge, the flats at Cavendish Court, on Cavendish Way to the east, and at Stanford House to the South on the opposite side of Wickham Road. The site has historically been used as a Public House and has more recently been operating as an A3 Restaurant, which has also included an outdoor barbeque pit to the rear with terrace. The site therefore has an established level of activity and moderate background ambient noise level associated with these existing uses.

However, the main source of the noise in the area results from traffic on Wickham Road (A232), together with some noise generated by operations from the Travis Perkins Builders Merchant immediately adjacent to the site. An acoustic noise assessment was undertaken by the applicant and included a review of potential noise from 'drive-thru' activity, car parking and from road traffic. Acoustic modelling of the proposed development found that noise from customer vehicles on the local road network would result in an imperceptible change in road traffic noise. Furthermore, noise generated from the 'drive-thru' and customer car parking activity would comply with WHO guideline values and is below the existing noise climate for operation between 0700 hours and midnight.

Neighbouring residents have raised concerns about the reliability of the Noise assessment in that the survey was undertaken during a reduced noise climate during the school holidays. However, the applicant argues that if the noise climate is quieter due to changes in road traffic patterns (in this case the absence of vehicles on the school run) the survey within the noise assessment is actually more robust as it gives a lower baseline against which to set noise criteria.

The Council's Environmental Health Officer (EHO) has reviewed the application along with the Noise Assessment. The EHO did not object originally to the scheme in respect of noise, but has reviewed the case again in response to neighbouring concerns. The EHO has stated that the findings of the noise assessment appear reasonable but are dependent on 'accurate input data and to a lesser extent trip generation', however it was also noted that it takes a fairly large increase in trips to have a small impact on noise. The EHO goes to state that 'Whilst the assessment

is probably correct that the impact on equivalent continuous (average) noise level is likely to be minor, with this type of use there may be some impact irritation from door slams, engine revving, shouting, car radios etc. Such noises rarely significantly affect the overall noise level but can be a source of complaints'.

The EHO has suggested that acoustic fencing could help mitigate this concern, however this has been discussed with the applicant who has indicated that this would have implications for flooding/drainage. However, the EHO has requested a condition limiting the hours of use to between 07:00am to 23:00 along with a limitation on noise generated from fixed plant associated with the development. The above conditions are considered to be reasonable and necessary to protect neighbouring amenity.

Smells

Policy ER9 Ventilation states that 'when considering proposals for restaurants and cafes (Class A3), drinking establishments (Class A4), and hot food takeaways (Class A5), the Council will require the submission of a ventilation system where such a system would be necessary in order that the smell, noise and visual impact of the system on its surroundings can be properly considered'

The applicant intends to install ventilation and odour-suppressing equipment. No objections have been received from the Council EH officers regarding the potential for smells; however officers consider that the installation of such extraction systems and odour control equipment would ensure that nearby local residents would not be significantly affected by odours. It is therefore considered reasonable to condition full details of the extractions system and odour control, to be submitted to the Council prior to commencement of the development.

Litter

The proposed use may generate an increased level of litter, which can have an adverse impact on the appearance of the locality and neighbouring amenity. However, there would be litter bins to serve the restaurant and KFC operate a litter-picking policy which should reduce the likelihood of any nuisance caused by litter dropped by customers. Regular litter picks will take place on a daily basis both on site and up to 100 metres around the site. Officers consider this reasonable and should the application be considered acceptable then a condition should be imposed to ensure the above is adhered to.

Lighting

An indicative lighting strategy has been supplied by the applicant. This has been reviewed by the Councils EHO who has not objected to the initial plans. Should the application be considered acceptable then a full lighting strategy, including the location of all lights and specification details should be submitted to and agreed in writing.

Subject to the suggested conditions outlined above, Members may consider that on balance the proposed use would not have a detrimental impact on neighbouring amenity.

Highways

The application site is located on Wickham Road, approximately 200m west of the main cluster of shops and amenities of the high street but has a low PTAL of 2. The existing vehicular access to the site is directly from the A232 Wickham Road, 50 metres west of the entry to the roundabout with High Street, Cavendish Way and Manor Park Road. There is an existing flush median to facilitate right turning movements into the site.

Access to the site would remain as existing; however the applicant proposes a dedicated right turn lane into the site and 'a left turn out configuration of the site egress' in order to avoid potential conflicting traffic movements with other vehicles (drawing: 000/2014/G121/14-0077 Rev P). TfL have reviewed the current application and have also been sent a copy of Watermans independent TA review and a copy of the applicants response to that review. TfL have stated that "TfL's comments in its email dated 19 January 2016 are still pertinent on the basis that the vehicle access/transport related matters appear to be resolvable, subject to TfL's requested conditions". Officers note that there have been a significant number of objections from neighbouring residents regarding access to the site, the proximity with the West Wickham roundabout, pedestrian safety and the impact of the proposal on neighbouring roads such as the Alders, however no objections have been raised by TfL or the Council's highways officer with regard to the location of the proposed access or impact the local road network. Further, the scope of the works have been agreed in principle by TfL subject to the applicant entering into a Section 278 Agreement (Highways Act 1990) and the addition of conditions ensuring the right turn and left turn treatment.

The proposal would provide 21 car parking spaces, including 2 waiting bays which are associated within the drive through element. The existing use currently provides parking for 11 cars; this would therefore result in a net increase of 11 spaces. TfL have stated that the proposed level of parking exceeds the London Plan (2015) maximum standards, which should be capped at 8. However, the Council's Highways officer has not objected to this level of provision and given the nature of the use and location of the site the additional capacity is considered reasonable. Cycle parking is also provided and full details regarding their design could be conditioned were the application be considered acceptable.

In relation to Trip Attraction the application has provided a Transport Assessment which provides data and a methodology for assessing the likely impact. The TA has interrogated the TRICs database in order to gain a likely number of trips associated with the use. The Council's highways officer and TfL, who are the highway authority for Wickham Road, have raised no objections to the content or methodology employed within the Transport Assessment. No objections have also been raised to the associated conclusions drawn within the TA regarding trip generation, vehicular movements or highway safety. TfL have requested that Travel Plan and Servicing and Delivery Management Plan are secured via

condition which is considered reasonable and necessary in this instance given location of the site.

Servicing and deliveries associated with the proposed use would now be undertaken in the car park to the rear of the restaurant. A revised swept path analysis has been provided by the applicant and assessed by the Council's Highways officer who raised no objections to the details provided.

Concerns were however raised by Members regarding the reliability of the submitted Transport Assessment which was produced by Motion. The application was subsequently deferred at Committee subject to the findings of an independent Transport Review, which was to be commissioned by the Council.

The Council commissioned the Waterman Group (WIE) to undertake this review. A copy of that report is available for Members on the file.

The review concludes that the applicant's traffic assessment is valid, although the following issues were highlighted:

- o The measures to prevent drivers turning right out of the site are questionable
- o No assessment has been undertaken on whether the uncontrolled dropped kerb crossing by the roundabout on Wickham Way is adequate
- o There is no evidence the base traffic models have been validated against current queues
- o An assessment has not been undertaken for future year traffic flows
- o No modelling assessment has been undertaken of the Wickham Road / Bridle Road / Monks Orchard Park despite the close proximity of this junction to the site
- o The TA predicts a RFC of 0.91 and average queue of 8.3 vehicles, 2.6 more than current on Wickham Road for the Saturday peak with development situation. This approach would have little spare capacity with the development and therefore mitigation measures may be required for this junction, although many urban junctions operate at these capacities.
- o The TA has not properly addressed whether the development will affect the number of accidents

The report also concludes that the Motion TA uses trip rates derived from TRICS which are considered to be a reasonable reflection of vehicular trip generations. The WIE review acknowledged The West Wickham Residential Association representation and Say No to KFC West Wickham Group objection. Both were considered to raise valid concerns about lack of traffic modelling assessment, and insufficient measures to prevent customers turning right, but these were not in Watermans view sufficient to win an objection to the scheme at a public inquiry. Further, arguments that traffic flows from the mixed use retail and flats development at the former Summit House on Glebe Way need to be considered with the proposed KFC site flows was considered to be excessive, as this development is predicted to marginally reduce generated trips.

In respect of the McDonalds drive through on Wickham Road, which residents have argued should have been used as a comparative site, WIE have concluded that "The residents association trip numbers measured at the nearby McDonalds restaurant by the residents association are around three times those given in the Motion TA, however, this would appear to be due in good part to the larger size of the McDonalds store and such trip numbers rates are not in Watermans view appropriate for the proposed KFC development".

They did however consider that a review of the nearby pedestrian crossing facilities by TfL would have been beneficial, as would further consideration of enforcing the right turn prohibition for existing traffic of the right turn arrangements into the site.

The report finally concludes that whilst "the technical aspects of the consultants assessment in respect of the lack of validation of their transport models is not as comprehensive as might be expected, it is Waterman's view that the discrepancies are unlikely to be sufficient to invalidate the applicants assessment on traffic congestion grounds. In trip generation terms, the objectors traffic survey, while useful does not show trip rates that are high enough to invalidate the applicants studies when the size of the McDonalds development is allowed for".

The applicant has also provided a response to each of the concerns raised above, and these are outlined below. A full copy of this response is available on the file.

"The measures to prevent drivers turning right out of the site appears questionable"

The applicant states that "the design of the kerb on exit seeks to orientate traffic to turn left out of the site. It is accepted that traffic could, if so desired, physically turn right out of the site onto Wickham Road. It is common for a restriction to not be physically enforced and design is undertaken with the expectation that drivers will adhere to the instructions given. However it should be noted that the proposed access arrangements were discussed in detail with TfL and the applicant states that following these discussions, it was agreed that access onto the highway must be upgraded to include left hand treatment on exit as per drawing 140733-04-C. This will be combined with appropriate left only signage, which would act a further deterrent". As stated above, TfL have not objected to this arrangement and details would be subject to the satisfactory S278 agreement, which has been recommended as a condition.

"No assessment has been undertaken on whether the uncontrolled dropped kerb crossing by the roundabout on Wickham Way is adequate"

The applicant states that "contrary to the opinion given in the WIE report, a full Pedestrian Environmental Review (PERS) Audit was undertaken and submitted as part of the Transport Assessment. A summary of the audit can be found in Paragraphs 3.10-3.16 of the TA, whilst the full audit is included in Appendix A of that document". The applicant confirms that new pedestrian crossings and splitter islands were discussed with TfL but following a review, TfL concluded that these should be removed from the design and that pedestrians are able to cross at the roundabout using the existing provision.

"There is no evidence the base traffic models have been validated against current queues"

In response the applicant "confirms that the base traffic models have been validated against recorded queue lengths observed in September 2014 at the same time as the Manual Classified Counts. Whilst not included within the Transport Assessment, the queue length surveys were issued to TfL and the models were constructed in accordance with appropriate guidance that requires the validation of modelled outputs against observed queue lengths. Evidence of such a validation process would be required prior to any model being approved by TfL".

"An assessment has not been undertaken for future year traffic flows"

The applicant states that "The WIE review suggests that in order to accurately assess the highway impact of the development, a future year assessment should have been undertaken using a TEMPRO growth factor. This is not considered to be required in this instance. It is widely recognised that traffic growth within many London areas has remained static or fallen over recent years as a result of better public transport and other sustainable transport initiatives. To demonstrate this, historic traffic data has been obtained for the period 2001-2013 for the A232 Wickham Road. It is evident from this information that traffic flows have fallen since 2001, where some 23,436 average daily movements were recorded against an average of 19,561 movements in 2013. It is therefore not considered appropriate to allow for a further uplift in traffic flow as suggested by WIE".

"No modelling assessment has been undertaken of the Wickham Road / Bridle Road / Monks Orchard Park despite the close proximity of this junction to the site"

The applicant states that "The scope of the Transport Assessment was discussed with LB Bromley Highway officers and TfL prior to its submission and during these discussions the extent of junction modelling was agreed. This was principally based on the traffic flow likely to be generated by the development that could pass through each junction on the network and the perceived impact this could have. The Wickham Road / Bridle Road / Monks Orchard Road junction was not assessed as the number of vehicles passing through it in the peak hours was considered to be negligible.

The estimated traffic flows passing through the junction represents approximately 2% of total traffic flow along the A232 in the peak hour, or a maximum of 1-2 additional vehicles per minute, this will not materially affect the operation of this junction. This should also be considered in the context of the year on year fall in traffic flow along this corridor, where it has been demonstrated that a volume of traffic far in excess of that to be generated by the KFC previously passed through this junction."

"The TA predicts a RFC of 0.91 and average queue of 8.3 vehicles, 2.6 more than current on Wickham Road for the Saturday peak with development situation. This approach would have little spare capacity with the development and therefore mitigation measures may be required for this junction, although many urban junctions operate at these capacities."

The applicant states that "It is important to note that the peak hour period of vehicle trips to and from the proposed KFC differs from the peak hour period experienced on the highway network. For robustness however, the highest restaurant trip rates occurring between 15:00-16:00 on a weekday and 14:00-15:00 on a Saturday have been applied to the peak hour traffic flows along the A232 occurring between 16:15-17:15 on a weekday and 11:15-12:15 on a Saturday. In reality, the peak hours will not occur together and the total reserve capacity of the junction would be greater."

Whilst WIE correctly state that many junctions in urban areas operate at such capacities, it is also worth highlighting that TfL, as highway authority, do not consider that any measures of mitigation are required at this particular junction.

"The TA has not properly addressed whether the development will affect the number of accidents"

Accident data was provided by TfL for all junctions along the Wickham Road between Orchard Avenue in the West to the A214 in the east. The accident data is presented in the submitted Transport Assessment and serious accidents have been reviewed and summarised in Table 3.4 of that document.

It is evident from the data recorded that driver or pedestrian error is responsible for all of the accidents recorded and the geometry and / or maintenance of the highway is not a causation factor in any of the incidences".

The Waterman's review and applicant response have been sent on to both the Council's highways team and TfL. TfL have subsequently commented on the scheme and no objections have been received.

It is considered that whilst some issues were raised by the Waterman Group review, these concerns were not sufficient to invalidate the conclusions of the applicants transport assessment. The applicant has provided a reasonable response to each of the issues raised, and both of the above documents have been viewed by the Council's Highways team and TfL. TfL are the highway authority for Wickham Road and they have raised no objections to the proposal, subject to the highlighted conditions.

Members may therefore consider that the impact of the proposed scheme on the local road network, highway safety and parking would be on balance acceptable.

Site of Nature Conservation Importance and Ecology

The site forms part of High Broom Wood Site of Nature Conservation Importance (SINC). This includes all of the land to the west of the site from the highway to the western flank elevation of the building and the north of the site, approximately 30m from the rear elevation. This essentially makes up a wildlife corridor that follows the line of the adjacent river and extends to the south of the site. The application proposes the removal of 12 trees on site, including a group of Willows which are

located to the west of the building and a number of Sycamores to the north and north east.

Policy NE2 states that a development proposal that may significantly affect the nature conservation interest or value of a Site of Importance for Nature Conservation will be permitted only:

- (i) if it can be shown that the reasons for the development or benefits to the local community from the development outweigh the interest or value of the site; or
- (ii) the value of the interest of the site can be protected from damaging impact by mitigating measures secured by the use of conditions or planning obligations.

Paragraph 118 of the NPPF states that "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- o if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

The applicant has provided an Extended Phase 1 Habitat Survey in support of the application. The survey found that "no rare or particularly notable species or plant communities were noted at the time of the survey. The majority of habitats to be lost are of low ecological value". No suitable breeding habitats for amphibians were recorded on site. Furthermore, no evidence of bat or (bird) activity was found during the internal and external inspection of the main restaurant building, it was noted that certain areas of the site were inaccessible, however the presence of roosting bats was considered to be low. The site does have some foraging potential for bats, and a recommendation was made that 'there should no increase in illumination of the stream corridor, site boundaries and northern woodland, which can be achieved through the use of low-level lighting, shields and baffles". The applicant has provided an indicative lighting strategy, however full specifications should be conditioned in order to ensure no increase in illumination on neighbouring areas. Furthermore, no badger setts were found on site; however there was evidence of foraging activity. There are likely setts present in the adjacent High Broom wood. It is considered reasonable and necessary to condition a pre-development clearance strategy for any overgrown areas of the site in order to minimise the impact on wildlife during construction.

The Council commissioned an independent assessment of the above Survey and this was carried out by Richard Grave Associates. This review did not result in any significant objections to the findings or methodology employed. A number of recommendations were made, including consideration into the loss of a number of ponds; however the applicant has now supplied additional information which officers consider addresses the recommendations of the independent review.

The proposed development would result in the loss of a number of trees along the western edge of the site, which do have ecological benefit, however the proposal also includes a new landscaping and tree planting strategy to try and mitigate this loss. This includes the provision of native species in order to foster biodiversity. The wildlife corridor would not be completely removed due to the neighbouring stream and there would be a significant re-provision of trees with semi-mature status. As described above, a pre-development clearance strategy should be conditioned to minimise the impact on wildlife during construction, and a number of ecology enhancements would also be provided within the site including the management of large open space to the north of the car park, which is currently overgrown.

Whilst the loss of the trees would have some impact on the SINC, the Extended Habitat survey has demonstrated that the habitats that would be lost are of low ecological value. Officers therefore consider that the proposed ecological enhancements, together with the detailed landscaping strategy would sufficiently mitigate the impact of the scheme.

Members may therefore consider that on balance the proposal would not significantly affect the nature conservation interest or value of the Site of Nature Conservation Importance.

Trees

Saved Policy NE7 states that new development proposals will be required to take particular account of existing trees on the site and on adjoining land, which in the interest 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. Where trees have to be felled, the Council will seek suitable replanting.

The application site includes a large number of Trees which are protected by Tree Preservation Orders (Tree Survey and Constraints Plan BIR4543_01-A). The application proposes the removal of twelve trees, eleven of which are subject to Tree Preservation Orders. A tree retention/loss plan has been provided (BIR4543_02-C) which shows that these trees are principally found on the western side of the site and extend up to the edge of the proposed drive through lane on the west flank elevation, and down to the southern boundary. There are also three trees subject to TPOs located to the north and north east of the building.

The trees along the western boundary provide a strong visual element within the streetscene and contribute significantly to the green character of the wider area. However the Tree Survey and Constraints plan has identified that G12 (an off-site tree group) and G13 (the southernmost point of the larger High Broom Wood) account for a significant proportion of the overall tree canopy cover on and adjacent to the site.

The application also includes Tree Survey and Arboricultural Impact Assessment. The impact assessment has identified that 'of the TPO trees the greater majority (nine of this total eleven) of these trees are of poor quality (Category C) or are

unsuitable for retention (Category U) in the current site context". The proposed trees to be removed include a group of Willows located to the south east side of the site and six Sycamores which are situated to the north, north east and north west of the building. The impact assessment highlights that the Willow trees at the southern extent of the site do contribute to the streetscene, but are reaching the end of their useful life expectancy in the existing and proposed context. It is therefore considered that 'the landscape benefits and public visual amenity value of the tree group are impermanent and not sustainable for going forward'. The Council's Tree Officer has reviewed the above documents and has raised no objections to the loss of the above Willow Trees. Concerns were however raised with regard to two individually protected (Category B) Sycamore Trees on the north west corner of the building. These Trees are considered to have a greater quality (Category B) and visual benefit.

However, to mitigate the loss of the above trees and their associated visual and ecological impact the applicant has included a detailed landscaping strategy which includes the provision of 5 super semi-mature alders 10-12m in height and 40-80cm girth within the south western wedge of the application site which fronts Wickham Road. The applicant also proposes the planting of an additional tree, alongside the already proposed two semi mature trees, within the north western landscaped area of the site. This newly proposed tree is a super semi mature sorbus torminalis at 10-12m in height and 40-80cm in girth. In total this results in the number of native semi mature trees to be planted on site to two, and super semi mature native trees to be planted on site to six.

Any perceived harm that would result from the loss of the above trees would also likely decrease over time as new planting increases in size. The Council's tree officer has not objected to this detailed strategy and officers consider that the above provision would adequately mitigate the loss of the above trees from a visual amenity and ecological perspective.

Given the above, members may consider that on balance the detailed landscaping strategy sufficiently overcomes the loss of the above trees from a visual amenity and ecological perspective.

Flooding

The site is situated across Flood Zones 2 and 3, the medium and high risk zones respectively. Under the National Planning Policy Framework (NPPF) and Planning Practice Guidance, use as a restaurant is classified as 'less vulnerable' in terms of flood risk. The site lies adjacent to The Beck River.

The application is accompanied by a Flood Risk Assessment, which has been reviewed by the Environment Agency (EA). The EA have raised no objections to the development but have requested a condition be imposed on any permission relating to details for level floodplain compensation. Guidance with regard to the proximity to the river, specifically a recommendation for an emergency flood management plan to incorporate a safe route into and out of the site and appropriate safe haven has also been provided. The EA have also advised that a distance of 8m should be maintained between the works and the watercourse,

including the site working boundary. To this end an Informative should be attached to any permission alerting the developer to the possibility of the scheme also requiring flood defence consent from the EA.

Given the above, officers consider that the scheme complies with Policy S9 Food and Drink and Policy G8 Urban Open Space. There would be some impact on nearby properties as a result of the proposal however when taking into account the established and historical uses of the site, proposed landscaping strategy, findings of the habitat survey and highways advice officers consider that the application should be on balance recommended for permission.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 3 Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 4 Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The windows shall be installed in accordance with the approved details.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 5** Details of a full landscaping scheme, including details for the provision of the replacement trees hereby permitted and shown on drawing Bir.4543_03D and outlined within the Revised Tree Planting and Landscape Strategy statement dated 21st August 2015, together with the materials for paved areas and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the building or the substantial completion of the development, whichever is sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

- 6** Before the development hereby permitted is commenced, details of the specification and position of fencing (and any other measures to be taken) for the protection of any retained tree shall be submitted to and approved in writing by the Local Planning Authority. The areas enclosed by fencing shall not be used for any purpose and no structures, machinery, equipment, materials or spoil shall be stored or positioned within these areas. Such fencing shall be retained during the course of building work

Reason: In order to comply with Policies NE7 and NE8 of the Unitary Development Plan to ensure works are carried out according to good arboricultural practice and in the interest of the health and visual amenity value of trees to be retained.

- 7** No demolition, site clearance or building works shall be undertaken, and no equipment, plant, machinery or materials for the purposes of development shall be taken onto the site until an Arboricultural method statement detailing the measures to be taken to construct the development and protect trees is submitted to and approved in writing by the Local Planning Authority.

The statement shall include details of:

- Type and siting of protective fencing, and maintenance of protective fencing for the duration of project;
- Type and siting of scaffolding (if required);
- Details of the method and timing of demolition, site clearance and building works
- Depth, extent and means of excavation of foundations and details of method of construction of new foundations
- Location of site facilities (if required), and location of storage areas for materials, structures, machinery, equipment or spoil, and mixing of cement or concrete;

- Location of bonfire site (if required);
- Details of the location of underground services avoiding locating them within the protected zone;
- Details of the method to be used for the removal of existing hard surfacing within the protected zone;
- Details of the nature and installation of any new surfacing within the protected zone;
- Methods proposed for the watering of the trees during the course of the project

The method statement shall be implemented according to the details contained therein until completion of building works, and all plant, machinery or materials for the purposes of development have been removed from the site.

Reason: To ensure that all existing trees to be retained are adequately protected and to comply with Policy NE7 of the Unitary Development Plan

- 8 A woodland management plan, including tree and shrub planting, habitat enhancement, long term design objectives, management responsibilities and maintenance schedules for the retained woodland shown on Bir.4543_03D shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. The plan shall include arrangements and timetable for its implementation and shall be carried out in accordance with the approved details.

Reason: In order to comply with Policies NE2, NE3 and NE8 of the Unitary Development Plan and in the interest of good arboricultural practice, fostering biodiversity, nature conservation and the visual amenities of the area

- 9 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 10 Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 11 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

Reason: In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport

- 12 Details of a scheme for the management of the car park shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is first occupied and the car park shall be operated in accordance with the approved scheme at all times unless previously agreed in writing by the Authority.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 13 (i) Prior to commencement of the works the applicant shall enter into a S.278 Agreement with the Local Highway Authority to:

o Allow the provision of a designated right hand turn filter lane in the centre of the carriage way, a left turn out configuration of the site egress and associated works to facilitate the above.

(ii) All highway works shall be completed prior to the first use of the development to the satisfaction of the Local Planning Authority.

Reason: In the interest of highway safety and to comply with saved Policy T18 Road safety of the adopted Unitary Development Plan (2006)

- 14 i) The development shall not commence until a delivery and servicing plan has been submitted to and approved in writing by the Local Planning Authority.

(ii) the plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.

(iii) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

Reason: In order to ensure satisfactory vehicle management and to comply with Saved Policy T18 Traffic Safety of the adopted Unitary Development Plan (2006),

- 15 Prior to the commencement of the use hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan should include measures to promote and encourage the use of alternative modes of transport to the car. It shall also include a timetable for the implementation of the proposed measures and details of the mechanisms for implementation and for annual monitoring and updating. The Travel Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to ensure appropriate management of transport implications of the development and to accord with Policy T2 of the Unitary Development Plan.

- 16 Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.12 of the London Plan (2015)

- 17 Detailed specifications and plans, of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate fumes and odours (and incorporating activated carbon filters where necessary) shall be submitted to the Local Planning Authority for approval; after the system has been approved in writing by the Authority, it shall be implemented in accordance with the approved details before the use hereby permitted first commences and shall thereafter be permanently retained in an efficient working manner.

Reason: In order to comply with Policies S9 and ER9 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 18 The noise from fixed plant associated with the development shall not exceed a rating level of 42 dBA between 0700 and 2300 hours and 35 dBA between 2300 and 0700 hours when measured or calculated at 1 metre from the façade of the nearest noise sensitive property. The measurements and assessment shall be made according to BS 4142:2014

Reason: In order to protect neighbouring residential amenity and in the interest of the area in general and in order to comply with ER 9 Ventilation and S9 Food and Drink Premises of the adopted Unitary Development Plan.

- 19 Details of a scheme of lighting (including the appearance, hours of operation, measures to reduce light spillage onto neighbouring properties and woodland, siting and technical details of the orientation and screening of the lights and the means of construction and laying out of the cabling) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced, and the approved scheme shall

be implemented before the development hereby permitted is first occupied. Thereafter the approved scheme shall be permanently maintained in an efficient working manner and no further lighting shall be installed on the site without the prior approval in writing by the Local Planning Authority.

Reason: In order to comply with Policy ER10 of the Unitary Development Plan and in the interest of amenity, public safety and protecting neighbouring wildlife habitats

- 20 Prior to the premises being brought into use, a scheme for the siting of litter bins, litter picking arrangements and storage of refuse shall be submitted to and approved in writing by the local planning authority. The scheme shall then be carried out in accordance with the approved details, prior to commencement of the use, and shall be retained thereafter.

Reason: In order to safeguard the amenities of the area and to comply with BE1 Design of New Development and

- 21 The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Secured by Design, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interest of security and crime prevention and to accord with Policies H7 and BE1 of the Unitary Development Plan.

- 22 The premises shall be used as a restaurant/takeaway and for no other purpose (including any other purpose in Class A3/A5 of the Schedule to the Town and Country Planning (Use Classes) order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In order to comply with Policy S9 of the Unitary Development Plan and in order to protect neighbouring amenity and the character and appearance of the area.

- 23 The use shall not operate before 11:00 and after 23:00 on any day.

Reason: In order to comply with Policy S9 of the Unitary Development Plan and in the interest of the amenities of the area.

- 24 Prior to commencement a pre-development clearance strategy for any overgrown areas should be submitted to and approved in writing by the local planning authority. The strategy should outline measures to minimise the impact on wildlife and vertebrate fauna during the clearance and construction of the development and the details of a suitably licenced ecologist on call to provide advice and/or liaise with statutory authorities (Natural England) if required.

Reason: In order to minimise the impact of the wildlife and vertebrate fauna and to comply with Saved Policy N3 Nature Conservation and Development of the adopted Unitary Development Plan (2006)

- 25 Prior to demolition of the building and outbuildings, the soft stripping of sensitive areas (e.g. roof-tiles, soffits, fascia boards and lead flashings) and the removal of the identified ponds should be directly supervised by a licenced ecologist. In the event that bats, bat roosts or Great Crested Newts are uncovered, works must stop until Natural England have been consulted and provided an appropriate course of action to lawfully complete the works**

Reason: In order to comply with Policy N3 of the Unitary Development Plan and in order to safeguard the interests and well-being of bats and Great Crested Newts on the site which are specifically protected by the Wildlife and Countryside Act 1981 (as amended).

- 26 Prior to the construction of any part of the building, or raising of ground, on land identified as being liable to flood, details for level floodplain compensation shall have been approved by the local planning authority and implemented on site. The scheme shall be retained on site in perpetuity for the lifetime of the development**

Reason: To prevent an increase in flood risk to others from displacing floodwaters offsite

- 27 Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

You are further informed that :

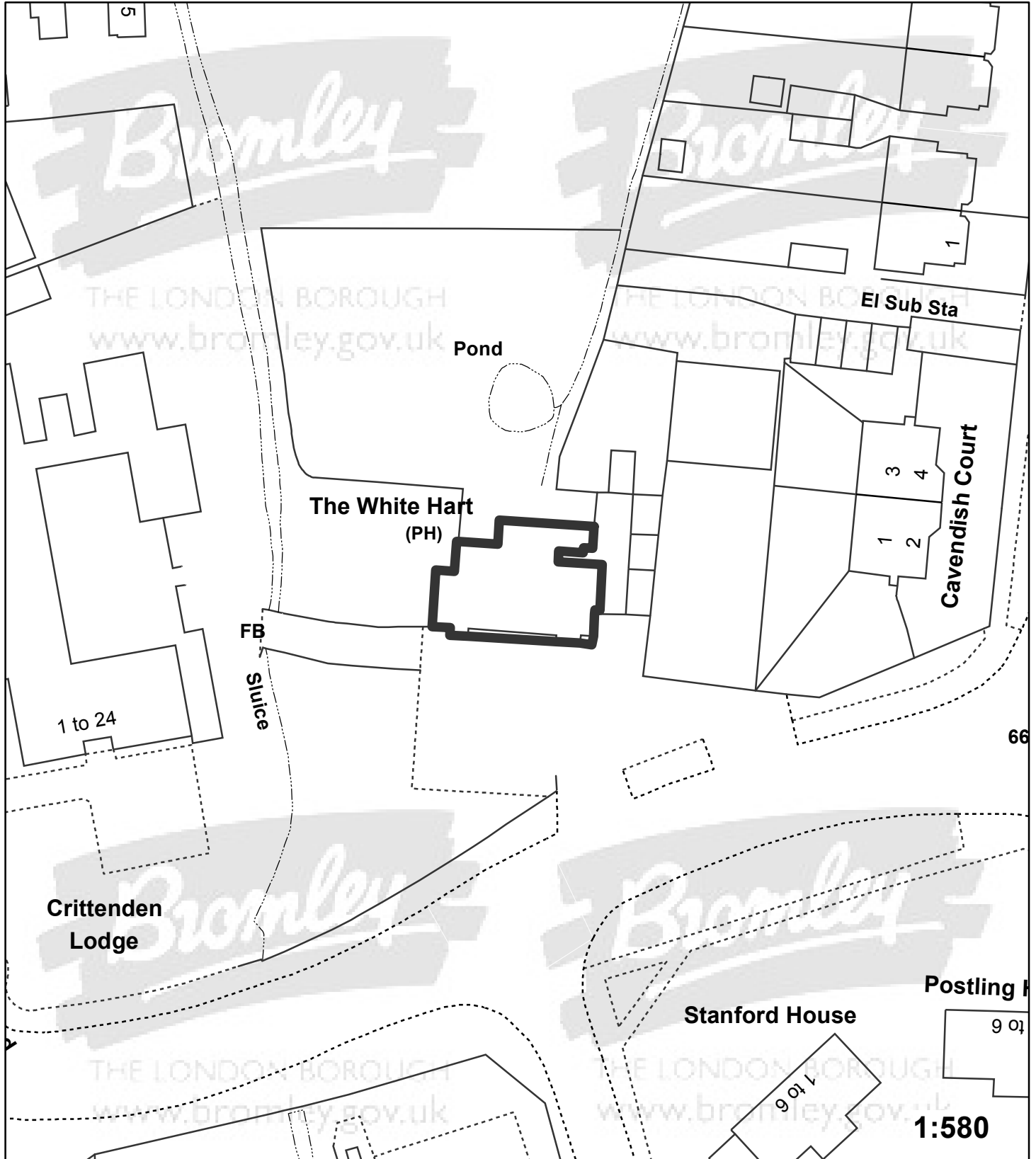
- 1 Please be aware that The Beck is designated a main river and under the jurisdiction of the Environment Agency for its land drainage functions as stated within Water Resources Act 1991 and associated byelaws. Any works in, over, under or within eight metres of the top of bank will require consent from ourselves. We encourage the applicant to ensure that their works are outside the 8 metre byelaw. If they do encroach they should contact the Partnerships and Strategic Overview team at**
- 2 In respect of Condition 16 you are advised that we require that the following information should be provided: A clearly labelled drainage layout plan showing pipe networks and any attenuation soakaways. Where infiltration forms part of the proposed storm water system such as soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365. Calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change.**

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Application:15/04594/FULL3

Address: La Rioja High Street West Wickham BR4 0LZ

Proposal: Change of use from A3 restaurant to A3/A5 restaurant with takeaway, alterations and extension to existing building and provision of new drive-thru lane, new car park, managed private woodland for nature conservation purposes and associated tree planting and landscaping



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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SECTION '2' – Applications meriting special consideration

Application No : 15/04608/FULL1

Ward:
Shortlands

Address : 28 Wickham Way Beckenham BR3 3AF

OS Grid Ref: E: 538108 N: 168308

Applicant : Mr D Amsbury

Objections : YES

Description of Development:

Demolition of existing dwelling and erection of a 5 bed detached house with detached garage

Key designations:

Conservation Area: Park Langley

Biggin Hill Safeguarding Area

London City Airport Safeguarding

Smoke Control SCA 21

Smoke Control SCA 9

Urban Open Space

Proposal

Planning permission is sought for the demolition of existing dwelling and erection of a 5 bed detached house with detached garage.

The existing house and outbuildings have a total ground floor coverage of 208.9sqm and the proposed house will be 322.7sqm. The increase in footprint will mainly be to the rear, infilling the open area within the L shape of the existing house. The combined frontage of the existing house including the garage and shed is 21.8 meters and the proposed house and attached garage will be 23.3meters.

The proposed house is located centrally within the plot set in from the northern boundary by 3.05 metres and 5.18m from the southern boundary. The dwelling will be in line with the existing building line of the immediate neighbouring properties, providing generous setbacks to the front boundary of between 9 and 10m.

Location

The application site is located towards the northern end of Wickham Way on its western side close to the junction with Elwill Way and falls within the Park Langley Conservation Area.

This section of Wickham Way is characterised by substantial two storey dwellings of individual design, the majority of which sit in a spacious landscaped settings behind a variety of low boundary treatments.

The front building line is fairly consistent and in most cases, generous spaces remain between buildings with trees, shrubs and hedges having a strong visual presence.

The existing dwelling is of an Arts and Crafts style and sits within a wider than average plot measuring some 45m in width

Consultations

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- Should be no demolition of a house built before the second world war. This is a perfectly good house.
- Unnecessary to demolish existing house
- Will block the light to the houses on either side
- Overlooking
- Proposed property consists of three storeys
- Out of keeping with the concept of the Conservation area
- Proposed house is out of keeping
- Too large and overbearing
- House extends further back into the garden than previously and will destroy the pleasant outlook at the rear of the houses on either side of this new development.
- Not all residents were notified

Two letters of support were also received which can be summarised as follows:

- Not adverse to a new house being built to the site but all material used should be sympathetic to the Conservation area.
- As the proposed new building is of similar style to existing and does not appear to be applying for a larger foot print, than would have been allowed had the property been extended, By replacing with a new build this will allow for the building to become more energy efficient which should be encouraged.

A full copy of these letters are available on the file.

Internal consultees:

Conservation officer: The existing house was deemed by the inspector at appeal as making a neutral contribution to the CA meaning it could be demolished if a suitable replacement was found. This proposal is far better than the one for 2 houses on the site and I believe sufficient side space would be retained to protect the spatial standards of the conservation area. The style and scale would also be acceptable and if you are minded to recommend permission. Material conditions C01 and C03 are suggested.

Tree officer : There are no significant trees within the site address or within neighbouring land that would warrant the making of a Tree Preservation Order (TPO). Trees located within the site are of limited value and would not be considered a constraint to the development. No tree works are proposed in the application. On this occasion I would not recommend any conditions are applied in the event that planning permission is granted.

Planning Considerations

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

BE1 Design of New Development
H7 Housing Density and Design
H9 Side space
BE11 Conservation Areas

Planning History

04/01839/FULL6 Part one/two storey side, single storey rear and rear dormer extensions; increased depth of existing first floor balcony with provision of side access staircase and decking area Withdrawn : 18.06.2004

04/02741/PLUD Roof extension, canopy area to ground floor and rear conservatory CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT Granted: 25.08.2004

04/03275/FULL6 Extension to first floor balcony at rear external staircase and timber decking. Granted: 02.11.2004

12/03866/FULL1 Subdivision of existing plot and erection of two replacement two storey 6 bedroom detached dwellings with integral parking. Refused: 15.03.2013

12/03867/CAC Demolition of existing dwellinghouse CONSERVATION AREA CONSENT Refused: 15.03.2013

14/01647/FULL1 Subdivision of existing plot and erection of two replacement two storey 5 bedroom detached dwellings with accommodation in the roofspace and integral garages. Refused: 13.08.2014

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

Principle of demolition of existing dwelling

The principle of the demolition of the existing house has already been established in the appeal decision APP/G5180/A/13/2196575 and APP/G5180/E/13/2196577 where the Inspector found:

'The main parties and local residents dispute the exact age of No.28, but it was constructed during an early phase of the development of the estate. It is a non designated heritage asset and is not locally listed. Its architecture reflects aspects of the design of other houses in the road and their external materials and it sits well in its context. No.28 is a fairly attractive building with some Arts and Crafts detailing however there is no evidence to demonstrate that the house is in any way exceptional. To my mind its setting within its plot is more important than the house itself. Various assessments were carried out in accordance with guidelines produced by English Heritage to determine whether No28 has a neutral or positive effect on the character and appearance of the conservation area. Having considered all the evidence provided, I conclude that No.28 has a neutral effect and that its demolition would have minor impact on the significance of the conservation area as it is sufficiently robust to absorb small scale change'

Whilst there is no objection to the demolition of the existing house in principle, it would not be appropriate to allow demolition unless an acceptable replacement dwelling is proposed that would not harm the character and appearance of the conservation area. The merits of the proposed replacement dwelling is therefore considered in the sections below.

Impact upon the character and appearance of the Conservation Area

Section 6 of the National Planning policy Framework (NPPF) requires that the design of new housing significantly enhances its immediate setting and should be sensitive to the defining characteristics of the local area. Section 7 further states that permission should be refused where a development fails to improve the character and quality of an area.

Policy H7 of the UDP states that the site layout, buildings and space about buildings must recognise and complement the qualities of the surrounding areas. Furthermore, paragraph 4.35 of the UDP, states; "within the Borough there are many diverse and attractive housing areas, and, in the context of Government policy, it is the Council's view that their individual characteristics and quality should be adequately protected."

Supplementary Planning Guidance No. 2 (Residential Design Guidance) states "local context is of particular importance when adding new buildings to established areas. Building lines, spaces between buildings, means of enclosure and the use and location of garden or amenity space should all respect the character of the locality".

The previous application 14/01647 was refused and dismissed at appeal due to the reduction in side spacing between the dwellings and the adjoining houses. This

application has addressed this issue by maintaining significant distances from both flank walls to the boundaries, 3m to the northern elevation and 5.17m to the southern boundary.. The total combined frontage of the existing house i.e. house garage and shed is 21.8m and the total frontage of proposed house with attached garage is 23.30 metres and is therefore not considered to be excessively larger in spatial standards when viewed from the streetscape. In fact the main two storey dwelling is similar in width to the existing house. Further, the front elevation will be set back between 1 and 3 metres from the front elevation of the existing house which allows for additional front garden space. The new dwelling would not result in a loss of openness and is not considered detrimentally erode its spatial and landscape characteristics. The bulk and scale of the new dwelling s not considered to be over dominant and has been designed sympathetically.

Moreover, the roof above the double garage will be lower than the main ridge which affords views to the rear of the house. Whilst it is accepted that the rear element will be greater in footprint than the existing, it would not project any deeper than the single storey rear element of the existing house and essentially infills the open area within the L shape of the existing house.

The overall scale and design of the new dwelling, and its location within the site is considered to be appropriate, would not harm the appearance of the Wickham Way Street scene and would preserve the character and appearance of the conservation area. The new dwelling is considered to be compliant with the overarching aims and objectives of policies H7, H8, and BE11 of the UDP and the Council's relevant SPG's.

Impact on the amenities of the surrounding residential properties

Whilst elements of the new dwelling will be higher than the existing use, given the considerable distance from both neighbouring properties this increase is not considered to cause any undue harm to the amenities of the neighbouring properties.

The only window to the first floor side elevation serves an ensuite which will be obscure. At roof level, there will be two windows on the side elevation serving a games room on the northern elevation and a bedroom on the southern elevation. Given there are additional windows to the rear serving the games room and that the side elevation of No. 24 is within 10 metres, it would be appropriate to condition this window as obscure glazing up to 1.8m in height to prevent overlooking. The window serving a bedroom on the southern elevation is the only window serving this habitable room. Given that the flank wall of No. 32 is almost 19m away it is not considered that there would be significant overlooking to this property.

Highways

The proposed new dwelling will provide a new double garage to the northern side of the new dwelling There will also be sufficient parking in front of the garage.

Accordingly, the proposed new dwelling is not considered to cause any loss of parking or any issues of highway safety.

Summary

Having regard to the previous appeal decision where the Inspector , concluded that No.28 has a neutral effect and that its demolition would have minor impact on the significance of the conservation, Members may consider that, on balance, the replacement dwelling is of an appropriate design and scale which would preserve the character of the Conservation Area. Furthermore, Members are asked to consider that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 3 Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 4 Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The windows shall be installed in accordance with the approved details.**

Reason:In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 5** The development permitted by this planning permission shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development has been submitted to, and approved by, the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates to Greenfield rates in line with the Preferred Standard of the Mayor's London Plan.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties.

- 6** Before the development hereby permitted is first occupied the proposed window serving the games room in the roof on the northern elevation ; shall be obscure glazed and fixed shut to a height of 1.8m in accordance with details to be submitted to and approved in writing by the Local Planning Authority and details of any openings shall be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained in accordance with the approved details

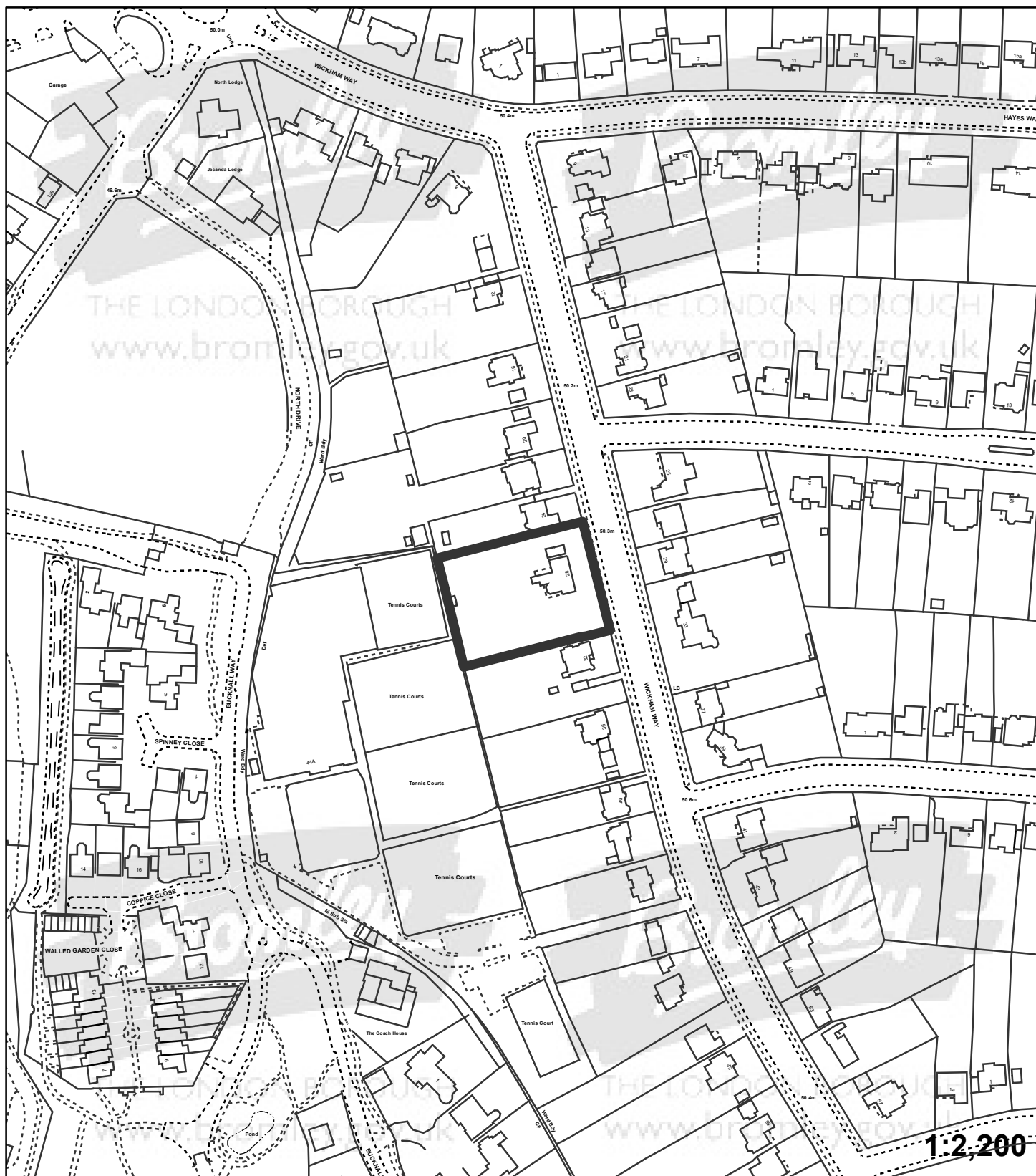
Reason: In order to comply with Policy BE1 of the Unitary development Plan and in the interest of the amenities of the adjacent properties

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Application: 15/04608/FULL 1

Address: 28 Wickham Way Beckenham BR3 3AF

Proposal: Demolition of existing dwelling and erection of a 5 bed detached house with detached garage



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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SECTION '2' – Applications meriting special consideration

Application No : 15/04641/FULL4

Ward:
Bromley Town

Address : 165 Masons Hill Bromley BR2 9HW

OS Grid Ref: E: 541030 N: 168240

Applicant : Hambridge Homes

Objections : NO

Description of Development:

Section 106 BA application to remove the requirement for affordable housing in the S106 agreement in respect of 14/04199/FULL1

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
London Distributor Roads
Smoke Control SCA 5
Stat Routes

Proposal

The application, the subject of this report, is an application to modify or discharge the obligation to provide affordable housing on the site. Section 106 BA of the Town and Country Planning Act 1990 (as amended) allows the submission of such an application, where only the financial viability of providing the approved affordable housing can be considered. No other planning matters or material considerations can form part of the assessment of this application.

This process is a 28 day procedure but an extension of time has been agreed with the applicant. A financial viability report and covering letter have been submitted in support of the application.

The original application sought the demolition of the existing buildings at 165-169 Masons Hill and Nos 1 and 3 Homesdale Road and the erection of a part 3/4/5 storey mixed-use development comprising:

- 328sqm ground floor Class A1 (retail) unit
- 29 flats (20x2 bed and 9x1 bed) over three cores
- Car park for 24 cars (19 for residential use including 2 disabled bays and 5 spaces including 1 disabled bay for commercial use)
- Storage for 37 cycles and refuse storage
- Associated landscaping
- Height of between 7.2m and 16.1m

This was approved at Planning Sub-Committee on 19th March 2015, subject to conditions and the completion of a Section 106 Legal Agreement in respect of the provision of affordable units, education and health contributions and the decision notice was issued on 18th September 2015.

The approved scheme was for 11 affordable residential units, providing 9 x 2 bed and 2 x 1 bed units, with 6 identified for affordable rent and 5 intermediate dwellings. The applicant now submits that the affordable housing secured as part of the permitted scheme cannot be delivered on viability grounds, and has applied to remove this obligation from the S106 agreement.

Location

The application site is located to the north-eastern junction of Masons Hill and Homesdale Road. No. 165-169 comprises a part one, part two storey building with roof dormers occupying the corner plot of the junction and is currently in use as a Class A1 retail premises with parking accessed to the rear from Homesdale Road. Nos. 1-3 Homesdale Road comprises a pair of two storey semi-detached residential properties.

The junction is characterised by the three storey development at Archers Court at the junction of Masons Hill and Hayes Lane to the west of the site (formerly Class B1 offices, but with consent for conversion to Class C3 flats); the four/five storey flatted development at Gainsborough Court (52 flats) to south of the site; and the two storey detached and semi-detached dwellings to the southern edge of Bromley Common commencing with No.2 at the junction with Bromley Common and Hayes Lane.

To the west of the site on the western edge of Masons Hill are the five storey block of flats at 16-56 Fletcher's Close and the four/five storey office building at Rutland House. To the west of the north of the site at the eastern edge of Masons Hill are the two/three storey buildings of Nos. 161, 163 and 163a before the six storey office buildings of Nos.153-159 Masons Hill.

To the east of the site is the three storey terrace comprising Nos.5-9 Homesdale Road and feature commercial premises at ground floor level and residential units to the upper floors, before the two/three storey semi-detached residential properties at No.11-13. Beyond this are: the four storey office block of Tourama House (No.17); the three storey office block of Prospect House (Nos.19-21); the Currys retail unit at No.27; the five/six storey flatted block at Rosing Apartments (No.45); and the four storey flatted block at Cavendish House (No.47).

The southern edge of Homesdale Road also features the five storey flatted block at Iconia House (69 flats) and the adjoining block of Azuria House (33 flats) before the four storey flatted block at Sheridan Lodge.

Consultations

Comments from Local Residents

None

Comments from Consultees

None

Planning Considerations

Section 106 BA of the Town and Country Planning Act 1990 (as amended) is a procedure for the review of planning obligations on planning permissions, which relate to the provision of affordable housing. An application submitted under Section 106 BA requires the developer to demonstrate that the affordable housing obligation as currently agreed makes the scheme unviable in current market conditions, through the submission of clear, up-to-date and appropriate evidence. In cases where an original viability appraisal was not prepared prior to planning permission being granted, the developer must clearly demonstrate through evidence why the existing scheme is not viable. A proposal to bring the scheme into viability should be submitted.

The viability of the development is therefore the only matter that can be considered through this process.

The following development plan policies and guidance are relevant to this application:

Unitary Development Plan (2006):

H2 Affordable Housing
IMP1 Planning Obligations

In addition to:

Affordable Housing Supplementary Planning Document (SPD)
Planning Obligations Supplementary Planning Document (SPD)

Draft Local Plan:

5.4 Provision of affordable housing

The London Plan (2015):

3.11 Affordable Housing Targets
3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
3.13 Affordable Housing Thresholds

The National Planning Policy Framework 2012 (NPPF):

- 47 - 50: Delivering a wide choice of high quality homes

- 203-206: Planning conditions and obligations
- 211 - 216: Status of adopted and emerging policies

Financial Contributions

In accordance with the adopted Planning Obligations SPD, the Council sought the following contributions based upon the mix proposed in the application:

- £154,431.62 for local education infrastructure
- £57,996 for local health infrastructure

Planning History

14/04199/FULL1 - Demolition of existing buildings at 165-169 Masons Hill and 1-3 Homesdale Road and erection of part 3/4/5 storey mixed-use development comprising 328sqm ground floor Class A1 (retail) unit, 29 flats (20x2 bed and 9x1 bed) with car park for 24 cars (19 residential and 5 retail), cycle and refuse storage and associated landscaping - **Approved, subject to conditions and s106 Legal Agreement dated 18th September 2015**

Conclusions

Summary

The financial viability of the provision of affordable housing is the only consideration in respect of this application. All other matters including the principle of development, design, layout, appearance, highway matters, car parking etc. cannot form part of the consideration of this type of application and these issues and the layout of the units are not affected by this proposed amendment.

At the planning application stage, no viability information was required in support of the proposal as the applicant committed to providing a policy compliant level of affordable housing on-site. This was secured through the Section 106 agreement.

Analysis

In support of this application, the applicants have now submitted a Financial Viability Report to seek to demonstrate that the scheme as granted planning permission is not viable in current market conditions, and cannot therefore be delivered in its permitted form with the level of affordable housing as originally secured. The submitted report concludes that the development would not achieve the required level of profit to enable the developer to bring the scheme forward with any affordable housing on site.

The Council have appointed an Independent Consultant to assess the applicant's viability report and undertake their own financial appraisal of the development in current market conditions. They have also concluded that it is not financially viable to provide any affordable housing on site, on the basis that the required level of profit would not be achieved to enable the development to be brought forward.

Contributions

The applicant agreed to contribute the full calculation of health and education contributions in order to mitigate the impact of the development upon these services by way of a legal agreement, this complied with Policy IMP1. This proposal to discharge the requirement for affordable housing does not affect these contributions or the sums involved which will still form part of the amended Section 106 Legal Agreement.

This proposal also does not affect the Mayoral CIL requirements and contributions that are still payable.

Conclusion

The submitted viability report and the Council's own commissioned report confirm that the proposal cannot support the provision of affordable housing as secured in the original planning permission and S106 agreement. Consequently, it is recommended to approve the discharge of the affordable housing requirement and the Section 106 Legal Agreement will need to be amended accordingly. In accordance with the Government guidance in respect of the Section 106 BA procedure, it is recommended that the modification to the affordable housing obligation be time-limited for 3 years, so that the original affordable housing obligation will apply in the event that the development is not completed within this period.

Background papers referred to during the production of this report comprise all correspondence on file ref: 15/04641/FULL4, excluding exempt information.

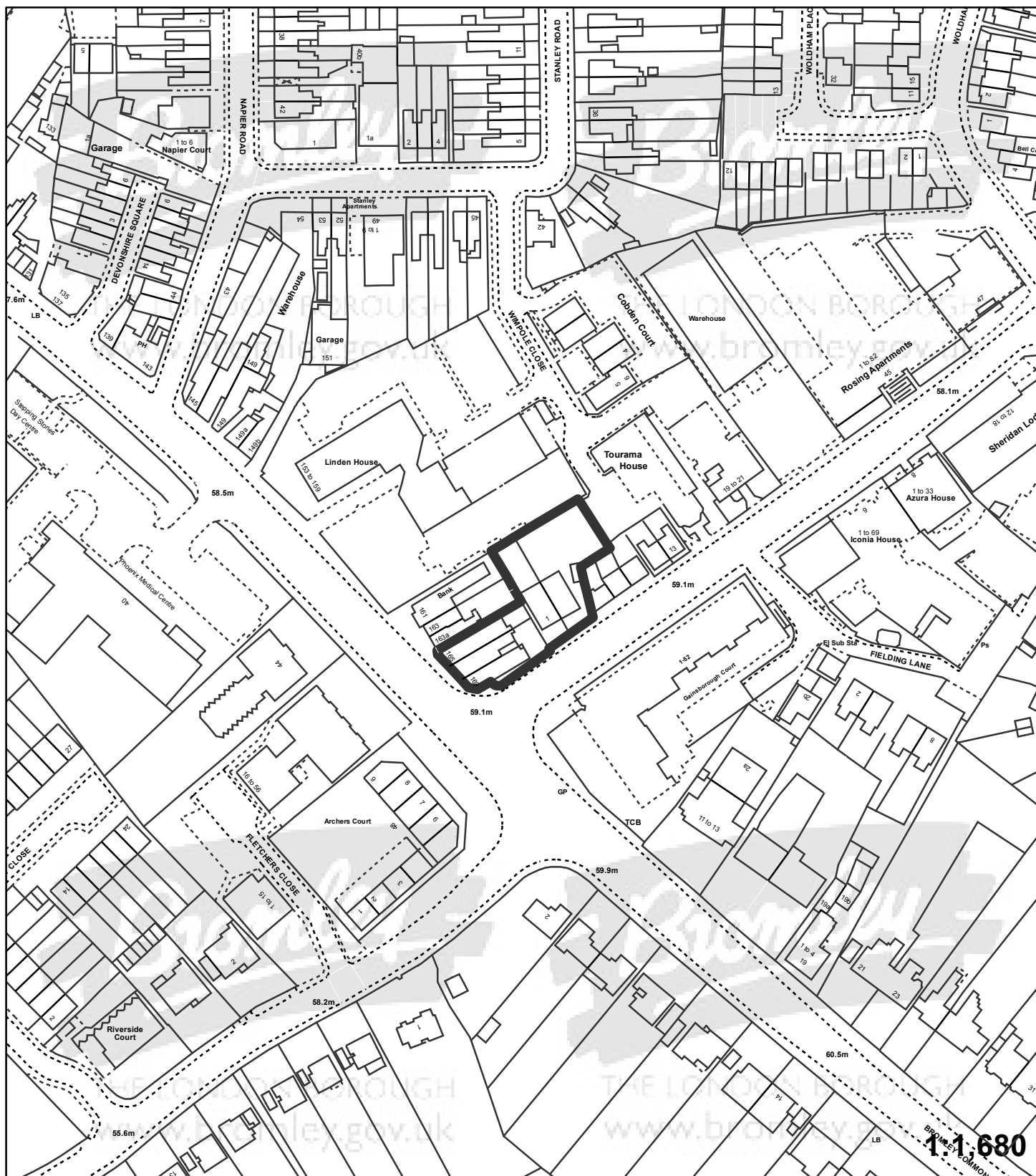
RECOMMENDATION: APPROVAL (DISCHARGE) SUBJECT TO VARIATION OF A SECTION 106 LEGAL AGREEMENT

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Application:15/04641/FULL4

Address: 165 Masons Hill Bromley BR2 9HW

Proposal: Section 106 B A application to remove the requirement for affordable housing in the S106 agreement in respect of 14/04199/FULL1



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SECTION '2' – Applications meriting special consideration

Application No : 15/04697/FULL6

Ward:

Hayes And Coney Hall

Address : 12 Dukes Way West Wickham BR4 9AU

OS Grid Ref: E: 539356 N: 165478

Applicant : Mr Weir

Objections : YES

Description of Development:

Two storey side extension.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 51

Proposal

The site is a two storey semi-detached dwelling located to the end of the cul-de-sac and to the north side of Dukes Way. This application proposes a two storey side extension which due to the configuration of the site boundary proposes an angled flank wall to the eastern elevation.

The applicant has advised that flood mitigation measures include for the floors to be level with existing floor levels and above the surrounding ground level.

Consultations

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- o Query over accessibility of plans
- o Concerns over existing outside lighting and potential of any proposed to cause disturbance
- o Large extension - Overpowering impact
- o Reduced sunlight to back garden
- o Not opposed in principle but concerned with the size of this proposal
- o Concerns that extensions in Dukes Way on average are 12 - 14 foot wide max. This is a very wide extension more like another house
- o Concerns are raised by Coney Hall Village Residents Association include impact on privacy and outlook, visual impact, impact on general open character of the area, loss of side garden is harmful to the setting of the building

A supporting document has been received from the applicants which advises that the influence for the proposed siting and design was to maximise the best garden space for family use given the irregular plot shape; a 'normal' side extension would result in an area to the side of the house which would effectively become unused. It highlights the number of large two storey side extensions in the vicinity and the footprint of the proposed development (about 35square metres) is not incomparable to those existing.

It states that the proposed extension will retain existing garden and mature fruit trees as the proposed foot print will span an existing concrete slab to the side of the house and the existing concrete bases of the existing garage and shed base beside and therefore seeks to retain useable garden space.

No objections are raised by Thames Water in respect of Waste and Water; informatives are suggested.

Drainage comments note that the site is within the area in which the Environment Agency - Thames Region - require restrictions on the rate of discharge of surface water from new developments into the River Ravensbourne or its tributaries.

Given parking will be available within the curtilage of the site no Highway objection is raised to the loss of the garage.

Planning Considerations

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

BE1 Design of New Development
H8 Residential Extensions
H9 Sidespace

London Plan Policy 7.4

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

Consultation responses raised concern in respect of visual impact, impact on general open character of the area and that the loss of the side garden is harmful to the setting of the building. The front wall of the proposed extension will double the frontage of the original house and increase towards the rear. The design proposes a lower roof line to the main ridge and will help point to a degree of subservience to the host dwelling.

With regard the impact on the street scene and the character of the area given the set back and siting of No 12 the site does not have undue prominence within the overall street scene. The side space to No 12 does provide an openness to the street scene, with views through to the rear of houses in Lennard Avenue. It is

noted that there are a number of large two storey extensions in the vicinity which sit flush with the main building line and continue the original ridge height. Dukes Way is a very pleasant residential environment but it should be noted that it does not fall within any particular designation (Conservation Area/Area of Special Residential Character). On balance, given that a minimum 1.2m sidespace is proposed, the context of the street scene, the siting of the extension, the subservient roof design and the prominence of existing two storey extensions within the street scene, it may be considered that these factors combined may support the extent of development in this particular instance in that it would not result in a detrimental impact on the overall street scene.

In respect of impacts on the amenities of the occupants of surrounding residential properties, neighbour concerns are noted including concern in respect of overpowering/visual impact and loss of sunlight. Due to the proposed siting the greatest of impacts is likely to fall to the amenity of occupants of No 10. Due to the cul-de-sac layout the siting of the original houses results in the footprint of No 10 further forward than that of No12 and the rear garden of the application site facing in a northerly direction and that to the adjacent property at No 10 in a north north-easterly direction. The proposed development is set a minimum 1.2m from the boundary with No 10. Approximately 2.9m of the angled flank will run parallel with the boundary of No 10 and then angle for 3.2m to the rear wall. This angles away from the boundary and the separation will increase from c 1.2m to 3.4m. The proposed roof design is hipped and is subservient to the main ridge, set lower by c 1m.

This is a large extension which will likely have some impact on neighbouring amenity and therefore careful consideration is to be given as to the extent and significance of this impact and whether it will be so overbearing as to warrant a planning ground of refusal. The houses in Dukes Way back on to the rear gardens of houses in Lennard Avenue; due to this and the angle of No 12, there is an open aspect to the rear garden of No 10. From front to back the overall depth of the proposed extension will be 5.7m. Due to the angle of the proposed siting, the increasing separation to the rear of the proposal, the hip roof design and subservient roof height and the orientation and overall relationship to the adjacent property at No 10 it may be considered, on balance, that the impacts of the proposal will not be so significant as to warrant a planning ground of refusal in respect of impact on neighbouring amenity.

This is a finely balanced case but having regard to the matters discussed above Members may find that, on balance, the proposed development is acceptable in that it would not cause such significant harm to the character of the area and to the amenities of the occupants of surrounding residential properties as to warrant a planning refusal.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.

Reason: Section 91, Town and Country Planning Act 1990.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

Reason:In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

3 Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

To ensure satisfactory means of surface water drainage

4 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason:In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

5 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

Application: 15/04697/FULL6

Address: 12 Dukes Way West Wickham BR4 9AU

Proposal: Two storey side extension.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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SECTION '2' – Applications meriting special consideration

Application No : 15/04872/FULL1

Ward:
Plaistow And Sundridge

Address : Workshop Rear Of 38 Palace Road
Bromley BR1 3JT

OS Grid Ref: E: 540602 N: 169742

Applicant : Mr P Griffin

Objections : YES

Description of Development:

Demolition of existing garages/workshops and construction of a single storey 2 bedroom dwelling with associated car parking.

Key designations:

Biggin Hill Safeguarding Area
Bromley Town Centre Area Buffer 200m
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 10

Proposal

Planning permission is sought for the demolition of existing garages/workshop and construction of a single storey 2 bedroom dwelling with associated car parking.

The maximum height of the building will be 3m with a green roof. 2 parking spaces are provided for the new dwelling and one space for No.38 Palace Road.

Location

The subject site is occupied by an existing workshop and garage. The workshop has not been in use for a number of years. An accessway to the site runs between No.38 and 39 Palace Road.

The site is not located within a Conservation Area.

Consultations

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- o Unacceptable in the way it presumes the removal of a cherry tree in neighbouring garden. At less than 1.3m away from the proposed building

- and given the root architecture of the Wild Cherry it is likely that substantial part of the system extends into the area proposed for excavation.
- o Elevational drawing is misleading in relation to neighbouring tree
 - o Existing structures are not legal. Structures were erected in the 1970s without planning permission. (It should be noted that building/uses on land for more than 10 years may become lawful)
 - o Proposed development is at odds with the nature of the space behind the existing houses in Palace Road, gardens enjoyed younger families and older long terms residents
 - o The proposed dwelling would be building a property in peoples back garden. This is not a good utilisation of space.
 - o No means of additional space for refuse or cycle storage.
 - o Garages are currently used by their neighbours and concern over parking spaces.
 - o Concern about construction
 - o Existing problems with drainage and an additional property would be detrimental to the existing drainage system
 - o If asbestos is present would like detailed information on how it will be removed.

Highways - No objections subject to conditions, however the position of the refuse store is some distance from the highway and Council's refuse department should be consulted.

Drainage - No objection subject to SUDS condition

Tree officer - There are no significant trees within the site address or within neighbouring land that would warrant the making of a Tree Preservation Order (TPO). Trees located close to the boundary are equally of limited value. The tree survey has categorised the false acacia as C, which I do not contest. The cherry tree located close to the rear boundary would not form a development constraint. As arboricultural input has been provided in support of the application, I would recommend a condition to comply with the report.

Environmental Health - no objection subject to conditions

Refuse: No objection

Planning Considerations

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

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- T3 Parking

T7 Cyclists

London Plan (July 2015)

Policy 3.3 Increasing Housing Supply.
Policy 3.4 Optimising Housing Potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater Infrastructure
Policy 5.15 Water use and supplies
Policy 5.16 Waste self-sufficiency
Policy 5.17 Waste capacity
Policy 5.18 Construction, excavation and demolition waste
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

Housing: Supplementary Planning Guidance. (November 2012)

Relevant planning history

A previous application for the construction of 2 x two bedroom dwelling house, parking, refuse storage and cycle storage was withdrawn in 2015.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

Principle of Development

Housing is a priority use for all London Boroughs and the Development Plan welcomes the provision of small scale infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

The document also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

Policy 3.4 Optimising housing potential of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.

Policy H7 of the UDP sets out criteria to assess whether new housing developments are appropriate subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, community safety and refuse arrangements.

The site is surrounded by residential properties. Council will consider residential infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed. Therefore a residential unit on the land is acceptable in principle subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements.

Design, Siting and Layout.

Policy 3.4 of the London Plan 2011 specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range.

Policy BE1 states that development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

The proposed new dwelling will be single storey at a maximum height of 3m. The proposed footprint of the new dwelling is considered to be comparable to the footprint of the existing garage and workshop on site but in a different layout and form. Whilst it is accepted that the surrounding properties do have the benefit from longer gardens, and this proposal will be an infill development, the subject site is not part of an existing garden. The site is already a hardstanding with built form and therefore the introduction of a single dwelling is not considered to be out of character. When viewed from the access entrance on Palace Road, the dwelling will not be overly visible given its setback of 4.2m from the northern boundary. Furthermore, landscaping is provided to the northern and eastern boundaries which would improve the character and appearance of the current site.

Standard of Residential Accommodation

Policy 3.5 of the London Plan (2011) Quality and Design of Housing Developments states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.

Policy BE1 in the Adopted UDP states that the development should respect the amenity of occupiers of future occupants.

The proposed dwelling will be 82m² which exceeds the minimum standard for a two bedroom unit set out in the London Plan. All rooms will receive a good level of outlook and daylight/sunlight. Two amenity space areas are provided, a total of 60m² which is considered more than adequate for this unit.

Impact upon adjoining properties

Given the single storey nature of the building, the proposal is not considered to have undue adverse impacts upon the neighbouring properties in terms of loss of outlook, daylight or privacy. Neighbours have raised concerns regarding construction issues. Whilst this is not a planning issue, a construction management plan condition can be attached to any permission.

Access, parking and refuse

Following a site visit, it was apparent that there were a number of vehicles parked within the site. The applicants agent has confirmed that the application site is under a separate title and has a separate postal address to No.38 Palace Road. The existing parking spaces are available to the workshop which has not been used as a workshop for a number of years. It is understood that the current tenant of No.38

has no right to park on the site, however the owner does not object to this use. In any case, ownership of the land is not a planning consideration and is a civil matter between the parties. Notwithstanding the above, the application provides 2 spaces for the new unit and one space for 38 Palace road which is acceptable to Council's highways officers and the spaces can be successfully manoeuvred into and out of.

A refuse area is shown within the site adjacent to the northern boundary. The applicant has indicated that on bin collection day, the bins will be brought out onto the footpath adjacent to the front wall of No.38 Palace Road.

Sustainability and Energy

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

The applicant has submitted a number of criteria to achieve a sustainable development listed in the Design and Access Statement which outlines that it will be possible for the development to meet these objectives.

Trees

Whilst representations received disagree with the findings and recommendations of the arboricultural report as stated above, Council's tree officer was consulted and states that there are no significant trees within the site address or within neighbouring land that would warrant the making of a Tree Preservation Order (TPO). Trees located close to the boundary are equally of limited value. The tree survey has categorised the false acacia as C, which is not contested. The cherry tree located close to the rear boundary would not form a development constraint.

Summary

Having regard to the existing built form on site and the single storey nature of the proposed dwelling, Members may consider that, on balance, the scheme may not cause such harm to the character of the area as to warrant a planning refusal. Furthermore, Members are asked to consider that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.

Reason: Section 91, Town and Country Planning Act 1990.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

3 Details of all external materials, including roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details.

Reason: In order to comply with Policy BE1 of the Unitary Development plan and in the interest of the appearance of the development and the visual amenities of the area

4 Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development

5 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be

carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason:In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 6** While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

Reason:In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

- 7** Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

Reason:In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 8** Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The approved scheme shall be self-certified to accord with BS 5489 - 1:2003 and be implemented before the development is first occupied and the lighting shall be permanently retained thereafter.

Reason:In order to comply with Policy T3 and Appendix II of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

- 9** Whilst the development hereby permitted is being carried out, provision shall be made to accommodate operatives and construction vehicles off-loading, parking and turning within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and such provision shall remain available for such uses to the satisfaction of the Local Planning Authority throughout the course of development.

Reason:In the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policy T18 of the Unitary Development Plan.

- 10** Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 11** Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 12** The development permitted by this planning permission shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development has been submitted to, and approved by, the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates to Greenfield rates in line with the Preferred Standard of the Mayor's London Plan.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties.

- 13** The development shall be implemented in accordance with the arboricultural method statement submitted and approved as part of the planning application and under the supervision of a retained arboricultural specialist in order to ensure that the phasing of the development accords with the stages detailed in the method

statement and that the correct materials and techniques are employed.

Reason: To maintain the visual amenity of the area. (Policy NE7 of the Bromley Unitary Development Plan (adopted July 2006).

14 No part of the development hereby permitted shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to and approved in writing by the Local Planning Authority.

a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval in writing. The desk study shall detail the history of the sites uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved in writing by the Local Planning Authority prior to investigations commencing on site.

b) The site investigation, including relevant soil, soil gas, surface water and groundwater sampling shall be approved in writing by the Local Planning Authority.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors, a proposed remediation strategy and a quality assurance scheme regarding implementation of remedial works, and no remediation works shall commence on site prior to approval of these matters in writing by the Authority. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment.

d) The approved remediation works shall be carried out in full on site in accordance with the approved quality assurance scheme to demonstrate compliance with the proposed methodology and best practise guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.

e) Upon completion of the works, a closure report shall be submitted to and approved in writing by the Authority. The closure report shall include details of the remediation works carried out, (including of waste materials removed from the site), the quality assurance certificates and details of post-remediation sampling.

f) The contaminated land assessment, site investigation (including report), remediation works and closure report shall all be

carried out by contractor(s) approved in writing by the Local Planning Authority.

Reason: In order to comply with Policy ER7 of the Unitary Development Plan and to prevent harm to human health and pollution of the environment.

15 The application site is located within an Air Quality Management Area declared for 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

To minimise the effect of the development on local air quality within an Air Quality Management Area in line with NPPF p124 and Policy 7.14 of the London Plan

16 The flat roof area of the dwelling shall not be used as a balcony or sitting out area and there shall be no access to the roof area.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties

You are further informed that :

1 You should seek engineering advice from the Environmental Services Department at the Civic Centre regarding any of the following matters:-

- the agreement under S.38 of the Highways Act 1980 concerning the estate road (Highways Planning Section)
- the alignment and levels of the highway improvement line (Highways Planning Section)
- general drainage matters (020 8313 4547, John Peck)
- the provision of on-site surface water storage facilities (020 8313 4547, John Peck)
- the provision for on-site storage and collection of refuse (020 8313 4557 or e-mail csc@bromley.gov.uk)

2 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 2008 which is available on the Bromley web site.

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Application: 15/04872/FULL1

Address: Workshop Rear Of 38 Palace Road Bromley BR1 3JT

Proposal: Demolition of existing garages/workshops and construction of a single storey 2 bedroom dwelling with associated car parking.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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SECTION '2' – Applications meriting special consideration

Application No : 15/05324/FULL1

Ward:
Plaistow And Sundridge

Address : 87 Oak Tree Gardens Bromley BR1 5BE

OS Grid Ref: E: 540986 N: 171589

Applicant : PJ Supplies Construction

Objections : YES

Description of Development:

Demolition of 89 and 91 Oak Tree Gardens and erection of 7 two storey four bedroom dwellings with accommodation in roof space on land to the rear comprising of 3 terraced dwellings and 2 pairs of semi-detached dwellings, single garage for No. 87, associated access, parking, landscaping, cycle and refuse storage

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Sites of Interest for Nat. Conservation
Smoke Control SCA 7

Proposal

It is proposed to demolish 2 dwellings in order to provide access to the rear to a formed backland development site comprising the entire sites of Nos. 89 and 91 and parts of the severed rear gardens of the adjacent pairs of semi-detached houses at 87 and 93 Oak Tree Gardens.

It is proposed that one terrace of 3 dwellings and 2 pairs of semi-detached dwellings be erected on the site. One pair of semi-detached dwellings (houses 6 and 7) would be erected to the rear of No. 87, at a right angle to that frontage dwelling, with their rear gardens being broadly formed from the severed portion of No. 87's rear garden. The rear elevation of this semi-detached pair of dwellings would broadly align with a proposed detached garage which would be positioned adjacent to No. 87 and allocated for use by the occupiers of that dwelling.

The front elevation of this semi-detached pair would face into the site, across part of the on-site parking area and front gardens, towards the front elevations of houses 1, 2 and 3, the terraced group of dwellings. A minimum of 3.2m would be retained to the flank boundary of the site with the retained rear garden of No. 87, with a space of 2.7m retained to the rear (western) boundary of the site. Houses 6 and 7 would each have a rear garden measuring approx. 10.9m deep, with the rear garden boundary adjoining the rearmost 19.2m long portion of the garden at No. 85 Oak Tree Gardens. A retaining wall would be constructed at the back of the gardens, with the flat section of garden at the immediate rear of the dwellings being

a minimum of approx. 8.2m. To the front of the pair of dwellings a total of 4 car parking spaces are shown to be provided, set between areas of soft landscaping.

The terrace of 3 dwellings would be sited 2.8m from the rear (western) boundary of the site. 5 car parking spaces are shown to be provided in front of the terrace with soft landscaping front garden areas on either side of the hardstanding and pathways. The terraced dwellings would have gardens approx. 10.8m deep, with a retaining wall constructed at the rear of the gardens.

To the east of the terraced group of dwellings, a further pair of semi-detached dwellings is proposed (houses 4 and 5). A separation of 2m would be provided between the eastern flank wall of the terrace and the western flank wall of house 4. This pair of dwellings would be sited a minimum of 2.6m from the eastern boundary of the site with the rear garden of No. 95. A rear garden of approx. 11.1m deep would be provided to each dwelling. A total of 4 car parking spaces would be provided in front of the semi-detached pair of dwellings, with modest front gardens between the parking bays and the front elevation of the dwellings.

A turning head is shown to be provided between a car parking area towards the main vehicular access into the site and the flank boundary of house 6.

Location

Oak Tree Gardens is part of the Links Estate, a large suburban residential area dating from the 1930s which is characterised by two storey dwellings that are in the main provided in semi-detached pairs or in short terraces set in long, narrow plots.

To the west of Oak Tree Gardens lies a railway line set above the gardens on a tree-covered railway embankment. The common features which characterise the development in the locality are considered to be the two storey bay windows, hipped roofs and part tile hung/rendered front elevations.

The site is located at the point where Oak Tree Gardens turns a sharp corner into Portland Road. The site comprises the plots of nos. 89 and 91 in their entirety and part of the rear gardens of Nos. 87 and 93. These gardens fan out behind the existing properties and are significantly larger than those associated with other dwellings in the area. There is a change in levels across the site, with the section at the rear of the site and particularly the area at the rear of No. 87 being set at a higher ground level than that at the front.

Consultations

Local representations

Nearby owners and/or occupiers were notified of the application and the representations received in response can be summarised as follows:

- The proposal will reduce the harmony and character of the existing neighbourhood

- Increased concerns that rainwater run-off will flood existing houses and gardens in the near vicinity of the site
- Increased potential for road traffic incidents at the corner of Oak Tree Gardens and Portland Road
- The reasons for refusal of the previous application remain valid
- Increased pressure on services, amenities and sewage
- Too many houses proposed - the development would be cramped
- Loss of privacy to No. 85
- More parking should be provided
- Difficult for emergency vehicles to negotiate
- Proximity to the railway embankment
- Will make the roadway at the rear of the site incapable of use
- The Environment Agency wrongly state it is not a flood prone area, as the park nearby was flooded in the winter of 2014
- The properties are actually 2.5 - 3 storey dwellings and would stand out over and above existing dwellings in the locality
- The mature trees on the site have been cut down, spoiling the woodland feature and exposing gardens to the railway line. The proposal will have a further impact on outlook
- Other residents have had permission refused for 2 storey extensions

Technical Comments

Highways

The previous application was dismissed at appeal but not on highways grounds, with the Inspector commenting that adequate parking was proposed and that increased traffic was unlikely to result in any significant harm to conditions of safety or the free flow of traffic.

There are no objections raised to the proposal from a technical Highways perspective, and the provision of 18 spaces for 7 units is considered acceptable in the light of the PTAL score for the site. The on-site turning for service/refuse vehicles is considered adequate.

Conditions are suggested should permission be granted.

Environmental Health

Comments are on file and refer to the provisions of the Housing Act 2004, Part 1 - Housing Health and Safety Rating System.

Drainage

The submitted drainage plan regarding the discharge of foul water into the public foul sewer and surface water run-off into soakaways is considered acceptable. A soakage test should be carried out in accordance with BRE 365.

Environment Agency

Under the previous application the Environment Agency were consulted with, and responded that that application has been assessed as having a low environmental risk and therefore there were no comments.

This current application proposes 7 rather than 8 dwellings and is not therefore considered to have a higher environmental risk than the previous application.

Network Rail

Under the previous application, Network Rail recommended that prior to the commencement of development the developer should contact the Asset Protection Kent team and signs up to an Asset Protection Agreement to enable Network Rail to review the development's design and construction.

Further information and guidance has been provided regarding the relationship between development and the railway infrastructure and including advice regarding railway noise and development. The potential for any noise/vibration impact must be assessed in the context of the NPPF.

Planning Considerations

Unitary Development Plan

BE1 Design of New Development

H1 Housing Supply

H7 Housing Density and Design

H8 Residential Extensions

H9 Side Space

NE7 Development and Trees

T3 Parking

T7 Cyclists

T8 Other Road users

T18 Road Safety

SPG1 General Design Principles

SPG2 Residential Design Guidance

London Plan

3.4 Optimising Housing Potential

3.5 Quality and Design of Housing Developments

5.3 Sustainable Design and Construction

5.13 Sustainable Drainage

6.9 Cycling

6.13 Parking

7.2 An Inclusive Environment

7.3 Designing out crime

7.4 Local Character

7.6 Architecture

Mayor of London's Housing Supplementary Planning Guidance

National Planning Policy Framework

The National Planning Policy Framework is a material consideration in the determination of the application, including (but not limited to) the following:

Para. 56 of the NPPF refers to the need for good design, and the indivisibility of good design from good planning.

Para. 53 relates to garden land, stating that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Section 6 of the NPPF relates to the need to deliver a wide choice of high quality homes.

Planning History

Under reference 14/04443 an appeal was submitted on the grounds that the Council had failed to determine the application within the specified time-scale. Following the submission of the appeal, the application was reported to the Plans Sub-Committee to seek grounds to contest the appeal, if Members were so minded.

The grounds to contest the appeal were:

1. The proposal by reason of its layout, bulk and siting in relation to neighbouring residential dwellings constitutes an unsatisfactory and cramped form of backland development, seriously detrimental to the residential amenities which the occupiers of neighbouring properties might reasonably expect to continue to enjoy, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan, Policies 3.5 and 7.4 of the London Plan and the National Planning Policy Framework.
2. The proposal, by reason of its bulk, layout and siting, would constitute an unsatisfactory form of backland development, out of character with the pattern of development, quality and distinctiveness of the surrounding area, thereby detrimental to the visual amenities of the area and contrary to Policies BE1 and H7 of the Unitary Development Plan, Policies 3.5 and 7.4 of the London Plan and the National Planning Policy Framework.

The application 14/04443 proposed the demolition of Nos. 89 and 91 Oak Tree Gardens in order to provide access to the rear to a former backland development site upon which 2 terraces of 3 dwellings and 1 pair of semi-detached dwellings would be built. A total of 8 dwellings were proposed to be provided.

2.89m space was proposed to be retained to the western boundary from the terrace comprising houses 1-3. The gardens of these dwellings incorporated a retaining wall approx. 3.25m from the rear elevation of the terrace.

The terrace comprising dwellings 6-8 was shown to be sited approx. 2.57m from the western boundary of the site, with 1m space retained between the eastern elevation of the terrace to the boundary with the severed rear garden of No. 87 Oak Tree Gardens. The change in site levels was proposed to be addressed by providing a terrace with a retaining wall within the rear gardens.

The dwellings were proposed to be approx. 8.75m high and 5.75m high to the eaves level, with the roof having a crown pitch form. Rear dormers were proposed within the rear roof slopes.

The appeal against the non-determination of the application was dismissed. In considering the impact of the proposal the Inspector identified the main issues as comprising:

- Character and appearance
- Living conditions

In response to the concerns raised regarding other matters by local residents, including parking, additional traffic movements and flooding, the Inspector considered that there was insufficient evidence before her to enable the assessment of the flooding concerns. It was noted that the Environment Agency did not raise any objection to the scheme, while the concerns raised by residents regarding the impact of heavy rain on the area were acknowledged.

With regards to parking, the Inspector considered that while car ownership in the locality appeared to be high at the time of the site visit, the area is not part of a residential parking scheme and the highway authority did not raise any objection to the scheme. The Inspector was satisfied that the additional demand for parking could be accommodated on the site and that the additional traffic movements would not be detrimental to highway safety.

The Inspector considered that a significant tract of under-used land is trapped behind the existing development and that the demolition of the pair of semis and creation of a cul-de-sac would not be fundamentally out of character with the layout of the estate as a whole.

The key consideration in the assessment of the impact of the proposal on the character and appearance of the area and the principle of the backland development was identified as the ability of the site to accommodate a development of the scale and quantity proposed whilst being sensitive to the surrounding area.

The layout of the site and the density of the development were considered to be not incompatible with the character of the surrounding area, although it was noted that the space available for soft landscaping would be more limited.

In assessing the impact of the proposal on the character and appearance of the area, the Inspector expressed concern that the steeply pitched roofs with significant area of flat roof with box-style dormer windows would result in dwellings that would be deeper and taller than those in the vicinity of the site.

The size of the plots for the proposed dwellings was considered to be materially smaller than those of surrounding development, with the Inspector finding that the division of the gardens into two sections by the retaining wall required to address the difference in levels across the site would have given rise to the gardens appearing cramped and rather too small in relation to the footprint of the buildings they would serve.

The Inspector considered that the key points against the proposal in terms of impact on character and appearance were the size and bulk of the dwellings relative to their respective plots. The existing buildings in Oak Tree Gardens were assessed as having a depth of approx. 9m including the front bay windows, and the proposed dwellings were noted to have a depth of approx. 11m. The crown style roofs were considered to be alien to the locality and the inclusion of rear dormers was considered unacceptable since dormers were not a feature of the original design of the surrounding houses, with their inclusion adding bulk to the roofs of the proposed dwellings.

The area available for landscaping was considered to be restricted and the Inspector concluded that the proposal would be harmful to the character and appearance of the area.

With regards to the impact of the proposal on the residential amenities of neighbouring residents, the Inspector considered that while the proximity of the flank wall of the proposed dwelling on plot 6 to the revised rear boundary of No. 87 would have an impact on outlook, this would not be materially harmful to their living conditions.

The Inspector noted that in view of the proximity of the side boundary of No. 87 to car parking spaces, it would be possible if the development was acceptable in all other respects to impose a condition securing the installation of an acoustic fence.

The Inspector noted that while some overlooking of gardens is a common feature in a suburban location, the provision of 6 first floor rear facing windows in addition to 4 dormer windows facing the rear garden of No. 85 would amount to an unacceptable loss of privacy for the occupants, making the rear part of the garden of No. 85.

Conclusions

In assessing the merits of the proposal the main issues are considered to be the impact of the proposal on the residential amenities of the occupiers of neighbouring residential dwellings and the impact of the development on the character and appearance of the area.

The appeal decision in respect of the previous proposal is a material consideration in the determination of the application, and it is necessary to consider whether the development that is currently proposed would overcome the concerns expressed by the Inspector in the appeal decision.

Members will note that the Inspector raised no objection in principle to the development of the rear garden land, subject to the provision of a satisfactory development that would complement the character of the area, describing the site as an under-used tract of land.

The primary concerns expressed in dismissing the appeal related to:

- the dwellings appearing cramped in the context of the depth and layout of their gardens
- the depth of the dwellings, their bulk at roof level and the provision of dormers resulted in the development appearing over bulky and cramped on the site
- the area for landscaping would be restricted and the space retained around the buildings would be too small
- the dwellings at plots 6-8 included a total of 6 first floor windows and 4 dormer windows looking towards the rear garden of No. 85, resulting in a loss of privacy.

A comparison between the previously dismissed and currently proposed schemes may be helpful in assessing the extent to which the current proposal addresses the grounds for dismissing the appeal.

The applicant has amended the scheme by reducing the number of units from 8 to 7, with the development now comprising 2 pairs of semi-detached dwellings and one terrace of three dwellings.

The provision of a pair of semi-detached dwellings providing houses 6 and 7 rather than the terrace providing houses 6, 7 and 8 which was previously proposed has the effect of allowing the development to provide a more substantial space between the flank elevation of the building and the formed rear boundary of No. 87. The rear elevation of this building has been set back, with a commensurate modest increase in the depth of the rear gardens which are also improved by the relocation of the required retaining wall to the rear rather than punctuating the gardens.

The maximum depth of the proposed dwellings has been reduced by approx. 0.6m and the rear dormers previously proposed have been deleted from the scheme entirely, replaced by front and rear roof lights. The front roof lights would face into the site and these are shown to be large cabriovelux windows which have a function when open that is similar to dormer windows. They would look into the site however, and when closed would have a more streamlined appearance with a limited visual impact or addition to roof level bulk.

The rear roof lights have been amended to show that they would be set 1.7m above floor level. With regards to the building to the rear of No. 87, the depth of the

crown roof relating to has been reduced by 1.5m, with the width of the building reduced from 13m to 9m.

Opposite, the terrace and pair of semi-detached dwellings has been similarly reduced in depth, with the retaining walls relocated to provide a more substantial flat garden area at the rear. The rear dormers have been deleted, and the extent and scale of the crown roof has been similarly reduced although the maximum height is commensurate with that of the dismissed scheme.

It is considered that the reduction in the amount of fenestration facing towards No. 85, including the deletion of the rear dormers, reduces the impact that the proposal would have on the sense of seclusion and privacy in the rearmost part of that garden. The eastern flank wall of the semi-detached pair has been set further into the site, reducing the field of vision from the first floor windows, and the rear elevation has a slightly increased separation to the rear boundary. It is considered that these amendments are sufficient to overcome the concerns expressed regarding the seclusion at the rear of the garden at No. 85.

With regards to the extent to which the current proposal provides development that is sensitive to the surrounding area and appropriate in the context of the site, while the alterations when viewed individually are reasonably modest, the cumulative impact of the reduction in the bulk of the roof accommodation, the depth of the buildings and the improvement to the layout of the gardens would, on balance, result in the development sitting more comfortably within the site and being more sympathetic to its surroundings.

The gardens remain relatively short in comparison with those of neighbouring dwellings, and the built form of the development retains a flat-roof crown ridge at the same maximum height, although the bulk at roof level has been reduced. In general, the development provides an increased space about the buildings to afford a satisfactory setting. The modest reduction in the footprint of the dwellings results in a commensurate increase in the actual space around the buildings, and the relocation of the retaining walls increases the perception of the garden depth and size.

While the proposal would provide a form of backland development, in the context of the Inspector's reasoning, this backland development is not in principle unacceptable and while finely balanced, the proposal provides a residential development that would not, on balance, have a significant or seriously detrimental impact on the character and appearance of the area, or the amenities of the occupiers of neighbouring dwelling.

as amended by documents received on 12.01.2016

RECOMMENDATION: PERMISSION

Subject to the following conditions:

1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.

Reason: Section 91, Town and Country Planning Act 1990.

2 Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

3 Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties.

4 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

5 The development permitted by this planning permission shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface

water run-off rates to Greenfield rates in line with the Preferred Standard of the Mayor's London Plan.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties.

- 6 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.**

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 7 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.**

Reason: In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

- 8 Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 9 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning**

Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

Reason:In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

10 Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The approved scheme shall be self-certified to accord with BS 5489 - 1:2003 and be implemented before the development is first occupied and the lighting shall be permanently retained thereafter.

Reason:In order to comply with Policy T3 and Appendix II of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

11 Whilst the development hereby permitted is being carried out, provision shall be made to accommodate operatives and construction vehicles off-loading, parking and turning within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and such provision shall remain available for such uses to the satisfaction of the Local Planning Authority throughout the course of development.

Reason:In the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policy T18 of the Unitary Development Plan.

12 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

13 Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local

Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

Reason: To ensure a satisfactory means of surface water drainage and to accord with Policy ER13 of the Unitary Development Plan.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A, B or C of Part 1 of Schedule 2 of the 1995 Order (as amended) shall be erected or made within the curtilages of the dwellings hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: In order to prevent an overdevelopment of the site, in the interest of the visual and residential amenities of the area, and in accordance with Policies BE1 and H7 of the Unitary Development Plan.

15 Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

16 Before the development hereby permitted is first occupied the proposed window(s) in the eastern flank elevation of house no. 5 shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.

Reason: In the interest of the residential amenities of the occupiers of the neighbouring dwellings and to accord with Policy BE1 of the Unitary Development Plan.

17 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

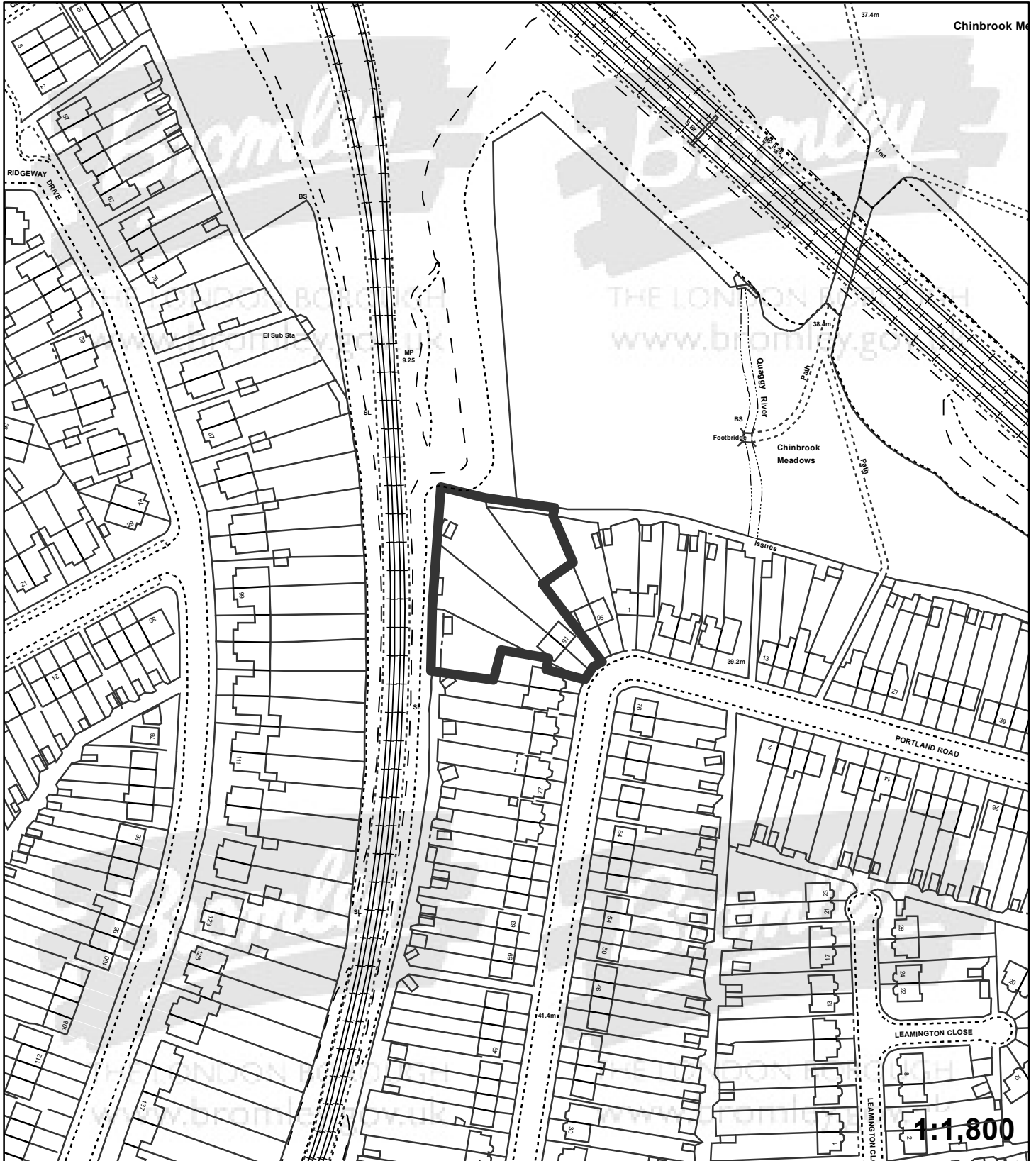
Reason: In the interest of the visual and residential amenities of the area and to accord with Policies BE1 and H7 of the Unitary Development Plan.

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Application:15/05324/FULL1

Address: 87 Oak Tree Gardens Bromley BR1 5BE

Proposal: Demolition of 89 and 91 Oak Tree Gardens and erection of 7 two storey four bedroom dwellings with accommodation in roof space on land to the rear comprising of 3 terraced dwellings and 2 pairs of semi-detached dwellings, single garage for No. 87, associated access, parking,



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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SECTION '2' – Applications meriting special consideration

Application No : 15/05538/TELCOM

Ward:
Hayes And Coney Hall

Address : Land At Junction With Birch Tree
Avenue Queensway West Wickham

OS Grid Ref: E: 539623 N: 164910

Applicant : Telefonica Uk Limited _ Vodafone
Limited

Objections : YES

Description of Development:

Installation of 10m telecommunications replica telegraph pole and associated works
(Consultation by CTIL and the Telefonics UK Ltd and Vodafone Ltd, regarding the need for prior approval of siting and appearance)

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 51

Proposal

This application comprises a consultation regarding the need for approval of siting and appearance of a proposed telecommunications installation.

The proposal is for the installation of a new 10m high Hutchinson Engineering T-Range Replicas Telegraph Pole on a new root foundation that will provide coverage for both Vodafone and O2. The associated equipment would involve the installation of 1 no. small scale cabinet and 1 no. slim line meter cabinet and ground floor level in close proximity to the base of the pole.

The applicant has provided an ICNIRP declaration which certifies that the site is designed to be in full compliance with the requirements of the International Commission on Non-Ionizing Radiation for public exposure.

Location

The proposed mast and cabinet would be sited on the south eastern side of the grassed verge within the island at the junction between Birch Tree Avenue and Queensway, West Wickham. The triangular grass verge has several mature trees situated on it along with several lamp posts.

The junction is surrounded by several roads including Queensway and Birch Wood Avenue. The surrounding area is predominantly residential in character.

Consultations

Local Residents

Nearby owners/occupiers were notified of the application and the proposal was advertised by way of a press advertisement and site notice.

A large number of representations have been received from local residents & Coney Hall Village Residents Association objecting to the proposal on the following grounds:-

- o Health implications of living so close to a mast
- o It would be an eyesore
- o Would be close to Wickham Common Primary School
- o The space marked for the erection of the mast is too small and could cause road accidents.
- o The green triangle at the junction is a pretty focal point
- o Removal of local amenity through ground floor footprint
- o The Stewart report states that masts should not be located close to schools
- o The introduction of equipment will damage the structure of the trees
- o A need has not been proven

Full copies of the objections made can be found on the file and any further representations received in response to these notifications will be reported verbally.

Comments from Consultees

No technical highways objections have been received.

No comments received at time of writing from Environmental Health.

Planning Considerations

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

BE1 Design of New Development

Of particular relevance to this application is BE1(ii) which states that "Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features."

BE22 Telecommunications Apparatus

This Policy states that in a development involving telecommunications installation, the developer will be required to demonstrate that there is a need for the

development. The equipment should meet the ICNIRP guidelines on the limitation of exposure to electro-magnetic field. The installation shall not adversely affect the character and appearance of the area nor the visual and residential amenities of neighbouring properties and the visual impact of the development should be minimised by the use of screening by trees or other landscaping.

The National Planning Policy Framework

Paragraph 14 of the National Planning Policy Framework states that "At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking."

Chapter 5 of the National Planning Policy Framework relates to "Supporting High Quality Communications Infrastructure. Paragraph 43 states that local planning authorities should support the expansion of electronic communications networks while aiming to keep the number of masts and sites for such installations to the minimum consistent with the efficient operation of the network. The need for a new site must be justified and where new sites are required the equipment associated with the development "should be sympathetically designed and camouflaged where appropriate."

It is emphasised that the planning system is not the appropriate arena for the determination of health safeguards so long as the installation would comply with International Commission guidelines for public exposure.

With regard to the importance of good design, the National Planning Policy Framework states at Paragraph 56 that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to make places better for people. Paragraph 60 states that it is proper to seek to promote or reinforce local distinctiveness.

London Plan 2015

Paragraphs 1.38 - 1.41 of the London Plan relate to the need to ensure the infrastructure to support growth within London, referring to the strategic importance of providing adequate infrastructure, including modern communications networks.

Chapter 4 of the London Plan includes the strategic objective in Policy 4.11 of "encouraging a connected economy." The policy itself states that the Mayor, GLA and all other strategic agencies should facilitate the delivery of an ICT network to ensure suitable and adequate network coverage across London which will include "well designed and located street-based apparatus."

Planning History

There is no planning history for the specific site. However, of relevance is a nearby application (ref: 15/01997/TELCOM) for the installation of a 12.5m Jupiter T-Range replica telegraph pole and associated works at land of Kingsway and Gates Green Road, West Wickham which was refused planning permission on 26th June 2015 for the following reasons:-

"Due to their height, design and siting within this prominent open area, the proposed mast and cabinets would appear obtrusive and prominent within the street scene and would be detrimental to the visual and residential amenities of the surrounding area, thereby contrary to Policy BE22 of the Unitary Development Plan and the National Planning Policy Framework".

Conclusions

The main issue in the determination of this application is the impact that the proposal would have on the character of the area and the visual amenities of the street scene.

The application site contributes significantly to the visual amenities of the area, softening the appearance of the road junction. The site is visually exposed and visible from a variety of directions. However, the verges cumulatively accommodate a variety of utility and road traffic installations and the proposed monopole would be viewed in the context of the existing installations and in relation to the street trees. As such, it is not considered that the proposed mast would appear alien or out of character with its surroundings, and its position and height would mirror the position of the existing lamp posts on the verge.

The equipment cabinet would be readily appreciable, but a condition could be imposed relating to the colour and finish of the cabinet to limit its visual impact.

The site lies approx. 20m from the nearest residential properties and the mast would be visible from these dwellings. It is considered that the design of the mast with its diameter and height being commensurate with the existing lamp posts, would limit the visual impact of the proposal when viewed from the neighbouring properties, taking into account its juxtaposition and the street lightings in proximity to the application site.

On balance, the proposed mast and equipment cabinet would not have a seriously detrimental impact on the visual and residential amenities of the area. The development of the electronic communication network and systems is supported by local and national planning policies and guidance and the London Plan, and the benefit of the proposed mast in terms of upgrading the local telecommunications infrastructure and providing the facility for 2 telecommunications operators to site share is considered to outweigh the limited impact of the proposal.

RECOMMENDATION: PRIOR APPROVAL REQUIRED AND GRANTED

- 1 Any telecommunications equipment hereby permitted which subsequently becomes redundant shall be removed from the site within a period of 2 months and the land shall be reinstated to its former condition.**

Reason: In order to comply with Policy BE22 and BE23 of the Unitary Development Plan and in the interest of the visual amenities of the area.

- 2 Before the operation of the development hereby approved the equipment cabinet shall be painted in a colour and finish to be submitted to and approved in writing by the Local Planning Authority. Thereafter the facility shall be retained in that colour and finish and kept free of graffiti.**

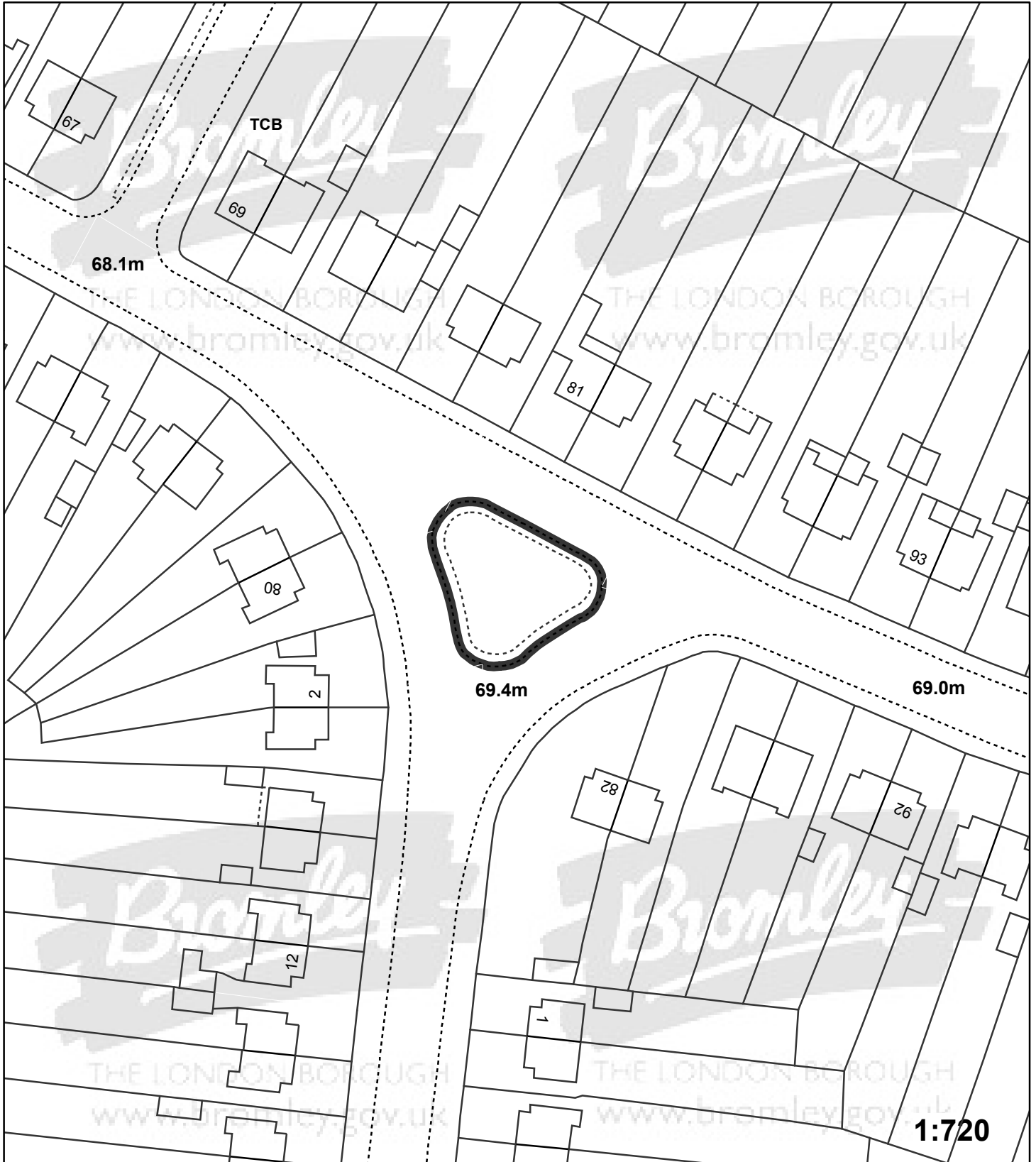
Reason: In order to comply with Policy BE22 of the Unitary Development Plan and in the interest of the visual amenities of the area.

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Application:15/05538/TELCOM

Address: Land At Junction With Birch Tree Avenue Queensway West Wickham

Proposal: Installation of 10m telecommunications replica telegraph pole and associated works
(Consultation by CTIL and the Telefonics UK Ltd and Vodafone Ltd, regarding the need for prior approval of siting and appearance)



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 15/03847/FULL1

Ward:
Copers Cope

Address : 1 Canterbury Close Beckenham BR3
5EP

OS Grid Ref: E: 537674 N: 169844

Applicant : Mr Dean D'Eye

Objections : YES

Description of Development:

Two storey side and single storey rear extensions.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Open Space Deficiency
Smoke Control SCA 12

Proposal

The determination of this application was deferred by Members of the Plans Sub Committee on 7th January 2016 in order to seek the removal of the second door and to address the potential for the self-containment of the accommodation. Members were concerned that the layout and door configuration would make it reasonably easy to sever the extension from the host dwelling to form a separate self-contained dwelling.

Revised plans have been received which incorporate the deletion of the existing front door which was shown to be retained to access the guest bedroom (the re-configured space lying within the footprint of the existing dwelling rather than in the extension). A new front-facing door is proposed to be provided in the existing front elevation.

In addition, the applicants have submitted a sunlight study.

The previous report is repeated (suitably amended) below:

It is proposed to erect a two storey side extension to the host dwelling. The two storey extension would abut the flank boundary of the site and would align with the main front and rear elevations of the existing dwelling. No windows are proposed to

the flank elevation of the extension. The side element of the extension would be 3m wide, and would replace the existing single storey garage.

At the rear, a single storey extension is proposed which would be 3.3m deep and which would have a flat roof 2.7m high. The single storey extension would abut the flank boundary with the adjoining property and would continue the extended flank elevation.

As originally submitted, the application incorporated an externally sited flue and a roof terrace over part of the single storey rear extension. These elements have been deleted from the scheme.

Location

Canterbury Close is a residential cul-de-sac accessed from The Avenue. The street is characterised by flat-roofed two storey terraced houses arranged to the north and south of the cul-de-sac. The application site comprises the easternmost end-of-terrace dwelling. Adjacent to the host dwelling is an open grassed area. The existing dwelling incorporates a single storey garage between the main two storey bulk of the dwelling and the boundary with the open grassed area. The soft landscaping of the open area extends along the eastern side of the cul-de-sac access from The Avenue, and these open and soft landscaped spaces contribute to the character and appearance of the street scene by softening the appearance of the residential cul-de-sac.

Consultations

Local residents

Neighbouring owners/occupiers were notified of the application and the representations received in response can be summarised:

- loss of privacy as a result of overlooking from the terrace, to neighbouring residential gardens and the public green
- there are gaps running around the privacy screen and the height is insufficient
- the opaque side panel could be removed without permission allowing the whole of the roof of the extension to be used as a terrace
- no other dwellings in the street have been extended in this manner
- overdevelopment of the site, out of character with the width of the existing dwellings in the cul-de-sac
- lack of side space to the open space
- the internal layout resembles a student hostel, while the street comprises only family dwellings
- creation of a multi-occupancy dwelling
- restrictive covenants
- lack of detail on the plans of foul drainage, guttering and roof drainage
- the proposal would resulting bathrooms/toilets adjacent to party walls and macerators may be required
- creation of a foul sewage outlet close to the boundary

- insufficient detail of the screening to the terrace
- loss of light
- inaccurate plans
- the extension would align with the boundary of the site
- the flue has not been included in the daylight study
- the number of bathrooms would indicate that the development is not sustainable development
- noise and disturbance to neighbouring dwelling occasioned by the use of the bathrooms adjacent to the party boundary

Neighbouring owners/occupiers were notified of the submission of revised plans. In response, comments have been received from a neighbouring resident withdrawing the objection originally raised on the basis of the removal of the rear balcony area. A further letter has been received, reiterating concerns regarding the scale of the resultant accommodation.

Comments from Consultees

Thames Water have commented on the proposal, stating that with regards to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. It is recommended that the applicant ensures that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest to the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval will be required. It is further recommended, with regards to building work within 3m of pipes, that the developer contact Thames Water for further information.

There are no objections regarding the sewerage or water infrastructure capacities of the development.

From a technical highways perspective, the proposed garage is substandard. However there are spaces available within the site's curtilage which would be utilised for parking, and therefore there are no objections to the proposal.

Planning Considerations

In determining planning applications, the starting point is the development plan and any other material considerations that are relevant. The adopted development plan in this case includes the Bromley Unitary Development Plan (UDP) (2006 Supplementary Planning Guidance 1 & 2, the London Plan and The National Planning Policy Framework (NPPF).

NPPF

Section 7: Requiring good design is of particular relevance to the determination of this application.

UDP

Relevant policies in the UDP are as follows:

Policy H8	Residential extensions
Policy H9	Side Space
Policy T3	Parking
Policy BE1	Design of New Development

The Council's adopted Supplementary Planning Guidance (SPG) documents are also a consideration in the determination of planning applications. These are:

SPG No.1 - General Design Principles
SPG No.2 - Residential Design Guidance

London Plan

London Plan Policies:

3.5 Quality and Design of Housing Developments
7.4 Local Character

Planning History

There is no relevant planning history to report.

Conclusions

The main issues relating to the application are considered to be the impact of the proposal on the visual amenities and character of the street scene and the residential amenities of neighbouring residents. A number of additional concerns have been identified by local residents and listed in the consultations section of this report.

Policy H9 of the Unitary Development Plan requires that for proposals of 2 or more storeys in height a minimum of 1m side space shall be retained to the flank boundary, and greater standards of separation will be required in areas with a more spacious character. The proposed two storey extension would not provide a 1m space as set out in Policy H9.

However, the siting of the proposed extension adjacent to an open grassed area would limit the impact of the non-compliant extension on the spaciousness of the area, and the proposal would not result in the adverse impacts of loss of spaciousness and unrelated terracing that Policy H9 seeks to avoid.

It is not considered that the design and appearance of the proposed extension would have an adverse impact on the visual amenities of the street scene. While the proposal would extend the width of the host dwelling, the visual context within which the extension would be viewed would relate to a long terrace of dwellings

within which alterations to the fenestration and the materials used for the elevations of the individual properties is not wholly uniform.

It is considered that the proposed two storey extension relates reasonably well to the general rhythm and appearance of the terrace in terms of its scale, height, massing and design. While it is noted that there is a general consistency in the width of dwellings in the cul-de-sac, the existing staggering of the front elevation of the terraced dwelling limits the extent to which the proposed extension would appear jarring or incongruous.

With regards to the single storey element, the proposed extension would immediately abut the boundary with the adjoining terraced dwelling, and would lie to the east of that property. As such the impact of the proposal on the residential amenities of the adjacent dwelling, including daylight and outlook should be very carefully considered. The depth of the extension, at 3.3m, is not considered excessive or unusually deep.

The applicant has submitted a daylight and sunlight analysis which it is stated demonstrates that the proposal would not have an adverse impact on amenity. This analysis shows that there would be a slightly increased shadow to the neighbouring property as a consequence of the extension.

The impact of the proposal on the daylight and sunlight to the rear facing windows of No.3 would be inherently related to the height of the sheer flank wall adjacent to that property. As scaled from the submitted elevations, it appears that the height would be approx. 2.7m and that the proposed extension would be approx. 1m higher than the boundary fence height. On balance, and taking into account the reasonably modest depth and height above fence line of the extension, it is not considered that the impact of the proposal on daylight and sunlight would be so adverse as to warrant the refusal of planning permission.

A number of representations have been received which raise concern regarding the drainage (foul and surface water) from the proposed extension. It is considered that if permission is granted, a condition could be imposed requiring more detailed information to be submitted, and Building Regulations approval will additionally be required which may address concerns relating to the construction of the extension.

The submitted plans show the formation within the existing ground floor of a guest suite, and the provision of three first floor bedrooms. The application is for the extension of a self-contained dwelling house and there has been no suggestion by the applicant that it is intended that the dwelling be used as a hostel. The provision of a guest bedroom is not considered likely to result in the over-intensive or uncharacteristic use of the extended house being used other than as a self-contained dwelling. The guest suite is located within the fabric of the existing dwelling and the proposed extension would not be easily capable of separation for use as a self-contained dwelling. The rearrangement of the front access to the property shown in the revised plans is considered to further limit the potential for severance.

On balance, the proposed extensions to the property would not be disproportionate, detrimental to the visual amenities of the area, nor would they be significantly detrimental to the residential amenities of neighbouring properties. On this basis it is recommended that planning permission be granted for the proposed development.

as amended by documents received on 14.09.2015 12.10.2015 07.12.2015
08.12.2015 and 09.12.2015

RECOMMENDATION: PERMISSION

Subject to the following conditions:

1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.

REASON: Section 91, Town and Country Planning Act 1990.

2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

4 Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

REASON: To ensure satisfactory means of surface water drainage and to accord with Policy ER13 of the Unitary Development Plan.

5 Details of a foul water drainage system shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first

occupied, and permanently retained thereafter.

REASON: To ensure satisfactory means of foul water drainage and to accord with Policy ER13 of the Unitary Development Plan.

6 The flat roof of the single storey rear extension shall not be used as a balcony or sitting out area and there shall be no access to the roof area.

REASON: In the interest of the privacy of neighbouring residents and to accord with Policy BE1 of the Unitary Development Plan

7 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

REASON: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

8 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

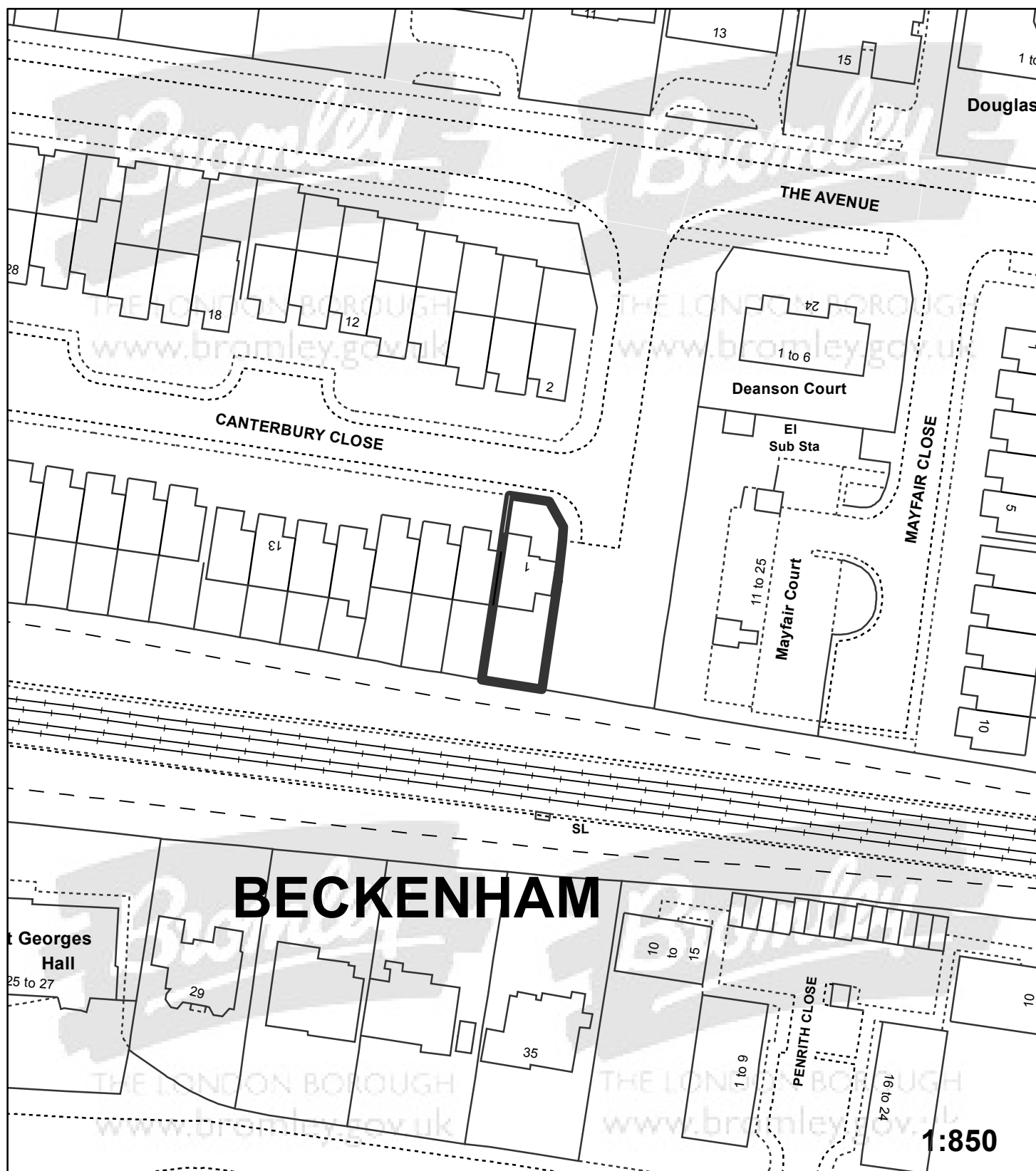
REASON: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

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Application:15/03847/FULL1

Address: 1 Canterbury Close Beckenham BR3 5EP

Proposal: Two storey side and single storey rear extensions.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 15/04988/FULL6

Ward:
Clock House

Address : 28 St James's Avenue Beckenham BR3
4HG

OS Grid Ref: E: 536213 N: 168628

Applicant : Mr & Mrs Mark Loveland

Objections : YES

Description of Development:

Single storey and first floor side extensions, conversion of garage to habitable accommodation and elevational alterations

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
River Centre Line
Smoke Control SCA 15

Proposal

Planning permission is sought for single storey and first floor side extensions, conversion of the existing garage to habitable accommodation and elevational alterations.

The single storey rear extension will project 3.45m depth and traverse from the boundary with No26 to adjoin the existing garage and utility extension. A separation gap of 200mm to No26 is maintained to the attached boundary. A flat roof is indicated with a central roof light. Sliding patio style doors are shown to the rear elevation.

A first floor side extension will build above the existing side extension garage and extend forward at ground and first floor levels in front of the existing garage but remain set back 2.6m from the main front elevation. The flank wall of the side extension will be approximately 200mm from the side boundary. A new hipped roof is proposed over the whole side extension, with a small dormer indicated to the front elevation, connecting to the existing main roof of the property.

Materials are indicated to match the existing in brick and a tiled roofing finish.

Location

The site is located on the east side of St James's Avenue and comprises a two storey semi-detached dwellinghouse. To the north of the site is St James nursery

providing childcare facilities. The building comprises a single storey structure with a dual pitch roof. In between the two properties there is a vehicular access to garages at the rear. A significant gap in the streetscene built frontage has thus resulted due to the generous spacing of each building mass.

Consultations

Nearby owners/occupiers were notified of the application and no representations were received.

Comments from Consultees

Highways: The development will result in loss of one parking space by conversion of the garage to habitable accommodation. However, there are spaces available within the site's curtilage which would be utilised for parking. Therefore, on balance as it is a small development no objection is raised to this proposal.

Planning Considerations

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

BE1 Design of New Development
H8 Residential Extensions
H9 Side Space
SPG No.1 - General Design Principles
SPG No.2 - Residential Design Guidance

Planning History

94/01203: Single storey side/rear extension and porch. Approved 20/7/1994.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

Policy BE1 of the UDP requires new buildings to complement the scale, form, layout and materials of adjacent buildings and areas, and seeks to protect the amenities of neighbouring properties.

Policy H8 of the UDP requires residential extensions to blend with the style and materials of the host dwelling, and ensure that spaces or gaps between buildings are respected where these contribute to the character of the area.

Policy H9 of the UDP normally requires applications for new residential development, including extensions to retain, for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site for the full height and length of the flank wall of the building or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.

With regard to the side/front and rear extensions, the design of each extension is considered to be in keeping with the character of the existing building. The rear extension is not visible from the public streetscene and is entirely contained to the rear with the front extension clearly visible in this regard. Both extensions are relatively modest in terms of depth at 3.45m adjoining the rear elevation and 2.6m set back to the front elevation respectively incorporating a hipped roof at a lower pitch to the main dwelling. This is within the limits generally considered to be acceptable for extensions of this nature in this location. Therefore the main effect will be on the character of the original building. In both cases, a high quality addition is acceptable in principle. The incorporation of matching materials and the high quality matching traditional design approach is considered an acceptable addition in keeping and complimentary to the original architectural style of the building.

In terms of side space it is noted that the extension comes closer to the side boundary than 1m. This is due to the reason that the extension wall builds up from the existing ground floor flank wall of the existing garage and follows this position to extend forwards and create a full height flank wall at no closer than 200mm at its narrowest point.

It is noted that the particular circumstances of the site have afforded a generous gap within the streetscene due to the accessway and low rise building to the north. As such the construction of a two storey subservient side extension with a lower ridge height at the site, closer to the boundary than 1m is not considered to create a cramped appearance or form unrelated terracing of the built form within the streetscene.

On balance, it is considered that the building up of the first floor side area and roof alterations are not considered to detrimentally effect the spatial characteristics of properties in the locality and maintains the level of visual amenity of the streetscene in this case. Therefore, it is considered that the proposal would be in accordance with the Policy H9 of the Unitary Development Plan.

In terms of neighbouring residential amenity it is considered that there would be no significant impact on the privacy and amenity of adjoining occupiers in terms of loss of light and outlook, siting and position of the enlarged mass of the extensions in this situation or the rear and front extensions due to the reasonable separation distances to adjoining property and buildings.

Summary

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

REASON: Section 91, Town and Country Planning Act 1990.

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 4 No windows or doors shall at any time be inserted in the north east facing flank elevation of the two storey side extension hereby permitted, without the prior approval in writing of the Local Planning Authority.**

REASON: In order to comply with Policies BE1, H8 and H9 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 5 The flat roof area of single storey rear extension shall not be used as a balcony or sitting out area and there shall be no access to the roof area.**

REASON: In order to comply with Policies BE1 and H8 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

Application: 15/04988/FULL6

Address: 28 St James's Avenue Beckenham BR3 4HG

Proposal: Single storey and first floor side extensions, conversion of garage to habitable accommodation and elevational alterations



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 15/05113/FULL1

Ward:
Bromley Common And
Keston

Address : The Lodge Cowper Road Bromley BR2
9RT

OS Grid Ref: E: 541798 N: 167971

Applicant : Mark Watts

Objections : YES

Description of Development:

Demolition of existing detached dwelling and erection of 3 x two storey, 3 bedroom terraced dwellings and 1 x two storey, 3 bedroom detached dwelling, with associated car parking and landscaping.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 19
Urban Open Space

Proposal

Planning permission is sought for the demolition of existing detached dwelling and the construction of 3 two storey, three bedroom terraced dwellings and 1 two storey, three bedroom detached dwelling with associated car parking and landscaping.

The proposed terrace will have a staggered footprint and comprise three individual dwellings with a principle frontage facing onto Cowper Road and approximate internal widths of 4.8m. The front elevations will be set back between 10m and 12m. A side space of 1.8m is indicated to the boundary with No61a and the rear gardens range between 8.1m and 11m depth. A height of 8.04m is shown to the ridge point. The proposed design is contemporary with proportion and materiality intended to reflect that of the locality.

The fourth house sits adjacent to the south east flank of the terrace separated by a distance of 1m. The principal elevation will face on to Walpole Road with a more traditional design approach opted for, intended to reflect the design of the existing Lodge building. The footprint is set 5.4m increasing to 9.2m from the frontage with Walpole Road and 13m from Cowper Road.

Location

The site at present comprises an 'Arts and Crafts' style detached two storey house set within a generous plot. The site has two frontages; Cowper Road and Walpole Road. The existing house faces both roads at an approximate 45 degree angle, however, the primary frontage is considered to essentially face Cowper Road. To the east of the site is a bowling green/pavilion and the White Hall Recreation Ground which is designated as Urban Open Space. The surrounding area is largely characterised by two storey terraced housing. The majority of surrounding development follows a uniform building line and most of the houses have similar building footprints. There are also a number of trees on the site with a Lime tree, Sycamore and Eucalyptus being subject of a Tree Preservation Order. The site is not located in a conservation area nor is the building listed.

Consultations

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- o Loss of natural light and sunlight to adjoining neighbouring gardens.
- o Cider Gum tree provides an amenity value to surrounding property and is worthy of continued protection. The scheme ignores the TPO's on site.
- o Proposed design will not maintain the site as a primary entrance in terms of character to the park.
- o Loss of major feature of the local areas character.
- o Concerns that residents have not had long enough to comment due to Xmas period.
- o Quality of elevations is sub-standard and not in keeping with character of the area.
- o Any development of the land will be a sad demise of views of St George's from Walpole Road.
- o Concerns regarding garden depths and loss of trees.
- o Design out of context and unrelated with Victorian properties.
- o Concerns regarding fire transmission between properties and compliance with Building Regulations.
- o Issues regarding adequacy of internal layout of properties.
- o Off set arrangement not appropriate for the site.
- o Concern regarding parking provision and loss of on street spaces.
- o Revised application does not overcome lowering of spatial standards.
- o Site is not urban brownfield but part of the park.
- o Terrace is inappropriate in appearance.
- o Concern regarding loss of trees on amenity and the effects replacement trees will have on amenity.
- o Issues regarding revised access and highway safety.
- o Extra houses will exacerbate the parking problem in the area.
- o Comments regarding the sustainability and drainage aspects of the houses.
- o Over development of the site has not been thoroughly addressed.

A petition has been received with 80 signatures from 65 properties detailing the contact details of residents who have expressed concern about the proposals.

Internal consultations

Tree Officer:

The tree survey submitted in support of the application details the positioning of trees within the site and observations made by the tree surveyor. It is clear that a number of trees to the rear of the plot will be removed to facilitate the construction of four new dwellings. The two protected trees to the front of the site will be retained as part of the scheme. I note the use of a non-dig surface to the front of the site which will form a new access and parking area. I also note the construction of a canopy to cover the parking bays. This addresses post development pruning pressures well.

The Eucalyptus tree (T3005) is proposed to be removed as the tree could not be incorporated into the development. This tree is large and therefore visible from the park to the rear and Walpole Road. The comments in the survey indicate that severe pruning has taken place along one side of the canopy. This would appear to be clearance related pruning above the neighbouring garage. I agree with the statements made in the tree survey that the tree has a limited retention span considering the distance from the boundary and the fact that previous pruning has taken place to an excessive degree. I feel that the tree is no longer worthy of the TPO that protects it with consideration to its poor condition. In these circumstances I would usually encourage that replacement trees are planted in mitigation. However, given the fact that the proposed gardens to the rear of the proposed dwellings will be small size, the tree could not be replaced with the same species. I do not see it paramount to require a replacement tree in mitigation for the loss of T3005 and see the overall scheme as acceptable.

Highway Officer:

The site is within a low PTAL rate of 2. In terms of vehicular access, the proposed access is from Cowper Road via a new and an existing vehicular crossovers leading to the car parking area. The plans indicate 3 to 4 on-street spaces would be lost with the new access. These bays are free bays rather than permit bays so vehicles are unlikely to relocate to permit bays. The applicant must fund the cost of removal of the bays. Furthermore the new access leading to four car parking spaces should be widened to 3.5m to allow vehicles manoeuvre in and out of the site in a safe and convenient manner. In terms of car parking, six parking spaces are proposed for the houses, which is satisfactory in principle. Cycle parking and refuse storage is acceptable in principle.

Environmental Health Officer:

No objections in principle.

Drainage Officer:

No objections

External consultations

Thames Water:

No objections.

Crime Prevention Design Officer:

The project should achieve the physical security requirements of Secured by Design.

Planning Considerations

London Plan

Policy 3.3 Increasing Housing Supply.

Policy 3.4 Optimising Housing Potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater Infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

Policy 5.21 Contaminated land

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.9 Cycling

Policy 6.13 Parking

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 7.18 Protecting open space and addressing deficiency

Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

Housing: Supplementary Planning Guidance. (November 2012)

Draft Interim Housing Supplementary planning guidance (May 2015)

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

BE1 Design of New Development
BE7 Railings, Boundary Walls and Other Means of Enclosure
H1 Housing Supply
H7 Housing Density and Design
H9 Side Space
NE7 Development and Trees
ER7 Contaminated Land
G8 Urban Open Space
T3 Parking
T7 Cyclists
T18 Road Safety

The Council's adopted Supplementary Planning Guidance (SPG) documents are also a consideration in the determination of planning applications. These are:

SPG1 General Design Principles
SPG2 Residential Design Guidance

Planning History

An application was submitted under reference 11/03801/FULL1 for:

Demolition of existing dwelling and erection of 6 two storey houses with accommodation within roofspace (2 x four bedroom and 4 x three bedroom), with eight car parking spaces, associated landscaping and bin-stores. This application was refused for the following reason:

The proposal constitutes a cramped form of development by reason of the number of dwellings proposed, resulting in an over intensive use of the site and retrograde lowering of established spatial standards and the loss of garden land and general openness of the site which contributed to the character of the area, contrary to Policies H7 and BE1 of the Unitary Development Plan, Policies 3.4 and 3.5 of the London Plan and Planning Policy Statement 3: Housing.

This was subsequently dismissed at appeal.

A further application was submitted under reference 13/01063/FULL1 for:

Demolition of existing dwelling and erection of 5 two storey terraced dwellinghouses (4 x three bedroom and 1 x four bedroom), with associated car parking, landscaping, bin-stores and boundary enclosures. An appeal for non-determination was made on this application prior to decision.

The Council resolved to contest the Appeal for the following reason:

The proposal constitutes a cramped form of development by reason of the number of dwellings proposed, resulting in an overintensive use of the site and retrograde lowering of established spatial standards and the loss of garden land and general openness of the site which contributed to the character of the area, contrary to Policies H7 and BE1 of the Unitary Development Plan, Policies 3.4 and 3.5 of the London Plan and Planning Policy Statement 3: Housing.

This was also subsequently dismissed at appeal.

The Inspector commented that "the proposal would be more compact, with greater site coverage and smaller rear gardens, than development in the locality. Its site coverage would be increased by the areas of hardstanding to accommodate car parking on the frontage. Even though the density would accord with the density standards set out in Policy 3.4 of the London Plan and Policy H7 of the Bromley Unitary Development Plan, the overall height and width of the appeal properties would accord with those in Cowper Road, and they would be set back from the street, it would still result in a more intensive development than is characteristic in this locality." It was then concluded "that the proposal would result in material harm to the open and leafy character and appearance of the locality"

A pre-application request was submitted under reference PREAPP/14/00416 for demolition of existing lodge building and erection of two storey office building with 9 parking spaces. A response was sent and concluded that the change of use of the site away from being a Class C3 dwelling would be resisted as being both contrary to policy and harmful to the prevailing residential character of the area.

Conclusions

The main issues to be considered in respect of this application are:

- o Principle of development
- o The design and appearance of the scheme and the impact of these alterations on the character and appearance of the area
- o Standard of Residential Accommodation
- o Impact on the amenity of neighbouring properties
- o The quality of living conditions for future occupiers
- o Highways and traffic Issues

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

Principle of development

Housing is a priority use for all London boroughs and the Development Plan welcomes the provision of small scale infill development on appropriate sites

provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

Policy H7 of the UDP advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

Residential dwellings lay to the east, west and south of the site with open recreational land adjacent and to the rear designated as Urban Open Space. The site is currently developed for a less dense residential use with just one house.

Therefore the provision of the additional dwelling units on the land is acceptable in principle subject to an assessment of the impact of the proposal and in this case intensification of the proposed use of the land on the appearance/character of the surrounding area, the design and layout making suitable residential accommodation, and it provides for car parking, garden and amenity space. Any adverse impact on neighbouring amenity, traffic implications, conservation and historic issues, biodiversity or open space, refuse arrangements will need to be addressed.

Density

The density of the proposal would be 38 units per hectare (u/ha). Table 3.2 of the London Plan sets out the appropriate density range for a site with a PTAL of 2 in a suburban area as 35-65 u/ha.

Given, the density of the proposal is within the guided density criteria the amount of development on site is considered suitable at this location.

Design, Siting and Layout.

Policies 3.4 and 3.5 of the Further Alterations to the London Plan (March 2015) (FALP) reflect the same principles. Policy 3.4 specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the

Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range. This reflects paragraph 58 of the National Planning Policy Framework, which requires development to respond to local character and context and optimise the potential of sites.

Policy BE1 and H7 of the UDP set out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

Policy H9 requires that new residential development for a proposal of two or more storeys in height a minimum of 1m side space from the side boundary is maintained and where higher standards of separation already exist within residential areas. Proposals will be expected to provide a more generous side space.

The predominant character of this part of the locality as commented on by the Inspector in the 2013 Appeal refusal was that the site significantly contributed to the open and leafy character and appearance of this part of Walpole Road bringing a welcome relief to the tight urban layout of Cowper Road.

Previous schemes for 5 and 6 houses have been considered in light of this and accordingly it was judged that the amount of development, the design and site coverage proposed would considerably alter the identified leafy character with a significant reduction in openness out of character with the sites setting and proximity to Walpole Recreation Ground.

The current scheme has proposed to address this concern with a further reduction in the number houses to four. The footprint of the houses has also been altered on site with a staggered terrace being positioned to face Cowper Road and a single dwelling being sited to face Walpole Road. This has allowed a much greater spacing to be maintained within the site with the flank of the proposed single dwelling being sited the same as the corner point of the existing dwelling footprint allowing a minimum separation of 5.4m and maximum of 9.2m to Walpole Road. As a result it is considered that an acceptable level of openness to the site has been maintained overcoming the previous concerns.

Furthermore, a revised design approach has been adopted by taking two different design approaches in terms of the development of the site. The three unit terrace has been designed respective of adjacent terrace properties in terms of mass, scale and height, also taking cues in terms of fenestration and materials to create a terrace that is not a pastiche of older properties but a more modern representation in keeping with the general character of the area. The detached property takes a more traditional design approach with a reduction in height and scale in

comparison with the terrace and a design that is reflective of the existing Lodge building. The principle elevation, now facing Walpole Road addresses the corner junction and is considered an acceptable response to turn the corner without a blank flank façade previously found unacceptable. With the greater set back and reminiscent design, the proposal is considered to maintain the open and identified leafy character in a successful way addressing previous concerns in this regard. Therefore it is considered that the individual design response to the site is a high quality design that will make a positive contribution to the streetscene and wider locality.

Standard of Residential Accommodation

Policy 3.5 of the London Plan (2015) Quality and Design of Housing Developments states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.

The floor space size of each of the houses is 99m² respectively. Table 3.3 of the London Plan requires a Gross Internal Area of 96m² for a two storey three bedroom dwelling house. On this basis the floorspace provision is considered to be acceptable.

The shape and room size in the proposed houses is considered satisfactory. None of the rooms would have a particularly convoluted shape which would limit their specific use.

In terms of amenity space the depth of the rear gardens are of sufficient proportion to provide a usable space for the purposes of a family dwellinghouse.

Car parking

Six parking spaces are provided on site, two linear spaces accessed separately for No63 and four shared spaces comprising two linear spaces for No69 and a single space each for No's 65 and 67 accessed from a separate crossover. The Council's Highways Officer has not raised objection in this regard. Minor concerns regarding the width of the crossover and the impact of the loss of on street parking can be addressed by condition and informative.

Cycle parking

Cycle parking is required to be 1 space per studio and 1 bedroom flats and 2 spaces for all other dwellings. The applicant has provided details of a location for central cycle storage using Sheffield stands. This is considered satisfactory.

Refuse

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of refuse storage for the units in the front curtilage accessed from Cowper Road. The location point is considered acceptable within close proximity of the highway. Further details of a containment structure can be conditioned.

Impact on Adjoining Properties

Policy BE1 of the Unitary Development Plan states that development should respect the amenity of occupiers of neighbouring buildings and ensure they are not harmed by noise disturbance, inadequate daylight, sunlight, and privacy or overshadowing.

In terms of outlook, the fenestration arrangement will provide mainly front and rear outlook for each unit overlooking amenity space or overlooking the street and will maintain a suitable level of privacy at the intended distances to existing neighbouring property. Flank windows at 850mm width at ground level within the end terrace houses are to non-habitable circulation space and secondary windows to dining areas. These windows can be obscure glazed to maintain privacy. A flank window in the detached house is considered similarly. A condition is suggested in this regard. On this basis, it is considered that the dwellings will not result in loss of privacy or overlooking of adjacent property.

Some concerns have been raised regarding loss of light to properties to the north along Cowper Road by the siting of the end terrace between No61a and No61. It is acknowledged that there will be some level of loss of direct sunlight at certain times of year, however loss of daylighting would be minimal given the resultant separation gaps. As such it is not considered that the loss is sufficient to withhold planning permission on this basis.

Trees and Landscaping

The site contains three trees protected by Tree Preservation Orders as detailed above. The proposal will result in the loss of a Eucalyptus tree close to the boundary with No61a Cowper Road. The Council's Arboricultural Officer has reviewed the scheme and has not raised issue regarding the loss of the tree due to its poor condition.

A detailed landscaping layout has also been submitted showing a number of replacement trees on site and also details the areas given over to garden for external amenity for future occupiers. No objections are raised in this regard. Notwithstanding this, implementation conditions for hard and soft landscaping and further details for boundary treatment can be sought by condition.

Sustainability and Energy

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

A Sustainability Statement has been provided that details the efforts made in the proposals to achieve these objectives. This is considered acceptable.

Community Infrastructure Levy

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

Summary

The development would have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers, subject to suitable conditions. It is considered that the density of the proposed housing is acceptable and that the development would not be detrimental to the character of the area. The standard of the accommodation that will be created will be good. The proposal would not have an adverse impact on the local road network or local parking conditions. The proposal would be constructed in a sustainable manner and would achieve good levels of energy efficiency. It is therefore recommended that planning permission is granted subject to the imposition of suitable conditions.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 3 Details of all external materials, including roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 4 Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills,**

arches, lintels and reveals (including dimension of any recess) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The windows shall be installed in accordance with the approved details.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 5** The landscaping scheme as shown on the submitted drawings shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

- 6** Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties.

- 7** Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 8** No part of the development hereby permitted shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to and approved in writing by the Local Planning Authority.

a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval in writing. The desk study shall detail the history of the sites uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved in writing by the Local Planning Authority prior to investigations commencing on site.

b) The site investigation, including relevant soil, soil gas, surface water and groundwater sampling shall be approved in writing by the Local Planning Authority.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors, a proposed remediation strategy and a quality assurance scheme regarding implementation of remedial works, and no remediation works shall commence on site prior to approval of these matters in writing by the Authority. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment.

d) The approved remediation works shall be carried out in full on site in accordance with the approved quality assurance scheme to demonstrate compliance with the proposed methodology and best practise guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.

e) Upon completion of the works, a closure report shall be submitted to and approved in writing by the Authority. The closure report shall include details of the remediation works carried out, (including of waste materials removed from the site), the quality assurance certificates and details of post-remediation sampling.

f) The contaminated land assessment, site investigation (including report), remediation works and closure report shall all be carried out by contractor(s) approved in writing by the Local Planning Authority.

Reason: In order to comply with Policy ER7 of the Unitary Development Plan and to prevent harm to human health and pollution of the environment.

9 The development permitted by this planning permission shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development has been submitted to, and approved by, the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates to Greenfield rates in line with the Preferred Standard of the Mayor's London Plan.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties and to accord with Policy 5.13 of the London Plan.

10 Notwithstanding the plans hereby approved no development shall take place until an amended plan has been submitted to and approved in writing by the local planning authority showing the vehicular access to No's 65, 67 and 69 as shown on Drawing 218/06 widened to 3.5m.

Reason: In order to ensure that satisfactory means of access is provided and to comply with the Policy T18 of the Unitary Development Plan.

11 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway

caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

Reason: In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

12 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

13 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

14 Before the development hereby permitted is occupied arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the vicinity of the site at any time.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

15 The arrangements for storage of refuse (which shall include provision for the storage and collection of recyclable materials) and the means of enclosure shown on the approved drawings shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

16 The development shall be implemented in accordance with the Arboricultural Impact Plan submitted and approved as part of the planning application and under the supervision of a retained arboricultural specialist in order to ensure that the phasing of the development accords with the stages detailed in the method statement and that the correct materials and techniques are employed.

Reason: To maintain the visual amenity of the area and to accord with Policy NE7 of the Unitary Development Plan.

17 The first floor windows to be installed in the east and west elevations of the terrace building and west elevation of the detached building hereby approved shall be fitted as obscure glazed and retained in perpetuity.

Reason: To avoid overlooking of adjoining properties and consequent loss of privacy thereto and to comply with Policy BE1 and H7 of the Unitary Development Plan.

18 The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Secured by Design, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interest of security and crime prevention and to accord with Policies H7 and BE1 of the Unitary Development Plan.

You are further informed that :

1 The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.

2 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 2008 which is available on the Bromley web site.

3 You should consult the Land Charges and Street Naming/Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk

4 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The

London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

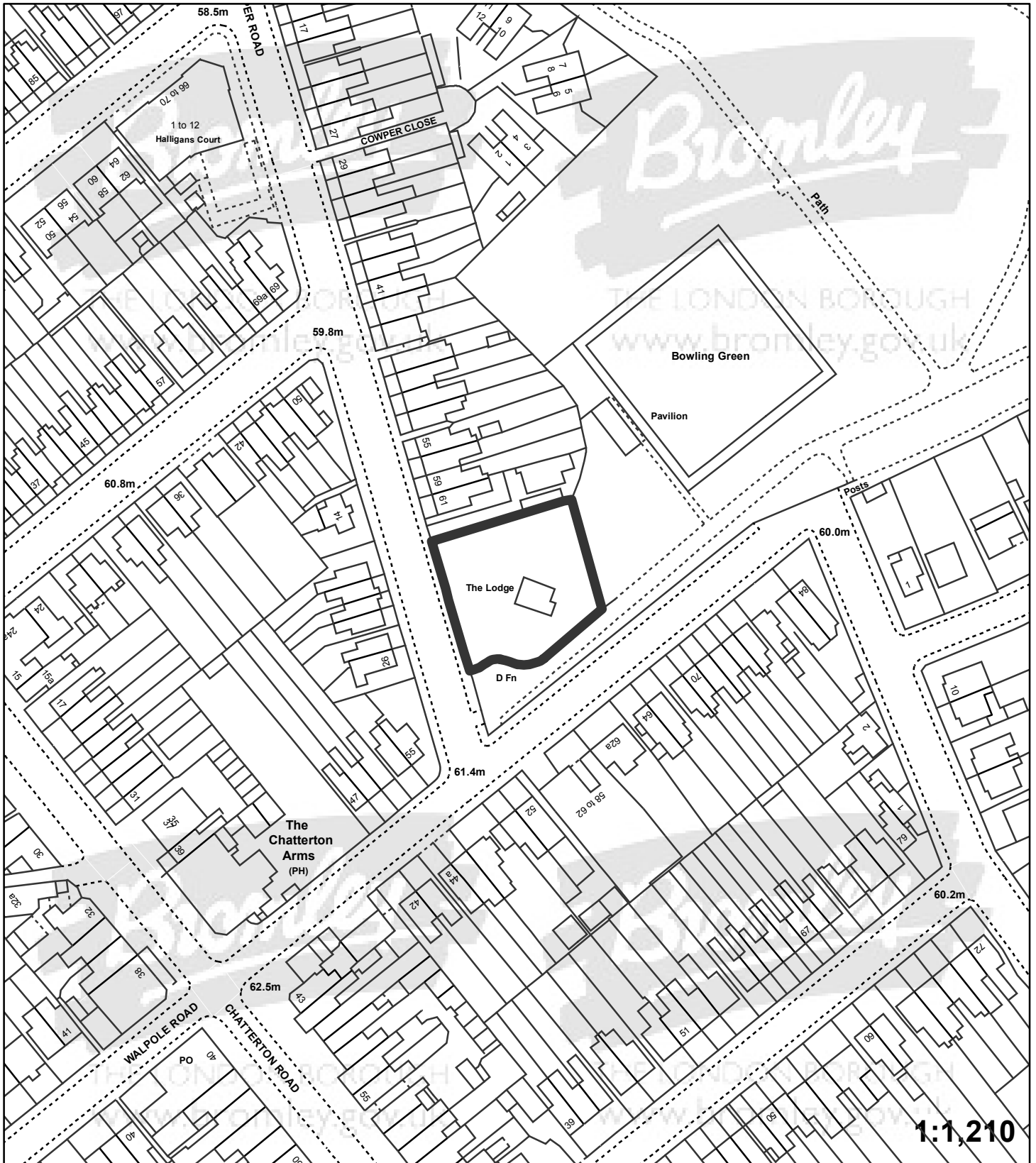
Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

- 5 Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the forming of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant.
- 6 **Waste Comments:** Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at www.thameswater.co.uk
- 7 **Surface Water Drainage:** It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 8 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 9 The applicant is advised that the highest standards of sustainable design and construction shall be achieved to improve the environmental performance of the development and to adapt to the effects of climate change. Sustainable design standards are integral to the proposal, including its construction and operation.

Application:15/05113/FULL1

Address: The Lodge Cowper Road Bromley BR2 9RT

Proposal: Demolition of existing detached dwelling and erection of 3 x two storey, 3 bedroom terraced dwellings and 1 x two storey, 3 bedroom detached dwelling, with associated car parking and landscaping.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 15/05149/FULL6

Ward:
West Wickham

Address : 21 Boleyn Gardens West Wickham BR4
9NG

OS Grid Ref: E: 537835 N: 165510

Applicant : Mrs Ayse Bolsoy

Objections : YES

Description of Development:

Single storey front, side and rear extensions (Retrospective Application)

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 51

Proposal

The application seeks retrospective planning permission for single storey front, side and rear extensions.

Front Extension

The proposed front extension will have a depth of 1.2m, a width of some 5.68m, a height to the eaves of 2.35m and an overall height to the pitched roof of 3.38m.

Side and Rear Extensions

The proposed single storey side and rear extension will have a width of some 7.85m, a height to the eaves of 2.55m and height to the pitched roof of 3.45m. In terms of depth, the side extension is formed on the western elevation of the host property extending beyond the existing two storey side extension and will have an overall depth of 4.4m. The rear extension will extend beyond the original structure at a depth of some 3m.

The application site is a two storey semi-detached property located on Boleyn Gardens, West Wickham.

Consultations

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- o The applicant was under the impression that the development was within permitted development rights, however even if that had been true the owner did not carry out the statutory notification required to be made to neighbours under the Council's permitted development rules. (There is no statutory requirement for this)
- o Neighbouring properties request that this application not be determined until an application for the works undertaken to the roof are submitted whereby both application can be considered simultaneously or one application is submitted to cover all the works. (There is no requirement to do this although a separate application has been submitted)
- o A number of submitted drawings are incorrectly drawn when compared to that constructed
- o The proposed elevation alterations and extensions are out of character with the surrounding area and do not respect the host dwelling rendering the proposals contrary to Policies H8 and BE1 and adopted Supplementary Planning Guidance (SPG) and Paragraph 58 of the NPPF
- o The dormer window constructed is not of the size and design appropriate to the roofscape and therefore contrary to policy BE1 of the UDP.
- o The dormer will affect the amenities of the neighbouring properties at Nos. 19 & 23
- o The property has been extended without planning permission
- o The planning application needs to be considered in conjunction with the roof extension
- o The development results in a terracing affect
- o The development is an eye-sore
- o The ground floor extension exceeds the original rear and side wall of the property, blocking light into neighbouring premises (19 Boleyn Gardens) and is large and unsightly
- o The roof extension is out of character with the surrounding area and impact on privacy for neighbouring houses and gardens
- o The development is an over-development for a semi-detached house of this size
- o The application is incomplete as it only details the single storey front, side and rear extensions.
- o Planning application DC/14/00788/FULL6 for number 7 Boleyn Gardens which was for a similar proposal was refused.
- o If the current application is approved this would set a precedent for future development within the Borough
- o The neighbouring property at number 23 Boleyn Gardens does not object to the single storey rear element of the application
- o The objector points out that there is an error with the existing ground floor plan
- o The development exceeds 50% of the floor area of the original house
- o No provision for off street parking is being made in proportion to the vastly increasing living accommodation

- o The loft conversion has been omitted from this application despite being an integral part
- o The property has been completely over developed with no consideration given to the neighbours
- o The size and structure of the first floor extension is totally out of character with other extensions that have been carried out over the years in Boleyn Gardens.
- o The loft conversion is in excess of the permitted development rights for a 3 bed semi.
- o The distance from the boundary for a double storey extension is much less than the 1 metre limit.
- o The single storey extension is in excess of 3 metres from the rear of the existing side extension
- o The extensive building works are extremely detrimental to the surrounding houses and area
- o By permitted the first and second floor works this will set a precedents for other such extensions in the area
- o The owner has had little regard for the proper processes and consideration for the area, neighbours and the planning laws at this property
- o The roof alterations would effectively create a third floor
- o Some aspects of the development are 'considered' illegal
- o The extension is unsightly which does not meet with planning regulations
- o The resulting development would be an invasion of privacy to neighbouring properties
- o The loft conversion is excessive compared with others that have been constructed

It is noted that the objections comments relating to the loft conversion (DC/16/00030/FULL6) will not be considered a material consideration in regards to the current application, which is for a proposed single storey front, side and rear extension.

From a Highways perspective no objection was raised.

Planning Considerations

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

BE1 Design of New Development
H8 Residential Extensions

General Design Principles- SPG1
Residential Design Guidance- SPG2

National Planning Policy Framework (NPPF)

Planning History

16/00030/FULL6 – Loft Conversion - Application received

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

Development in principle

The application seeks planning permission for a single storey front, side and rear extension. As noted above this application does not include the retrospective planning application for the loft conversion (ref: DC/16/00030/FULL6).

It is considered that the proposed development as a whole is compliant with Policies BE1 and H8 of the UDP. The proposed scale, form and materials would respect the amenities of the surrounding properties and the character of the area and that of the host dwelling.

Single storey front extension

It was noted from the site visit and recent planning history along Boleyn Gardens that a number of properties benefit from single storey front extensions. Most recently the property at number 7 Boleyn Gardens, (ref: DC/14/02064/FULL6). The case officer stated for that application that the front single storey element of the application was 'not considered to cause any detrimental impacts to the host dwelling or character of the area in general'. It is considered in this instance that the proposed front extension would not have any significant effects to public amenity or detract from the street scene, given the proposed depth of 1.2m, compliant with Policy BE1 of the UDP.

In regards to the loss of a parking given the conversion of the garage, the Highways officer has indicated that there is enough space available within the site's curtilage, which could be utilised for parking.

Side and rear extensions

The single storey side and rear element of the proposal is considered to be acceptable. It is felt that the proposed side and rear extension would not be out of keeping with the surrounding area nor would the extension cause a significant loss of amenity to neighbouring properties.

A number of objections, although predominately in relation to the roof alterations, state that the proposed extensions are out of character with the surrounding area and do not respect the host dwelling or the surrounding area, contrary to policies H8 and BE1 of the UDP and the NPPF.

However, a number of planning applications have been permitted along Boleyn Gardens for proposed single storey side and rear extensions, including, at 7 Boleyn Gardens.

Although the first planning application received by the Council was refused, it was considered that the proposed single storey element with a depth of 3m and height of the pitched roof of 3.85 was acceptable. As a result this section of the proposal was not amended in the follow up application, which was permitted under ref: DC/14/02064/FULL6.

In relation to this current proposal the side and rear extension would have an overall height of 3.45m, a depth of 4.4m along the western flank elevation, with a rearward projection of 3m. Therefore, it is considered that the single storey side and rear extension is acceptable and would complement the character of the host dwelling and surrounding properties.

In regards to effects to amenities, although it is accepted that there will be a loss of amenity to both neighbouring properties it is not considered to be unduly harmful to warrant refusal. The adjoining property at number 23 Boleyn Gardens has stated that no objection is raised to the single storey rear extension. Whereas the neighbouring property at number 19 stated the 'ground floor extension would exceed the original rear and side wall of the property, blocking light into the neighbouring premises and is also large and unsightly'.

Policy H8 of the UDP states that the design and layout of proposals for the alterations or enlargements of residential properties should respect or maintain space or gaps between buildings. Whilst Policy BE1 of the UDP states the all development proposals will be expected to create an attractive setting where the relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings. It is felt that there remains a sufficient level of space between the host property and the neighbouring property at number 19 despite the extension, which respects the amenities of the neighbouring property and any future occupants.

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

Application:15/05149/FULL6

Address: 21 Boleyn Gardens West Wickham BR4 9NG

Proposal: Single storey front, side and rear extensions (Retrospective Application)



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 15/05205/FULL6

Ward:
West Wickham

Address : 25 Braemar Gardens West Wickham
BR4 0JN

OS Grid Ref: E: 538042 N: 166179

Applicant : Miss Katie Brown

Objections : NO

Description of Development:

Roof alterations to incorporate rear dormer and front rooflights, first floor side extension, single storey front/side and single storey rear extensions

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 51

Proposal

The application site lies on the western side of Braemar Gardens and comprises a semi-detached dwelling with an attached garage. The main host roof has a pitched roof with a front gable/catslide feature. The adjoining semi-detached dwelling has been the subject of a two storey side extension with the side extension under a pitched and hipped roof which is set lower than the main ridgeline.

It is proposed to erect a two storey extension in place of the existing garage. The extension would retain 1m side space at the front. The existing hipped roof would be provided with a gable end which would continue the ridgeline of the existing dwelling. The two storey side element would have a subservient ridgeline and a modest hipped roof.

At the front, a modest single storey extension would be provided with the cat slide roof continuing down to finish at the garage eaves. This element would incorporate front garage doors.

At the rear a single storey extension is proposed on the site of an existing area of raised decking, which would abut the party boundary with the adjoining semi-detached dwelling and would project by 4m from the main rear elevation of the dwelling. This extension would have a flat roof which would be 3.15m high. Bi-fold doors would lead onto a new area of decking which is shown to be 0.3m high.

A rear dormer extension is proposed, which would be set within the extended roofslope and would be set in from the party boundary between the host property

and the adjoining semi-detached dwelling and 3.75m from the other flank gable wall.

Consultations

Nearby owners/occupiers were notified of the application and no representations were received.

Planning Considerations

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

BE1 Design of New Development
H8 Residential Extensions

Planning History

Under reference 12/03857 an application for a Certificate of Lawfulness for a single storey side extension was refused.

Part retrospective planning permission was granted under reference 13/00367 for a single storey rear/side extension.

Planning permission was refused under reference 15/03374 for extensions similar to those currently proposed in terms of their siting and scope. Permission was refused on the grounds that

"The proposed extension would result in an obtrusive and top-heavy roof design which would be incongruous and harmful to the appearance of the pair of semi-detached dwellings and would be out of character with and detrimental to the street scene generally, thereby contrary to Policies H8 and BE1 of the Unitary Development Plan."

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties. The application seeks to overcome the grounds for refusal in respect of the previous scheme.

The main differences between the current scheme and that which was refused planning permission under reference 15/03374 is the provision of a partially hipped roof rather than a gable end to the two storey side element.

With regards to the impact of the proposal on the residential amenities of the area, it is considered that the two storey side element of the proposal would not harm the amenities of the neighbouring property. The proposed flank facing window would be obscure glazed and the proposal would have a limited impact on daylight, sunlight and outlook and would be acceptable in this respect. The flank facing

window in the side extension which was granted planning permission under reference 15/00793 serves a utility room and the door is a side kitchen door, with the kitchen lit by two further and substantial rear windows.

The dormer extension is of modest proportions and would lie comfortably within the rear roofslope. It would not increase the potential for overlooking to neighbouring properties to a significant degree.

The proposed single storey extension would be reasonably deep and immediately abuts the boundary of the site. In addition, the orientation of the dwellings in relation to each other, with the proposed extension positioned due south of the neighbouring property, would increase potential for loss of daylight and sunlight to the rear of the adjoining dwelling. However, the neighbouring property has a retractable awning set within a framed structure, and it is considered on balance that the impact of the proposal on the amenities of the neighbouring property would not be so adverse as to warrant the refusal of planning permission.

The proposed extension would not incorporate the minimum 1m side space to the boundary that Policy H9 normally requires, the purpose of which is to retain adequate side space between two storey development with a view to preventing unrelated terracing. A minimum side space of 0.9m is shown to be retained at the rear of the side extension.

The neighbouring property has a wraparound side/rear extension under construction, with space retained at first floor level. That side extension has been built to the same building line as the garage (0.75m from the boundary fence) and is single storey only, retaining space at first floor level to the boundary.

On balance, it is considered that the shortfall in side space at the rear of the extension would not in itself represent strong grounds for refusal, taking into account the retention of first floor space between Nos. 23 and 25 and the provision of 1m side space at the front of the property.

Planning permission was refused for the erection of a side extension at No. 6 Braemar Gardens on the grounds that inadequate side space would have been provided. In that case, a side space of 0.9m was shown to be retained. A subsequent appeal against the Council's decision was allowed, with the Inspector noting that the gap retained between the boundaries would be reflective of many other examples found within the street scene, and that the development was in accordance with Policy H9.

A number of properties in the locality have been the subject of extensions to the side and at roof level. In general those extended at two storey level to the side have retained the hipped design of the main roof. The adjoining semi-detached dwelling has a hipped roof which is subservient to the main roof by being set lower than the main ridgeline, although it is acknowledged that that extension resulted in the loss of the attractive and characteristic first floor oriel window.

Two dwellings in the street which neighbour each other and have gable end roofs are Nos. 39 and 41. These extensions were granted planning permission in 1998

and 2003 respectively and are considered to be a material consideration in the determination of this application.

The existing symmetry of the pair of semi-detached dwellings has been compromised to a certain extent by the erection of a two storey extension at the adjoining property. The deletion of the gable end element reduces the extent to which the proposal would appear top-heavy and incongruous. On balance, it is considered (taking into account the variety of roof treatments in the locality and the reduction in bulk at roof level resulting from the provision of hipped roof) that the appearance of the proposed extension would not have a detrimental impact on the visual amenities of the area.

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1. The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

REASON: Section 91, Town and Country Planning Act 1990.

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 4 Before the development hereby permitted is first occupied the proposed first floor window in the southern flank elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the**

window is installed and the window shall subsequently be permanently retained in accordance as such.

REASON: In the interest of the residential amenities of the occupiers of the neighbouring dwelling and to accord with Policy BE1 of the Unitary Development Plan.

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Application: 15/05205/FULL6

Address: 25 Braemar Gardens West Wickham BR4 0JN

Proposal: Roof alterations to incorporate rear dormer and front rooflights, first floor side extension, single storey front/side and single storey rear extensions



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 15/05310/FULL6

Ward:
Bromley Common And
Keston

Address : 51 Oakley Drive Bromley BR2 8PS

OS Grid Ref: E: 542185 N: 165502

Applicant : Mr Andrew Clarke

Objections : YES

Description of Development:

Part one/two storey rear extension incorporating rear dormer.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 22

Proposal

The application seeks planning permission for a part one/two storey extension incorporating rear dormer.

At ground floor the extension will be located 0.79m from the northern side boundary and will project 4.2m in depth to adjoin and wrap around the existing single storey rear extension and provide an enclosed connecting extension between this existing extension and the existing single storey detached garage (which is shown to be rebuilt on the same footprint) which lies adjacent to the southern side boundary shared with no. 49. The single storey element will have a flat roof to a height of approximately 2.9m, when scaled from the submitted drawing. The materials for the ground floor element of the extension are shown to be white painted rendered blockwork. A large set of patio doors are proposed in the rear elevation of the extension and a set of patio doors in the northern side elevation of the deeper part of the extension facing in towards the garden of no. 51. A door is also proposed in the southern side elevation of the extension. The extension will provide an enlarged kitchen/dining room and an office which will be located in the space currently occupied by the garage.

The first floor element of the extension will provide a bedroom and en-suite. It will be located in the middle of the property providing a separation of approximately 3.3m from the northern flank wall to the side boundary shared with no. 53 and 4.147m from the southern flank wall to the side boundary shared with no. 49. It will project above the existing and proposed ground floor for a depth of 3.92m and width of 4.306m and be tile hung clad with a plain tile hipped roof sloping to the sides and rear. The roof of the extension will adjoin the proposed rear dormer. The

extension will include one window in the rear elevation of the extension and one in the southern side elevation facing no. 49.

The rear dormer will be a box dormer with a flat roof and will sit within the existing roof of the main dwelling located approximately 1.45m from northern flank roof slope and 0.15m from the southern, and 0.2m up from the eaves. The materials used for the proposed dormer will be lead cheeks and timber horizontal cladding to the rear. Two long windows and two smaller windows are proposed in the rear elevation of the dormer.

Location

The application site is a two storey detached dwellinghouse located on the western side of Oakley Drive, Bromley. The road is predominantly characterised by two storey detached and semi-detached properties of a similar size and design.

Comments from Neighbours

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- o Loss of privacy

Any further comments received will be reported verbally at the meeting.

Comments from Consultees

The Council's Highways Engineers have raised no objection.

Planning Considerations

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

Unitary Development Plan

BE1 Design of New Development

H8 Residential Extensions

T3 Parking

Supplementary Planning Guidance

Unitary Development Plan:

Supplementary Planning Guidance 1 General Design Principles

Supplementary Planning Guidance 2 Residential Design Guidance

Planning History

There is no recent planning history relating to the application site.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

Policies H8, BE1 and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development. Policy BE1 also seeks to ensure that new development proposals, including residential extensions respect the amenity of occupiers of neighbouring buildings and that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by loss of outlook or overshadowing.

The proposed extension will extend predominantly to the rear of the existing dwelling. An existing single storey detached garage which sits to the side and rear of the main dwelling, adjacent to the side boundary with no. 49 is to be replaced as part of the proposal with an extension which will be linked to the main house and proposed rear extension. The footprint of this part of the extension will be the same as the existing garage and it won't project any further to the front or rear. This part of the extension will provide an office area; however, a false garage door will be retained in the front elevation so that the appearance from the streetscene will remain similar to the existing. The extension will therefore result loss of the garage. However, given that there is sufficient space within the curtilage of the existing dwelling to park cars it is not considered to result in any unacceptable loss of parking. As a result, the proposed extension is not considered to cause any harm to the streetscene or parking within the area.

To the rear the development will incorporate a full width single storey extension (incorporating the existing single storey rear extension which extends across part of the rear and the replacement of the existing garage), a first floor extension which lies within the middle of the property maintaining a separation to each side, and a box dormer within the main roof slope of the existing property. Given the existing single storey rear extension and garage structure located to the south of the property adjacent to no. 49 and the separation to this neighbouring property provided by the driveways to both no. 51 and 49 which lie between the dwellings, the ground floor extension is not considered to cause any impact to the amenities of this neighbouring property.

The extension will project 4.2m for a height of 2.9m adjacent to the neighbouring property to the north at no. 53. As the properties are detached a distance of 0.79m will be retained from the northern flank of the extension to the side boundary, with additional separation provided between the boundary and the property at no. 53. Taking into account the size and siting of the ground floor element of the extension, it is not considered to result in any significant impact to the light or outlook of this neighbouring property at no. 53. The deeper part of the extension, which will replace the existing garage, will include a set of patio doors in the northern flank elevation facing towards no. 53. However, they will be located 8.41m from the northern side boundary and will look in towards the garden of the host dwelling.

Therefore, given this separation and the ground floor location of the doors they are not considered to result in any unacceptable overlooking or loss of privacy.

The first floor element of the extension will be located within the middle of the property with a separation of 3.3m provided to the side boundary shared with no. 53 and 4.147m from to the side boundary shared with no. 49. The hipped roof will be lower than the main roof of the dwelling and will slope to the sides and rear which will reduce the bulk of the extension when viewed from the neighbouring properties. Therefore, whilst it will extend to a considerable depth of 3.92m, the siting of the first floor element of the extension will mean that there will be sufficient distance between the extension and the neighbouring properties so as to reduce the impact on outlook and light to the rear windows of these neighbouring properties.

One first floor window is proposed on the southern flank elevation of the extension which will serve an en-suite. Given the location of the window and the nature of the room that it will serve, it would be considered appropriate to condition any approval to ensure this window is obscure glazed and non-opening below 1.7m from internal floor level in order to prevent loss of privacy to both the occupiers of the host dwelling and neighbouring property at no. 49. The proposed first floor rear windows are not considered to result in any additional overlooking than currently occurs from the upper windows of the existing dwelling.

The part one/two storey rear extension is substantial in size. However, as acknowledged above, the siting and roof design of the first floor element will help to reduce the bulk of the extension at first floor and provide a degree of subservience. Furthermore, having visited the site it can be seen that there are similar extensions within the area, at no. 45 Oakley Drive and no.'s 121 and 123 Gravel Road, and as such the extension is not considered to be out of character with the surrounding area. The extensions are shown to be constructed on white rendered blockwork at single storey and tile hung at first floor. This will match the materials of the existing property and is considered to be acceptable.

The proposed rear dormer will sit within the main roof slope of the existing property and will adjoin part of the roof of the proposed first floor extension. It will be set up from the eaves and will not extend the full width of the dwelling which will help to prevent the appearance of a third storey. There is a considerable amount of development proposed at the rear. However, having said this, the overall size and design of the extension is not considered so large as to be inappropriate given the size of the existing dwelling, and the first floor and dormer are considered sufficiently subservient so as to help reduce the bulk of the proposed development and the impact on the neighbouring properties.

The rear dormer will be timber clad at the rear with lead dormer cheeks, whilst this will not match the existing roof materials at the property, it is not considered to result in a significantly detrimental appearance to the host dwelling or area in general as to warrant a refusal of the planning application on this basis.

Concerns have been raised by a neighbouring property to the rear (no. 113 Gravel Road) with regards to overlooking and loss of privacy resulting from the rear

windows within the proposed dormer. The distance between the rear elevations of no. 51 Oakley Drive and 113 Gravel Road is approximately 30m. In addition, to this separation, whilst it is acknowledged that that this application does not require the Council to determine the proposal in regards to permitted development, and requires determination of the proposals under the relevant policies as outlined above, it is noted that development of this nature to the rear roof slope, including rear facing windows, are in some cases allowed to be constructed without the need for formal planning permission.

Therefore, taking all this into account, the proposed dormer is, on balance, considered to be acceptable and would not cause significant harm to the character of the area or to the amenities of the neighbouring properties, as to warrant a refusal of planning permission in this instance.

Having had regard to the above, the siting, size and design of the proposed extension is considered to be acceptable, and would not result in any undue harm to the character and appearance of the host dwelling or area in general nor the amenities of the host or neighbouring properties. Accordingly, the extension is considered to comply with the aims and objectives of Policies BE1 and H8 of the UDP.

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

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 3 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 4 Before the development hereby permitted is first occupied the proposed window(s) in the southern first floor flank elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.**

Reason: In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan

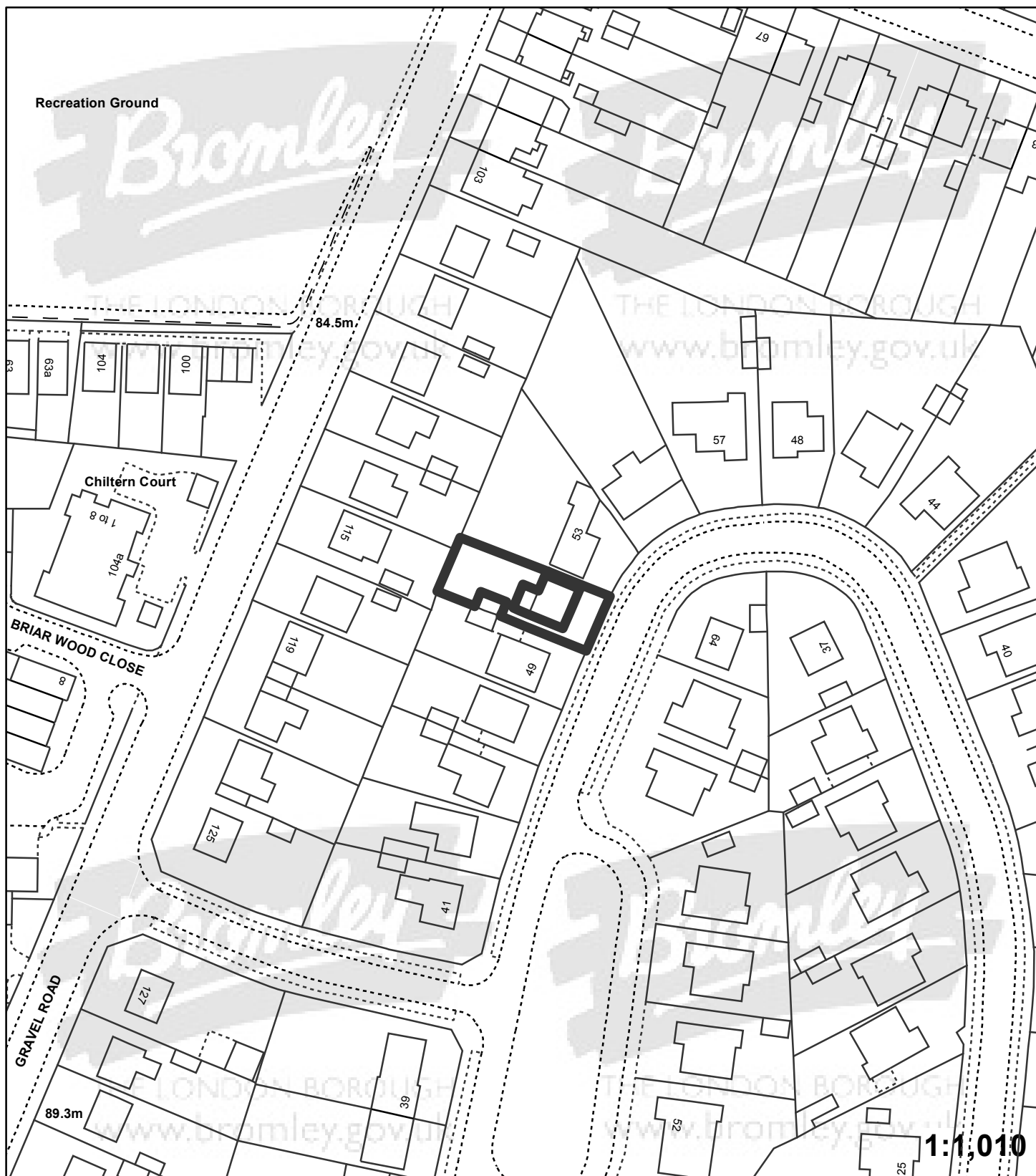
- 5 No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the flank elevation(s) of the extension hereby permitted, without the prior approval in writing of the Local Planning Authority.**

Reason: In order to comply with Policy of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

Application:15/05310/FULL6

Address: 51 Oakley Drive Bromley BR2 8PS

Proposal: Part one/two storey rear extension incorporating rear dormer.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 15/05376/FULL6

Ward:
Hayes And Coney Hall

Address : 47 Courtlands Avenue Hayes Bromley
BR2 7HY

OS Grid Ref: E: 539476 N: 166358

Applicant : Mrs Lyn Pester

Objections : NO

Description of Development:

Two storey rear/side extension

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 51
Smoke Control SCA 2

Proposal

The application seeks planning permission for a two storey rear/side extension. The extension will project 4m in depth from the rear wall of the existing dwelling for a width of 5.181m, retaining a separation of 5.326m to the south-eastern side boundary shared with no. 45 and 0.853m to the north-western side boundary shared with no. 49. The extension will partially sit on top of and behind an existing single storey attached garage located to the north-western side of the property, projecting 1.616m beyond the first floor flank wall of the main dwelling. The extension will have a pitched roof sloping to the front, sides and rear with a ridge height lower than the height of the main roof of the existing dwelling. No flank windows are proposed in the north-western flank elevation and one ground floor window in the south-eastern flank. A first floor window and set of patio doors at ground floor are proposed in the rear elevation. The application form indicates that the materials used for the exterior of the extension will be similar in appearance to the existing dwelling.

Location

The application site is a two storey detached dwellinghouse located on the south-western side of Courtlands Avenue, Hayes.

Consultations

Comments from Neighbours

Nearby owners/occupiers were notified of the application and no representations were received.

Any further comments received will be reported verbally at the meeting.

Comments from Consultees

There were no internal or external consultees.

Planning Considerations

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

Unitary Development Plan

BE1 Design of New Development
H8 Residential Extensions
H9 Side Space

Supplementary Planning Guidance 1 General Design Principles
Supplementary Planning Guidance 2 Residential Design Guidance

Planning History

There is no planning history relating to the application site.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

Policies H8, BE1 and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development. Policy BE1 also seeks to ensure that new development proposals, including residential extensions respect the amenity of occupiers of neighbouring buildings and that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by loss of outlook or overshadowing.

Policy H9 of the UDP relates specifically to side space and seeks to prevent a cramped appearance within the streetscene and to safeguard the amenities of the neighbouring properties for development, including residential extensions, of two storeys or more. The proposed two storey extension will be located to the rear but will extend 1.616m beyond the first floor north-western flank elevation of the existing dwelling. It will sit behind the existing garage and as such will be set back from the main front building lines by a distance of between 8.2m and 8.9m, retaining a distance of 0.853m from the flank wall to the side boundary. The ridge

of the roof of the extension is set much lower than the main roof of the dwelling which provides subservience to the main dwelling. Accordingly, given the set back from the front of the existing property, the lower ridge height, and separation at first floor to the side boundary, the extension is not considered to result in a cramped appearance when viewed from the streetscene.

In addition, the neighbouring property (no. 49) to this side of the application site also benefits from a single storey attached garage to the side which adjoins the flank wall of the existing garage at no. 47. As such, a further separation is provided to the main flank wall of this neighbouring dwelling. Furthermore, having visited the site, it can be seen that the rear elevation of this neighbouring property sits further back than the host property reducing the rearward projection of the extension when viewed from no. 49. There are two existing first floor flank windows at no. 49 facing the site, which it would appear serve the stairway and a secondary window to the bathroom. No flank windows are proposed on the north-western elevation of the proposed extension facing this neighbouring property at no. 49.

Therefore, taking this all into account, the proposed extension is not considered to result in any significant loss of amenity to the occupiers of no. 49. Accordingly, the proposed extension is considered to comply with the overarching aims and objectives of Policy H9 of the UDP.

The extension will be located 5.18m from the south-eastern side boundary shared with no. 45. There is a ground floor window located on the flank elevation of the extension facing no. 45; however, given the separation to the boundary it will look predominantly into the garden of the host dwelling. Given, this separation to the boundary the proposed extension is not considered to result in any undue harm to the amenities of this neighbouring residential property.

The extension is substantial in depth; however, the property is detached, retaining separation to both boundaries, and the extension will not extend the full width of the property. In addition, the roof will sit much lower than the height of the main roof and the design of the roof is as such that it will slope to the front, sides and rear which will also reduce the bulk of the extension. The materials proposed will match the existing dwelling.

Taking the above all into account, the siting, size and design of the proposed extension is considered to be acceptable, and would not result in any undue harm to the character and appearance of the host dwelling or area in general nor the amenities of the host or neighbouring properties. Accordingly, the extension is considered to comply with the aims and objectives of Policies BE1, H8 and H9 of the UDP.

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

RECOMMENDATION: PERMISSION

Subject to the following conditions:

1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.

REASON: Section 91, Town and Country Planning Act 1990.

2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

4 No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the flank elevation(s) of the extension hereby permitted, without the prior approval in writing of the Local Planning Authority.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

Application:15/05376/FULL6

Address: 47 Courtlands Avenue Hayes Bromley BR2 7HY

Proposal: Two storey rear/side extension



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 15/05553/TELCOM

Ward:
Plaistow And Sundridge

Address : Land At Junction Of London Road And
London Lane Bromley

OS Grid Ref: E: 539597 N: 170440

Applicant : Vodafone

Objections : YES

Description of Development:

10m replica telegraph pole telecommunications monopole with associated equipment cabinet (CONSULTATION BY VODAFONE LTD AND TELEFONICA UK LTD REGARDING THE NEED FOR APPROVAL OF SITING AND APPEARANCE)

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 7
Smoke Control SCA 3

Proposal

It is proposed to erect a 10m high replica telegraph pole telecommunications mast on the verge at the junction of London Lane and London Road.

The mast would have a diameter of 0.3m and would incorporate antennas operated by Vodafone and Telefonica UK Limited, with these telecommunications operators sharing the site.

An equipment cabinet is proposed to be sited on a concrete base at the back edge of the footpath and adjacent to the grass verge, between existing BT equipment cabinets.

Location

The site lies at the junction of London Lane with London Road. The prominent verge is surrounded by existing pavements to the London Lane frontage and linking London Lane to the Park Avenue junction with London Road.

The site accommodates an existing array of Lucy and BT cabinets, a total of four raised cabinets associated with inspection chambers set into the footway.

Consultations

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- Will affect outlook from flat
- Adverse health effects
- Would obstruct view from vehicles
- Impact on property values

Technical Consultations

No objections are raised from a technical highways perspective. The pole would be sited on land within Bromley's control, although as the site is located on the A21, TFL are the highway authority.

Any comments received from TFL will be reported verbally.

No objections are raised from an Environmental Health perspective.

Planning Considerations

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

BE1 Design of New Development

Of particular relevance to this application is BE1(ii) which states that "Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features."

BE22 Telecommunications Apparatus

This Policy states that in a development involving telecommunications installation, the developer will be required to demonstrate that there is a need for the development. The equipment should meet the ICNIRP guidelines on the limitation of exposure to electro-magnetic field. The installation shall not adversely affect the character and appearance of the area nor the visual and residential amenities of neighbouring properties and the visual impact of the development should be minimised by the use of screening by trees or other landscaping.

The National Planning Policy Framework

Paragraph 14 of the National Planning Policy Framework states that "At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking."

Chapter 5 of the National Planning Policy Framework relates to "Supporting High Quality Communications Infrastructure. Paragraph 43 states that local planning

authorities should support the expansion of electronic communications networks while aiming to keep the number of masts and sites for such installations to the minimum consistent with the efficient operation of the network. The need for a new site must be justified and where new sites are required the equipment associated with the development "should be sympathetically designed and camouflaged where appropriate."

It is emphasised that the planning system is not the appropriate arena for the determination of health safeguards so long as the installation would comply with International Commission guidelines for public exposure.

With regard to the importance of good design, the National Planning Policy Framework states at Paragraph 56 that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to make places better for people. Paragraph 60 states that it is proper to seek to promote or reinforce local distinctiveness.

London Plan 2015

Paragraphs 1.38 - 1.41 of the London Plan relate to the need to ensure the infrastructure to support growth within London, referring to the strategic importance of providing adequate infrastructure, including modern communications networks.

Chapter 4 of the London Plan includes the strategic objective in Policy 4.11 of "encouraging a connected economy." The policy itself states that the Mayor, GLA and all other strategic agencies should facilitate the delivery of an ICT network to ensure suitable and adequate network coverage across London which will include "well designed and located street-based apparatus."

Planning History

Under reference 06/03360 the siting and appearance of a 12.5m replica streetlight mast and 3 no. associated equipment cabinets was disapproved.

A subsequent appeal against the Council's decision was dismissed, with the Inspector stating that while the proposed installation was designed to resemble the existing lamp posts, the antennae would extend upwards for a further 2.5m. Trees would limit visibility from the east, but when seen from the south and west, the mast would have occupied a prominent position, being particularly visible in winter when the trees are bare of foliage. The 3 no. additional cabinets were considered to be visually intrusive, adding to the clutter of installations on the edge of the green.

The Inspector noted that on its own the replica lamp post might not be unacceptable, but considered that the combined effect of the proposed installation and ancillary cabinets would detract from the attractive green area and harm the visual amenity of residents of the adjacent flats, with little opportunity to provide additional landscaping that would help screen the post or cabinets.

Conclusions

The main issue in the determination of this application is the impact that the proposal would have on the character and appearance of the area, the visual amenities of the street scene and the residential amenities of the occupiers of neighbouring residential properties.

The appeal decision is a material consideration in the determination of this application, as is the strong policy support for the development of improved telecommunications networks.

The proposed mast would be shorter than that which was previously disapproved, with the height reduced by 2.5m to 10m in height. While thicker than the previously unsuccessful mast, it would be designed to have a similar profile to a telegraph pole and would not be a similar height to the nearby street lights. As such it would not appear as a significantly alien feature in the street scene. The number of equipment cabinets associated with the mast has been reduced from 3 to 1.

In assessing the previous application, the Inspector noted that there are a number of other lamp posts and items of street furniture in the locality, but reasoned that the combined effect of the proposed installation and ancillary cabinets would detract significantly from the character and appearance of the area, harming significantly the visual amenity of the residents of the adjacent flats.

In this instance, the number of equipment cabinets has been reduced significantly to a single ancillary cabinet which, it is considered, would sit reasonably comfortably in the context of the existing cabinets adjacent to the green. Although the cabinet would be somewhat bulkier than the existing BT cabinets, in combining the ancillary equipment cabinets into one rather than the three previously proposed, it is considered that the current scheme would not result in an accumulation of clutter.

On balance, it is considered that the reduction in the scale of the development in terms of the height of the mast and the number of ancillary cabinets would satisfactorily address the Inspector's concerns regarding the accumulation of clutter on the green area. While the installation would still be visible from the adjacent flats, it is not considered that the mast would be unacceptably prominent in the street scene nor would it constitute so jarring or alien a feature as to warrant the disapproval of the siting and appearance of the equipment.

The applicant has certified that the proposed development would meet the guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) for public exposure. Consequently, while the health concerns raised by local residents are acknowledged, Government guidance is that in these circumstances it should not be necessary to consider further the health aspects and concerns about them.

RECOMMENDATION: PRIOR APPROVAL REQUIRED AND GRANTED

- 1 Any telecommunications equipment hereby permitted which subsequently becomes redundant shall be removed from the site within a period of 2 months and the land shall be reinstated to its former condition.**

Reason: In order to comply with Policies BE22 and BE23 of the Unitary Development Plan and in the interest of the visual amenities of the area.

- 2 Before the operation of the development hereby approved the equipment cabinet shall be painted in a colour and finish to be submitted to and approved in writing by the Local Planning Authority. Thereafter the facility shall be retained in that colour and finish and kept free of graffiti.**

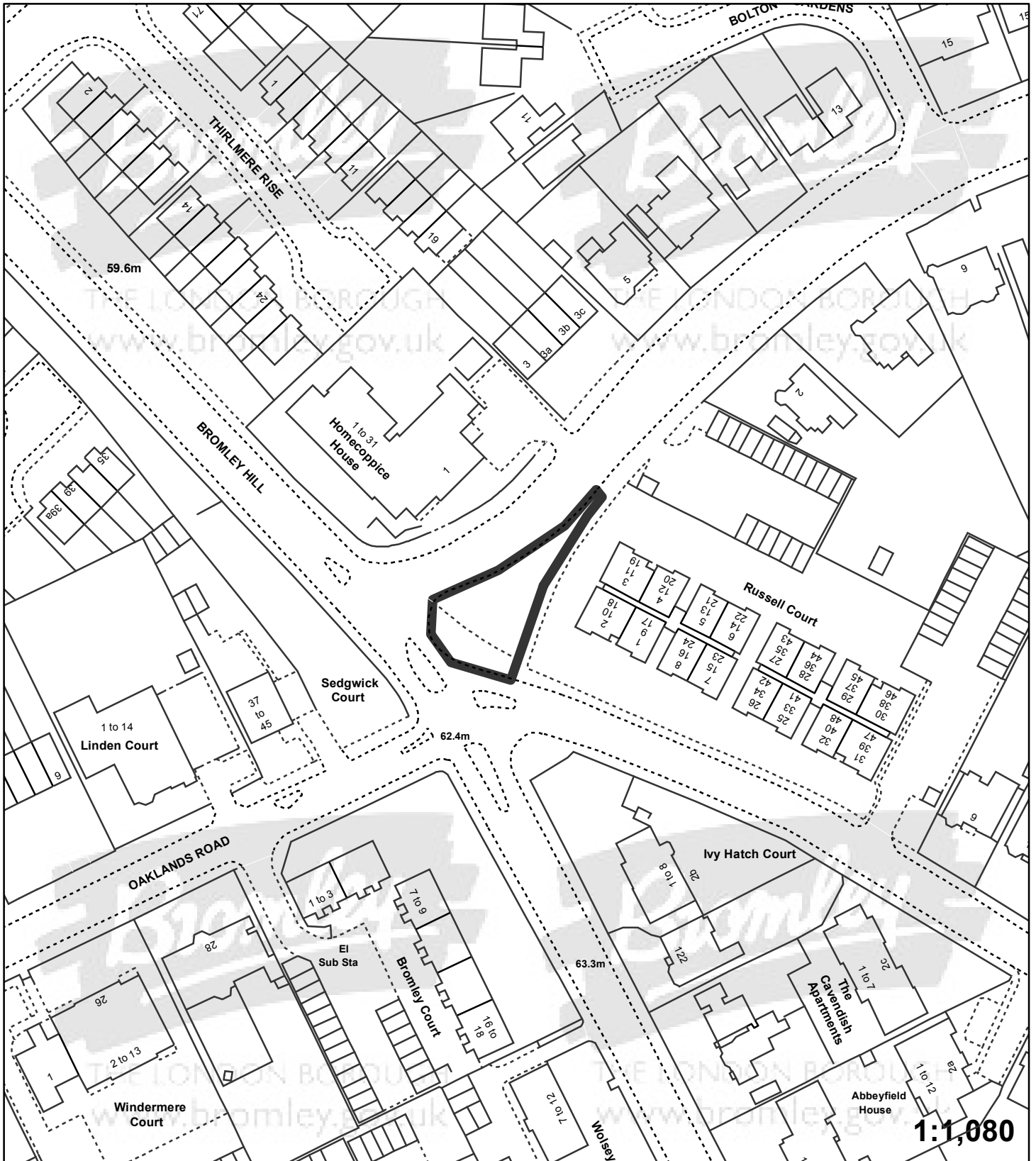
Reason: In order to comply with Policy BE22 of the Unitary Development Plan and in the interest of the visual amenities of the area.

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Application:15/05553/TELCOM

Address: Land At Junction Of London Road And London Lane Bromley

Proposal: 10m replica telegraph pole telecommunications monopole with associated equipment cabinet (CONSULTATION BY VODAFONE LTD AND TELEFONICA UK LTD REGARDING THE NEED FOR APPROVAL OF SITING AND APPEARANCE)



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 15/05647/TELCOM

Ward:
Mottingham And Chislehurst
North

Address : Land Opposite 1 Grove Park Road
Mottingham London

OS Grid Ref: E: 541953 N: 172925

Applicant : Telefonica UK Ltd And Vodafone Ltd **Objections :** YES

Description of Development:

Installation of 12.5m high telecommunications mast and associated cabinet at ground level. Consultation by Cornerstone Telecommunications Infrastructure Ltd (CTIL) regarding the need for prior approval of siting and appearance

Key designations:

Smoke Control SCA 51

Proposal

This application seeks prior approval for the erection of a 12.5m high telecommunications mast and ground level cabinet on the northern side of Grove Park Road close to the roundabout junction with Mottingham Lane, College View, Mottingham Road and Court Farm Road. The mast would be situated at the back edge of the footway adjacent to Eltham College, and the cabinet would be located 0.8m to the west of the mast adjacent to an existing cabinet. The proposed cabinet would be 1.65m high and would have a footprint of 1.9m x 0.8m.

The applicant has submitted supporting information including a technical justification for the proposal, stating that the mast is required in order to provide enhanced 2G, 3G and 4G coverage for Vodafone and Telefonica within the SE9 area. It is stated that the replica telegraph pole style of mast has been chosen in order to allow the mast to merge with the numerous vertical elements of street furniture close by, including 10m high street lighting columns.

The applicant has also provided an ICNIRP declaration which certifies that the site is designed to be in full compliance with the requirements of the International Commission on Non-Ionizing Radiation for public exposure.

Location

The application site lies opposite residential dwellings in Grove Park Road, Mottingham Road and College View, and borders the grounds of Eltham College to the north. There are a number of mature trees and an electricity substation close

by within the grounds of Eltham College, and 10m high lampposts are located along Grove Park Road. An existing post box and cabinet are also located close to the site of the proposed new cabinet.

Consultations

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- * mast would detract from the street scene
- * the appearance of the mast would be out of character with the area
- * mast is too high and of an industrial appearance
- * loss of outlook from neighbouring residential properties
- * health hazard.

Comments from Consultees

There are no technical highways objections to the proposals, and any comments from Environmental Health will be reported verbally at the meeting.

Planning Considerations

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

BE1 Design of New Development

Of particular relevance to this application is BE1(ii) which states that "Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features."

BE22 Telecommunications Apparatus

This Policy states that in a development involving telecommunications installations, the developer will be required to demonstrate that there is a need for the development. The equipment should meet the ICNIRP guidelines on the limitation of exposure to electro-magnetic field. The installation shall not adversely affect the character and appearance of the area nor the visual and residential amenities of neighbouring properties and the visual impact of the development should be minimised by the use of screening by trees or other landscaping.

T18 Road Safety

The National Planning Policy Framework (NPPF):

Paragraph 14 of the NPPF states that "At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking."

Chapter 5 of the NPPF relates to "Supporting High Quality Communications Infrastructure". Paragraph 43 states that local planning authorities should support the expansion of electronic communications networks while aiming to keep the number of masts and sites for such installations to the minimum consistent with the efficient operation of the network. The need for a new site must be justified and where new sites are required the equipment associated with the development "should be sympathetically designed and camouflaged where appropriate."

It emphasises that the planning system is not the appropriate arena for the determination of health safeguards so long as the installation would comply with International Commission guidelines for public exposure.

With regard to the importance of good design, the NPPF states at Paragraph 56 that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to make places better for people. Paragraph 60 states that it is proper to seek to promote or reinforce local distinctiveness.

London Plan 2015:

Paragraphs 1.38 - 1.41 of the London Plan relate to the need to ensure the infrastructure to support growth within London, referring to the strategic importance of providing adequate infrastructure, including modern communications networks.

Chapter 4 of the London Plan includes the strategic objective in Policy 4.11 of "encouraging a connected economy." The policy itself states that the Mayor, GLA and all other strategic agencies should facilitate the delivery of an ICT network to ensure suitable and adequate network coverage across London which will include "well designed and located street-based apparatus."

Conclusions

The main issue in this case are the impact of the proposals on the character and visual amenities of the area, on the amenities of nearby residents, and on road safety.

Local objections have been received concerning the potential health risks associated with the installation of the proposal. However, documentation has been provided to confirm compliance with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and as such these concerns cannot be considered in the determination of this application.

The proposed 12.5m high mast would be situated at the back edge of the footway close to mature trees with a height of approximately 16m, and the cabinet would also be set at the back edge of the footway adjacent to a similar height cabinet. Although the mast and cabinet would be visible from dwellings in adjacent roads, they would be seen against a backdrop of tall mature trees and other street installations such as nearby lampposts, a post box and a similar height cabinet.

The proposed mast would involve the sharing of infrastructure between two telecommunications operators, and the proposed installation is not considered to be overly prominent or obtrusive within the street scene, and would not be significantly harmful to the visual amenities of the area nor the outlook from neighbouring residential properties.

The proposed mast and cabinet would not have a detrimental impact on road safety.

In light of the above, it is considered that prior approval would be required for this telecommunications development, and in view of the absence of harm that would be caused to the visual amenities of the area, to the amenities of nearby residential properties, and to road safety, the siting and appearance proposed should be approved.

RECOMMENDATION: PRIOR APPROVAL REQUIRED AND GRANTED

- 1 The siting and appearance of the telecommunications mast and cabinet shall be carried out in complete accordance with the submitted drawing(s) unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policies BE22 and BE23 of the Unitary Development Plan and in the interest of the visual amenities of the area.

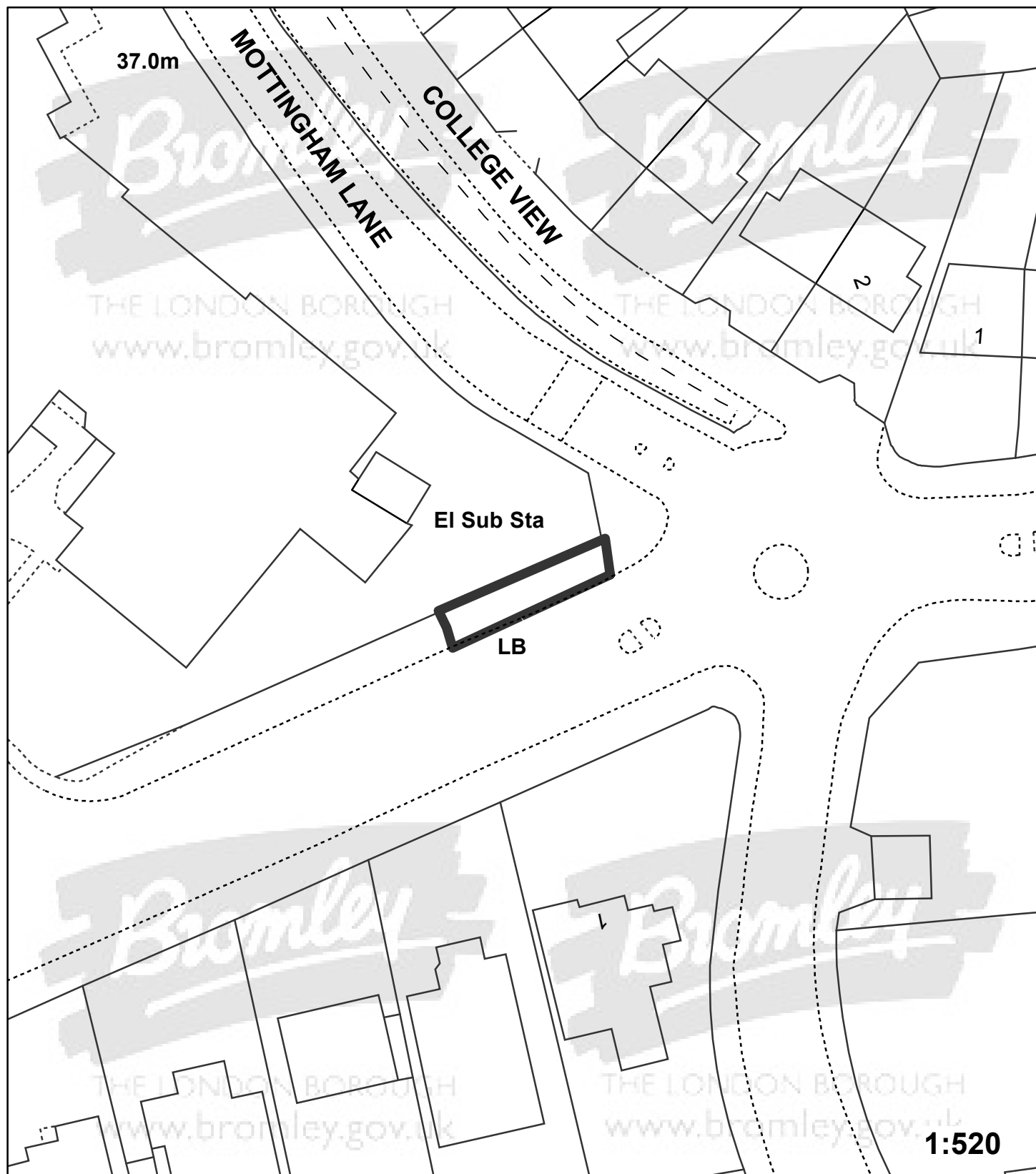
- 2 Any telecommunications equipment hereby permitted which subsequently becomes redundant shall be removed from the site within a period of 2 months and the land shall be reinstated to its former condition.**

Reason: In order to comply with Policies BE22 and BE23 of the Unitary Development Plan and in the interest of the visual amenities of the area.

Application:15/05647/TELCOM

Address: Land Opposite 1 Grove Park Road Mottingham London

Proposal: Installation of 12.5m high telecommunications mast and associated cabinet at ground level. Consultation by Cornerstone Telecommunications Infrastructure Ltd (CTIL) regarding the need for prior approval of siting and appearance



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 15/05665/TELCOM

Ward:
Farnborough And Crofton

Address : Land Opposite 161 To 171 Crofton Road
Orpington

OS Grid Ref: E: 544532 N: 165836

Applicant : Vodafone Limited _Telefonica

Objections : YES

Description of Development:

Installation of 10m high telecommunications mast and two associated cabinets at ground level. Consultation by Cornerstone Telecommunications Infrastructure Ltd (CTIL) regarding the need for prior approval of siting and appearance

Key designations:

Smoke Control SCA 11

Proposal

This application seeks prior approval for the erection of a 10m high telecommunications mast on a raised area of grass verge adjacent to Crofton Road at the junction with Crofton Avenue. The mast would be set back 8m from the footway along Crofton Road and would be located close to an existing oak tree and a lamppost. The two associated cabinets at ground level would be situated 4m to the east of the mast adjacent to an evergreen tree, and would comprise a 1.6m high cabinet with a footprint of 1.9m x 0.8m, and a small meter cabinet measuring 1.1m in height.

The applicant has submitted supporting information including a technical justification for the proposal, stating that the mast is required in order to provide enhanced 2G, 3G and 4G coverage for Vodafone and Telefonica within the BR6 area. It is stated that the replica telegraph pole style of mast has been chosen in order to minimize the height of the installation, and to merge with the numerous vertical elements of street furniture close by, including street lighting columns, telegraph poles and the existing nearby telecommunications mast.

The applicant has also provided an ICNIRP declaration which certifies that the site is designed to be in full compliance with the requirements of the International Commission on Non-Ionizing Radiation for public exposure.

Location

The site comprises an area of grassed verge which lies opposite residential dwellings at Nos.161-171 Crofton Road. The main highway lies to the north of the verge.

The grass verge contains a number of mature trees, lampposts and a 10m high telecommunications mast and ground level cabinet which is located further to the east adjacent to an electricity substation.

Consultations

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- * detrimental visual impact on the street scene
- * loss of outlook to neighbouring properties
- * 4G coverage is unnecessary in this area
- * health hazard.

Comments from Consultees

There are no technical highways or environmental health objections to the proposals.

Planning Considerations

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

BE1 Design of New Development

Of particular relevance to this application is BE1(ii) which states that "Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features."

BE22 Telecommunications Apparatus

This Policy states that in a development involving telecommunications installations, the developer will be required to demonstrate that there is a need for the development. The equipment should meet the ICNIRP guidelines on the limitation of exposure to electro-magnetic field. The installation shall not adversely affect the character and appearance of the area nor the visual and residential amenities of neighbouring properties and the visual impact of the development should be minimised by the use of screening by trees or other landscaping.

T18 Road Safety

The National Planning Policy Framework (NPPF):

Paragraph 14 of the NPPF states that "At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking."

Chapter 5 of the NPPF relates to "Supporting High Quality Communications Infrastructure". Paragraph 43 states that local planning authorities should support the expansion of electronic communications networks while aiming to keep the number of masts and sites for such installations to the minimum consistent with the efficient operation of the network. The need for a new site must be justified and where new sites are required the equipment associated with the development "should be sympathetically designed and camouflaged where appropriate."

It emphasises that the planning system is not the appropriate arena for the determination of health safeguards so long as the installation would comply with International Commission guidelines for public exposure.

With regard to the importance of good design, the NPPF states at Paragraph 56 that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to make places better for people. Paragraph 60 states that it is proper to seek to promote or reinforce local distinctiveness.

London Plan 2015:

Paragraphs 1.38 - 1.41 of the London Plan relate to the need to ensure the infrastructure to support growth within London, referring to the strategic importance of providing adequate infrastructure, including modern communications networks.

Chapter 4 of the London Plan includes the strategic objective in Policy 4.11 of "encouraging a connected economy." The policy itself states that the Mayor, GLA and all other strategic agencies should facilitate the delivery of an ICT network to ensure suitable and adequate network coverage across London which will include "well designed and located street-based apparatus."

Planning History

The existing 10m high telecommunications mast and equipment cabinet to the east of the proposed masts was refused by the Council in 2002 as it was considered to be visually intrusive within the area, but was allowed on appeal in November 2003 (ref.02/03329).

An application for a 12.5m high mast (ref.06/00799) was refused in 2006 and was dismissed on appeal due to the prominence of the mast and cabinet within the street scene.

An application for a 15m high shared mast (ref.10/01778) was refused in 2010 due to its prominence within the street scene.

More recently, an application for two 11.5m high masts and two cabinets (ref.15/04525) was refused on 8th December 2015 on the following grounds:

"Due to their height, design and prominent siting, the proposed masts and cabinets would appear visually intrusive within the street scene, and would be detrimental to the visual and residential amenities of the surrounding area, thereby contrary to Policy BE22 of the Unitary Development Plan and the National Planning Policy Framework."

Conclusions

The main issue in this case are the impact of the proposals on the character and visual amenities of the area, on the amenities of nearby residents, and on road safety.

Local objections have been received concerning the potential health risks associated with the installation of the proposal. However, documentation has been provided to confirm compliance with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and as such these concerns cannot be considered in the determination of this application.

The main differences between the current proposals and the previously refused scheme are that only one mast is now proposed, and it would be 10m in height rather than 11.5m.

Whilst it was previously considered that the addition of two 11.5m high telecommunications masts in close proximity to an existing 10m high mast would result in a proliferation of telecommunications equipment within this grass verge which would be visually intrusive in the street scene and harmful to the outlook from nearby residential properties, the current proposals are for a reduced scheme comprising only one 10m high mast situated adjacent to a tall oak tree, along with a cabinet and meter pillar that would be tucked behind an evergreen road when viewed from the highway. The mast would be the same height as the existing mast located 33m to the east, and although it would still be visible from the dwellings to the south in Crofton Road, it would be screened to some extent by existing trees, and would be seen in the context of other street furniture such as nearby lampposts and telegraph poles, and the electricity substation.

The proposed mast would involve the sharing of infrastructure between two telecommunications operators, and the revised scheme is not now considered to be overly prominent or obtrusive within the street scene, and would not be significantly harmful to the visual amenities of the area nor the outlook from neighbouring residential properties.

The proposed mast and cabinets would not have a detrimental impact on road safety.

In light of the above, it is considered that prior approval would be required for this telecommunications development, and in view of the absence of harm that would be caused to the visual amenities of the area, to the amenities of nearby residential

properties, and to road safety, the siting and appearance proposed should be approved.

RECOMMENDATION: PRIOR APPROVAL REQUIRED AND GRANTED

- 1 The siting and appearance of the telecommunications mast and cabinet shall be carried out in complete accordance with the submitted drawing(s) unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policies BE22 and BE23 of the Unitary Development Plan and in the interest of the visual amenities of the area.

- 2 Any telecommunications equipment hereby permitted which subsequently becomes redundant shall be removed from the site within a period of 2 months and the land shall be reinstated to its former condition.**

Reason: In order to comply with Policies BE22 and BE23 of the Unitary Development Plan and in the interest of the visual amenities of the area.

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Application:15/05665/TELCOM

Address: Land Opposite 161 To 171 Crofton Road Orpington

Proposal: Installation of 10m high telecommunications mast and two associated cabinets at ground level. Consultation by Cornerstone Telecommunications Infrastructure Ltd (CTIL) regarding the need for prior approval of siting and appearance



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 15/03965/FULL1

Ward:
Cray Valley East

Address : 10 Chelsfield Road Orpington BR5 4DN

OS Grid Ref: E: 547170 N: 167277

Applicant : Mr Daniel Lautier

Objections : YES

Description of Development:

Part one/two storey side/rear extension and conversion into 4 two bedroom flats, and erection of detached two storey building at rear comprising 4 two bedroom maisonettes with ancillary parking, access road, and bin and cycle stores

Key designations:

Conservation Area: St Mary Cray
Areas of Archeological Significance
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Local Distributor Roads
Smoke Control SCA 26
Smoke Control SCA 34

Proposal

It is proposed to remove the single storey side additions from the western side of this house along with the rear outbuildings, and construct a part one/two storey side/rear extension to the eastern side of the dwelling, and convert it into 4 two bedroom flats. It is also proposed to construct a detached two storey building at the rear of the site which would comprise 4 two bedroom maisonettes.

A total of 10 car parking spaces would be provided, 4 at the front of the site, and 6 between the extended building and the new maisonettes at the rear which would be accessed via a new access road adjacent to the north-western flank boundary of the site.

An area of communal gardens would be provided to the front, side and rear of the converted flats, whilst the maisonettes to the rear would have an amenity area to the rear. A bin store is proposed adjacent to the north-western elevation of the converted building, and a cycle store would be provided adjacent to the rear parking area.

The application is accompanied by an Arboricultural Impact Assessment and a Transport Statement.

Location

This site is located on the south-western side of Chelsfield Road, and lies within St. Mary Cray Conservation Area. The site is bordered to the west by locally listed buildings at Nos.1-19 Anglesea Road, and to the east by a residential development known as Audley Walk.

The site is currently occupied by a detached two/three storey dwelling and a number of outbuildings in the rear garden.

Consultations

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- * increased pressure on traffic along Chelsfield Road
- * loss of light, privacy and security to houses in Anglesea Road
- * extending the existing house would result in loss of character
- * an archaeological assessment of the site should be made
- * overdevelopment of the site
- * detrimental to the character and visual amenities of the Conservation Area
- * loss of trees would impact on privacy to residents in Audley Walk and would be detrimental to the amenities of the area
- * overlooking and loss of outlook to nearby dwellings
- * hazardous access to the development.

Comments from Consultees

No highways objections are raised to the number of parking spaces provided nor to the layout, so long as 6m manoeuvring space is provided in front of all the parking bays. A Transport Statement has been submitted to support the proposals, however, the Council's Highways Officer considers that the information supplied does not support the suitability of the access for intensification of use. He comments as follows:

"The existing access is being used and, as it is on the inside of a bend, this affects the sightlines. The available sightline, particularly to the left, appears to be poor. The proposal includes adjusting the front boundary enclosures.

A Transport Statement was supplied as part of the application which included a speed survey. There is no indication of the exact location where the survey was undertaken, the closer to the mini-roundabout it was would mean vehicles are likely to be travelling slower as they are braking or still accelerating. The nature of survey results would suggest it was undertaken by a hand held device rather than an automatic traffic counter (ATC). If the device or operator were visible to approaching drivers this could result in drivers travelling at speeds below which they normally would. It also gives a small sample on which to base the visibility requirements.

Using the procedure outlined in Manual for Streets (MfS) would give a stopping sight distance of 45m for speeds of 31mph and 26m for speeds of 21mph. The distances shown in the TS, which show 42.7m and 23.8m respectively, do not seem to have taken account of the bonnet length as outlined in MfS.

The TS indicates that 2m would be an appropriate "x" distance in this location. The advice in MfS is that "A minimum figure of 2m may be considered in some very lightly trafficked and slow-speed situations...". I do not consider Chelsfield Road as being lightly trafficked or slow speed and so 2.4m would be appropriate in this location.

Drawing 2015-2588-001 in the TS shows the achievable sightlines. Both sightlines fall short of those required. In addition, the sightline shown to the left of the access does not take account of the street tree which would reduce it still further to around 15 or 16m.

TRICS data has been used to estimate the trip generation from the site. The estimated vehicular trips for the proposal, although higher than the existing unit are relatively low. There are no non-car trips given. This site is within a low PTAL area. Some of the sites used are within Inner London where I assume has better public transport links and there is no indication why these sites are comparable."

He therefore recommends that permission be refused as the intensification of the use of the access would be detrimental to road safety and contrary to Policy T18 of the UDP.

The Advisory Panel for Conservation Areas raises objections to the extensions to the main house which are not considered to be subservient to the main building. Objections are also raised to the provision of parking at the front of the building which would be detrimental to the setting of the building.

Historic England require the submission of a pre-determination Archaeological Assessment due to the site's location within an Archaeological Priority Area, and the fact that Roman period finds from the site were recorded during investigations in the 1980s.

No drainage objections are seen to the proposals in principle, and Thames Water has no concerns.

Planning Considerations

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

BE1 Design of New Development
BE11 Conservation Areas
H7 Housing Density and Design
NE7 Development and Trees
T3 Parking
T18 Road Safety

The London Plan (2015):

3.3 Increasing Housing Supply

3.4 Optimising Housing Potential

3.5 Quality and Design of Housing Developments (including Table 3.3 - Minimum space standards for new development)

The Major's Housing SPG and the National Planning Policy Framework (NPPF) are also relevant.

Planning History

Permission was refused in November 2013 (ref.13/02693) for the demolition of the existing house and the erection of 8 two storey semi-detached dwellings with accommodation in the roof space, associated car parking at the front and the re-siting of the existing access, on the following grounds:

- 1 The proposed dwellings, by reason of their siting, design, excessive site coverage and hardstanding, would constitute an overdevelopment and an undesirable sub-division of No. 10 Chelsfield Road, detrimental to the character and visual amenities of this part of the St Mary Cray Conservation Area, contrary to Policies H7, BE1 and BE11 of the Unitary Development Plan and the Supplementary Planning Guidance for the St Mary Cray Conservation Area.
- 2 The proposal would result in the loss of an attractive Victorian building that is considered to make a positive contribution to the character and appearance of the St Mary Cray Conservation Area, and its removal would be detrimental to the special features of the conservation area, thereby contrary to Policies BE1 and BE11 of the Unitary Development Plan, the Supplementary Planning Guidance for the St Mary Cray Conservation Area and the guidance within the National Planning Policy Framework.
- 3 The proposed dwellings, by reason of their siting, height, design and scale, would result in a detrimental impact on the amenities of nearby residential properties in Anglesea Road and would result in a harmful degree of overlooking and visual impact, contrary to Policies H7, BE1 and BE11 of the Unitary Development Plan.
- 4 The proposal would result in the loss of important trees including a Lawson cypress to the front of the site and would create post-development pressure on the yew tree at the rear of the site. The proposal would therefore be detrimental to the visual amenities and character of the area, contrary to Policy NE7 of the Unitary Development Plan.
- 5 In the absence of information to demonstrate vehicle speeds at this part of Chelsfield Road, the proposed intensification of the use of a vehicular access to the site is likely to lead to conditions prejudicial to highway safety, contrary to Policy T18 of the Unitary Development Plan.

Permission was refused in February 2015 (ref.14/03921) for a part two/three storey side/rear extension and conversion into 4 two bedroom and 1 one bedroom flats, and the erection of a detached two storey building at the rear comprising 2 three bedroom dwellings and 2 two bedroom maisonettes, with parking, access road, landscaping and bin and cycle stores on the following grounds:

- 1 The proposals would significantly compromise the character of the existing house and its setting, and would cause substantial harm to the character and appearance of the St Mary Cray Conservation Area, contrary to Policies BE1 and BE11 of the Unitary Development Plan.
- 2 The proposals would, by reason of the amount and size of the development and the excessive site coverage by buildings and hard surfaces, would constitute an overdevelopment of the site, detrimental to the character and spatial standards of this part of St Mary Cray Conservation Area, contrary to Policies H7, BE1 and BE11 of the Unitary Development Plan and the Supplementary Planning Guidance for St Mary Cray Conservation Area.
- 3 The proposed car parking area would be situated in close proximity to the rear boundaries of dwellings in Anglesea Road, and would introduce a level of noise and activity into currently peaceful rear garden areas, detrimental to residential amenity and contrary to Policy BE1 of the Unitary Development Plan.
- 4 In the absence of information to demonstrate vehicle speeds along this part of Chelsfield Road, the proposed intensification of the use of the vehicular access to the site is likely to lead to conditions prejudicial to the free flow of traffic and highway safety, contrary to Policy T18 of the Unitary Development Plan.

The subsequent appeal was dismissed in August 2015.

Conclusions

The main issues in this case are the impact of the proposals on the character and appearance of St Mary Cray Conservation Area, the amenities of neighbouring residential properties, highway safety and important trees on and immediately adjacent to the site.

With regard to the density of the proposed development, Table 3.2 of Policy 3.4 of the London Plan gives an indicative level of density for new housing developments. In this instance the proposal represents a density of 47 dwellings per hectare with the table giving a suggested level of 35-65 dwellings per hectare in suburban areas with a 2 PTAL location. This is consistent with the London Plan Guidance. Overall, the proposal would result in an intensity of use of the site that would be consistent with the local area and the London Plan. However, this still needs to be assessed against the wider context in terms of the character, spatial standards and townscape value of the immediate area, with particular regard to its location at the southern edge of St Mary Cray Conservation Area.

The Supplementary Planning Guidance for this conservation area states:

'3.2 The Council will expect all proposals for new development to conform to the character of the conservation area, especially in regard to the scale and height of construction, location within a plot (where material), design and materials used. It is hoped that all improvement works to buildings constructed prior to 1945 will take account of the character of the buildings and alter them as little as possible.

3.17 The area's layout and spatial characteristics: the spacing between the houses and their relationship with their landscape setting are both of great importance to the character of the area. When considering development proposals, the Council will pay special attention to plot widths, the scale and bulk of proposed buildings and their relationship with adjacent buildings. Increases in development density and height or the development of additional houses between existing frontages could damage the character of the area and proposals of this nature will be strongly resisted.'

The existing building is a two storey red brick Victorian villa which dates from the late 19th century, and is a distinctive building with attractive detailing such as brick banding, decorative barge boards and pointed arched windows to the first floor. It is located within a generous mature garden, and is considered to make a positive contribution to the high quality and spacious character of the Conservation Area. The Inspector in the previous appeal agreed that the existing building, including its spacious and verdant setting, is a significant visual feature within the Conservation Area which contributes positively to the character and appearance of the area.

In dismissing the previous appeal, the Inspector found that the part two/three storey side/rear extension to the existing dwelling would appear overly dominant by reason of its excessive size and height, the provision of a two storey front bay and second floor front windows, and the excessive depth of the flank wall of the extension, which together would visually overwhelm and detract from the original form and architectural detailing of the house. He also considered that the proposed rear building and the hard surfaced areas required for car parking and access would further dominate the original grounds of the villa which contribute greatly to its setting. Thus, he concluded that "the attractive character and appearance of the Victorian villa would be adversely affected and its contribution to the character and appearance of the Conservation Area diminished substantially."

With regard to the impact on neighbouring residential properties, the Inspector concurred that the proposals would introduce vehicular activity into an area where there was previously none, and that the rear parking area would be too close to the gardens and properties of Anglesea Road. He concluded therefore that "the design of the car parking and access areas would harm the living conditions of the occupiers of neighbouring properties by reason of noise and disturbance."

With regard to concerns regarding the intensification of the use of the access, the Inspector made no determination on the matter as revised details were submitted by the applicant at a late stage in the appeal process, and the appeal was to be dismissed in any case for other reasons.

The current scheme has been revised to reduce the size of the extension to the existing dwelling which would now be converted into 4 rather than 5 flats (thus reducing the overall size of the development from 9 units to 8). The extension has been reduced in width by 3.8m, although a two storey extension would now be provided across part of the rear of the house, and its height would now be level with the existing roof ridge (the roof over part of the extension was previously 0.6m higher than the main ridge). However, the extension would still be a substantial addition which would not appear subservient in scale (this could be better achieved by having a lower ridge level and a recessed front elevation).

The mews building in the rear garden has been reduced in width by 9m, and would maintain greater separations to the flank boundaries, particularly the western boundary with Anglesea Road properties. However, this building, along with the significant amount of hard surfaced areas required for the access road and car parking would, as with the previous scheme, dominate the original grounds of the dwelling which contribute greatly to its spacious sylvan setting, and would fundamentally alter its character in a harmful way. The proposals are still, therefore, considered to cause substantial harm to the character and appearance of St Mary Cray Conservation Area, and would therefore be contrary to Policies H7, BE1 and BE11 of the UDP.

With regard to the impact on residential amenity, the extension to the dwelling would be set forward of the nearest two storey flats in Audley Walk which may affect the outlook from those properties. However, the extension would be 5.8-6m from the flank boundary, and there are trees along this boundary which would give some screening to the proposals. The windows to bathrooms in the south-eastern flank elevation would be obscure glazed, and the proposals are not, on balance, considered to have an adverse impact on the amenities of the adjacent properties in Audley Walk.

The proposed mews building to the rear would be of a lower scale than the main extended property, and would provide separations to the side boundaries of between 3.5-9.8m. No first floor flank windows would be provided, and the proposals are not considered to result in undue loss of light, privacy or prospect to neighbouring properties in Audley Walk or Anglesea Road.

The previous scheme was considered by the Inspector to have a detrimental impact on the amenities of residents in Anglesea Road due to the close proximity of car parking spaces to their rear gardens. The current scheme has reduced the number of parking spaces at the rear from 8 to 6, and the nearest spaces have been moved 8.3m further away from the boundary with Anglesea Road. However, the access road serving the rear parking spaces would now extend close to the rear boundaries of the adjacent properties, and would still bring vehicular activity into an area where there was previously none. The proposals are still therefore considered to cause harm to the living conditions of neighbouring occupiers by reason of noise and disturbance, contrary to Policy BE1 of the UDP.

With regard to highway safety issues, the intensification of the use of the access to serve 8 residential units is considered to have a detrimental impact on the free flow

of traffic and conditions of safety along Chelsfield Road, and would therefore be contrary to Policy T18 of the UDP.

With regard to trees on the site, the proposals require the removal of several trees located mainly within the rear garden which range in maturity, condition and form, the most significant being a mature yew tree located close to the site's eastern boundary. The principal frontage trees are shown to be retained. The loss of the trees in the rear garden is unlikely to impact on the street scene, whilst the mature yew tree is almost entirely obscured from public view, and a Tree Preservation Order to retain the tree would not be recommended. The proposed extension to the main building would impact on several trees along the eastern boundary of the site, and may include some outside the site at the adjoining property, therefore, a tree protection plan and method statement should include these trees within its assessment.

In conclusion, the current proposals are not considered to be acceptable in that they would compromise the character and setting of the existing house, would impact detrimentally on the character and appearance of St Mary Cray Conservation Area, and would be harmful to road safety. Furthermore, the proposed access road and parking area to the rear is considered to have a harmful impact on residential amenity.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposals would significantly compromise the character of the existing house and its spacious setting, and would cause substantial harm to the character and appearance of St Mary Cray Conservation Area, contrary to Policies H7, BE1 and BE11 of the Unitary Development Plan.**
- 2 The proposals would, by reason of the amount and size of the development and the excessive site coverage by buildings and hard surfaces, constitute an overdevelopment of the site, detrimental to the character and spatial standards of this part of St Mary Cray Conservation Area, contrary to Policies H7, BE1 and BE11 of the Unitary Development Plan and the Supplementary Planning Guidance for St Mary Cray Conservation Area.**
- 3 The proposed access road and rear car parking area would be situated in close proximity to the rear boundaries of dwellings in Anglesea Road, and would introduce a level of noise and activity into currently peaceful rear garden areas, which would be detrimental to residential amenity and contrary to Policy BE1 of the Unitary Development Plan.**
- 4 The proposed intensification of the use of the vehicular access to the site is likely to lead to conditions prejudicial to the free flow of**

traffic and highway safety, and would therefore be contrary to Policy T18 of the Unitary Development Plan.

You are further informed that :

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).**

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

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Report No.
DRR16/012

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PLANS SUB-COMMITTEE 3

Date: Thursday 4 February 2016

Decision Type: Urgent Non-Executive Non-Key

Title: UNTIDY SITE - LAND ADJ 39 SOUTHEND ROAD, BECKENHAM, BR2 1SP.

Contact Officer: Philip Spiteri, Planning Enforcement Officer
Tel: 020 8461 7751 E-mail: Philip.Spiteri@bromley.gov.uk

Chief Officer: Chief Planner

Ward: Copers Cope;

1. Reason for report

The report seeks permission for direct action to be taken for an untidy site at land adjacent to 39 Southend Road, Beckenham, BR2 1SP. The area of land approximately 50m x 42m in Southend Road, Beckenham junction with Stumps Hill Lane, a very busy road, the area of land has green metal corrugated fencing separating the area from the footways in Southend Road and Stumps Hill Lane.

Historically since 2004 the boundary fencing of the land has been an issue regarding the state of repair. Frequent visits to the site and contact with the owner has resulted in running repairs being made to the perimeter fencing. No substantial replacement fencing has been erected despite fencing itself becoming very dilapidated with age and wear and tear.

S215 Notices have been issued requiring the replacement of the boundary fence and to safely secure the land, cut back the overgrown vegetation on the land excluding any works to trees which are covered by the Tree Preservation Order and remove from the land any miscellaneous rubbish and all resulting debris.

Despite numerous requests to repair the fencing the S215 Notice has not been complied with and the fencing remains in a poor state of repair.

The views of members are requested to ascertain whether Direct action would be appropriate in this case.

2. **RECOMMENDATION(S)**

That Members authorise Direct Action for a contractor to be employed to carry out work to the boundary fencing and remove from the land any miscellaneous rubbish if considered necessary and all resulting debris and a charge to be placed on the land to recover all necessary cost from the current owners of the land.

Corporate Policy

1. Policy Status: Not Applicable Existing Policy New Policy: Further Details
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safer Bromley Supporting Independence Vibrant, Thriving Town Centres Not Applicable: Further Details
-

Financial

1. Cost of proposal: Estimated Cost £6,240 to £6,800
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Planning Enforcement and Development Control
 4. Total current budget for this head: £612k
 5. Source of funding: Existing revenue budget for 2015/16. Officers will endeavour to recover the costs from the owner or attach a charge to the property.
-

Staff

1. Number of staff (current and additional): 1 Planning; 1 Enforcement and 1 Legal
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement Non-Statutory - Government Guidance None: Further Details
 2. Call-in: Applicable Not Applicable: Further Details
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 Since 2004 various complaints have been made regarding the state of the boundary fence and overgrown vegetation. The site has been visited on numerous occasions and running repairs have been made by the owner to address individual issues which generally consisted of sections of the fencing becoming detached and collapsing onto the pavement.
- 3.2 Recent action has had to be taken by the Council to address concerns to the safety of members of the public by fencing sheets becoming detached and collapsing onto the pavement. The owner has failed to respond to emails requesting this remedial work to be done.
- 3.3 Prosecution is currently pending following the issuing of a S215 Untidy Site Notice issued on 1 May 2015 which has not been complied with. This required the replacement of the boundary fence and to safely secure the land, cut back the overgrown vegetation on the land and remove from the land any miscellaneous rubbish and all resulting debris. If authorised this action would be on hold pending the outcome of the prosecution.
- 3.4 Authorisation to take Direct Action is sought to engage a contractor to replace the boundary fence, to enable compliance as a minimum to the notice, the cost of this work is estimated to between £6,240 and £6,800 supplied by three contractors.
- 3.5 Various quotations have been obtained for the removal of the rubbish and debris within the site, although the cost of this work is difficult to estimate due to the unknown quantity. It may be considered that this could be left in situ if it is considered to be non-hazardous (which it does not appear to be) and would not be visible once the boundary treatment has been completed.

4. FINANCIAL IMPLICATIONS

- 4.1 The estimated cost of the proposed works will be £6,240 to £6,800. Written quotes will be sought in accordance with Financial Regulations to ensure value for money.
- 4.2 Officers will endeavour to recover from the owner of the land all expenses reasonably incurred by the Council for carrying out the works, including registering a charge against the land if necessary.

5. LEGAL IMPLICATIONS

- 5.1 Addressed in the body of the report.

Non-Applicable Sections:	Policy, Personnel implications
Background Documents: (Access via Contact Officer)	N/A

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