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DATE: 14 November 2017

To: Members of the
PLANS SUB-COMMITTEE NO. 1

Councillor Alexa Michael (Chairman)
Councillor Charles Joel (Vice-Chairman)
Councillors Douglas Auld, Katy Boughey, Kevin Brooks, Alan Collins, Robert Evans,
Samaris Huntington-Thresher, Terence Nathan and Tony Owen

A meeting of the Plans Sub-Committee No. 1 will be held at Bromley Civic Centre on
THURSDAY 23 NOVEMBER 2017 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 28 SEPTEMBER 2017**
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- 4 **PLANNING APPLICATIONS**

SECTION 1

(Applications submitted by the London Borough of Bromley)

Report No.	Ward	Page No.	Application Number and Address
	NO REPORTS		

SECTION 2

(Applications meriting special consideration)

Report No.	Ward	Page No.	Application Number and Address
4.1	Darwin	11 - 26	(17/01895/FULL1) - Warren Farm, Berrys Green Road, Berrys Green, Westerham, Kent, TN16 3AJ
4.2	Penge and Cator	27 - 36	(17/02072/ELUD) - Bronze Works, Kangley Bridge Road, Lower Sydenham, London, SE26 5AY.
4.3	Penge and Cator	37 - 46	(17/02314/FULL1) - Adam House 1B Thesiger Road, Penge, London, SE20 7NQ
4.4	Chislehurst Conservation Area	47 - 64	(17/02846/FULL1) – Haddon, Beechcroft, Chislehurst, BR7 5DB
4.5	Chislehurst Conservation Area	65 - 74	(17/03727/RECON) - Darul Uloom, Foxbury Avenue, Chislehurst, BR7 6SD
4.6	Kelsey and Eden Park	75 - 92	(17/04061/FULL1) - 8 The Close, Beckenham, BR3 4AP.

4.7	Bromley Town	93 - 102	(17/04326/MATAMD) - 14 Highland Road, Bromley BR1 4AD
4.8	Hayes and Coney Hall	103 - 110	(17/04402/FULL6) - 58 Queensway, West Wickham, BR4 9ER
4.9	Bromley Common and Keston Conservation Area	111 - 122	(17/04504/FULL6) - Rivendell 26 Forest Drive, Keston, BR2 6EF

SECTION 3

(Applications recommended for permission, approval or consent)

Report No.	Ward	Page No.	Application Number and Address
4.10	Penge and Cator	123 - 140	(17/00398/DET) - 213 Kings Hall Road, Beckenham, BR3 1LL.
4.11	Cray Valley East	141 - 176	(17/02279/FULL3) - Sun Chemical, Cray Avenue, Orpington
4.12	Chislehurst	177 - 182	(17/03002/FULL6) - 5 Greenway, Chislehurst, BR7 6JQ
4.13	Hayes and Coney Hall	183 - 188	(17/04144/FULL1) 14 Kechill Gardens, Hayes Bromley, BR2 7NQ

SECTION 4

(Applications recommended for refusal or disapproval of details)

Report No.	Ward	Page No.	Application Number and Address
	NO REPORTS		

5 CONTRAVENTIONS AND OTHER ISSUES

Report No.	Ward	Page No.	Application Number and Address
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6 TREE PRESERVATION ORDERS

Report No.	Ward	Page No.	Application Number and Address
6.1	Chelsfield and Pratts Bottom	189 - 194	(17/04751/TREE) - Land Adjacent To Little Lillys, Warren Road, Chelsfield Lane, Orpington

PLANS SUB-COMMITTEE NO. 1

Minutes of the meeting held at 7.00 pm on 28 September 2017

Present:

Councillor Alexa Michael (Chairman)
Councillor Charles Joel (Vice-Chairman)
Councillors Katy Boughey, Kevin Brooks, Samaris Huntington-Thresher, Terence Nathan, Keith Onslow and Tony Owen

Also Present:

Councillors Russell Mellor and Michael Turner

9 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Robert Evans and Councillor Keith Onslow attended as his substitute.

Apologies for absence were also received from Councillors Douglas Auld and Alan Collins.

10 DECLARATIONS OF INTEREST

There were no declarations of interest reported.

11 CONFIRMATION OF MINUTES OF MEETING HELD ON 3 AUGUST 2017

RESOLVED that the Minutes of the meeting held on 3 August 2017 be confirmed.

12 PLANNING APPLICATIONS

SECTION 1

(Applications submitted by the London Borough of Bromley)

12.1 CRYSTAL PALACE

(17/03321/LBC) - Pedestrian Subway under Crystal Palace Parade, Crystal Palace

Description of application – Installation of new retaining walls behind the existing north and south retaining walls of the East Courtyard of Crystal Palace Subway. Removal of the trees behind the north retaining wall of the East Courtyard.

It was reported that the application had been amended by documents received on 28 September

2017 and the Chief Planner's recommendation was amended to read 'Grant Listed Building Consent subject to the Direction of the Secretary of State'.

Members having considered the report, **RESOLVED that LISTED BUILDING CONSENT be GRANTED, SUBJECT to any DIRECTION by the SECRETARY of STATE**, as recommended, and subject to the condition set out in the report of the Chief Planner.

SECTION 2

(Applications meriting special consideration)

12.2 PLAISTOW AND SUNDRIDGE

(17/02430/FULL1) - 132 Burnt Ash Lane, Bromley, BR1 5AF

Description of application – Change of use of the ground floor to Class D1(Veterinary surgery) and erection of a first/second floor rear extension to provide enlarged residential flat for veterinary surgeon working at the practice.

Oral representations in support of the application were received. Oral representations from Ward Member, Councillor Michael Turner, in support of the application were received at the meeting. An email dated 11 September 2017 and a photograph had been received from the applicant and circulated to Members. A replacement site plan had also been circulated to Members.

Members having considered the report, objections and representations, **RESOLVED that the application BE DEFERRED**, without prejudice to any future consideration to seek a reduction in the size of the extension and to ensure that materials match the host building.

12.3 KELSEY AND EDEN PARK

(17/03082/FULL6) - 38 Aviemore Way, Beckenham, BR3 3RR

Description of application – Single storey rear extension and decking PART RETROSPECTIVE.

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

The Chairman had visited the site and works to the extension and decking were nearly completed. The

height and depth of the extension impacted on the character of the area and the residential amenities of the occupants of the surrounding properties with the loss of daylight and outlook. Although Members sympathised with the applicant enforcement action was proposed.

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. It was **FURTHER RESOLVED that ENFORCEMENT ACTION BE AUTHORISED** to seek a **REDUCTION IN THE HEIGHT OF THE EXTENSION TO 2.5 METRES.**

12.4
COPERS COPE

(17/03364/FULL6) - West Lodge, Beckenham Place Park, Beckenham, BR3 5BP

Description of application - Proposed rear garden annexe to provide living accommodation for a family member, subservient to the main house.

Oral representations in support of the application were received. Oral representations from Ward Member, Councillor Russell Mellor in objection to the application were received at the meeting. It was reported that further objections to the application had been received.

Councillor Mellor objected to the application being a backgarden overdevelopment on a greenfield site. He sympathised with the applicant and the applicant's offer to supply a solicitor's letter to confirm the proposed development was for personal use was rejected. If the proposed development were built ancillary to the host dwelling it could be severed in future and would be against the Unitary Development Plan and the Proposed Draft Local Plan.

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

1. The proposal, by reason of its siting and use, is not considered to represent an ancillary form of accommodation and is capable of being severed and used as a separate dwellinghouse which would result in a cramped form of development, out of character with the area and contrary to Policies BE1 and H8 of

the Unitary Development Plan (2006) and Policy 7 of the Draft Local Plan.

SECTION 3

(Applications recommended for permission, approval or consent)

12.5 CLOCK HOUSE CONSERVATION AREA

(17/02701/FULL1) - 45 Beckenham Road, Beckenham BR3 4PR

Description of application – Change of use from single family dwelling to Sui Generis House of Multiple Occupation (HMO).

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

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.

12.6 CRYSTAL PALACE

(17/02709/RECON) - 130 Croydon Road, Penge, London, SE20 7YZ

Description of application – Minor material amendment under Section 73 of the Town and Country Planning Act 1990 to allow variation of Conditions 2 and 18 pursuant to permission ref. 16/05229/FULL1 (granted on the 12.05.2017) for the construction of a four storey residential block comprising 8 two bedroom self-contained units with 4 car parking spaces, landscaping, cycle and refuse stores to allow for the introduction of rear balconies to Flats 4, 6 & 8, private rear amenity area for Flat 2, internal alterations to main entrance to flats 3-8, alterations to the entrance doors to flats 1 and 2 and heights and sills of the Left elevation corridor windows of flats 3 - 8 and stairwell windows have been altered.

Members having considered the report, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner.

12.7 CHISLEHURST

(17/02806/FULL1) – Carola, Southfield Road, Chislehurst, BR7 6QR

Description of application - Demolition of existing bungalow and construction of 4-bed dwelling with accommodation in the roofspace.

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

It was reported that the third paragraph on page 79 of the Chief Planner's report should be replaced with the following:-

'The proposed new dwelling is to be located centrally within the plot and on approximately the same footprint as the original dwelling and the recently approved scheme under ref: 16/02911/FULL1. The current scheme under ref: 17/02806/FULL1 provides a side space of 1.48m to the eastern boundary and 1.69 (reducing to 1.02m) adjacent to the western boundary, and the angular orientation has been altered to face directly onto Southfield Road (south). The design of the new house would not appear alien to the established layout, pattern and distinctive character and appearance of dwellings in the area.'

The Chief Planner's representative confirmed that that officer recommendation remained as set out in the report of the Chief Planner.

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.

**12.8
CHISLEHURST**

**(17/02900/FULL6) - 59 White Horse Hill,
Chislehurst, BR7 6DQ**

Description of application – First floor rear extension and elevational alterations.

This application was debated alongside the application for Item 4.12 of this agenda, (17/03240/FULL6) 61 White Horse Hill, Chislehurst. Members were only prepared to consider granting permission if the proposed works to Numbers 59 and 61 White Horse Hill were built simultaneously which would overcome previous grounds of refusal and it was therefore proposed that the recommendation for both applications should be amended to, 'Permission, subject to the prior completion of a Legal Agreement'.

Members stressed it was very important that the applicant be strongly informed of the above.

Members having considered the report, **RESOLVED that PERMISSION be GRANTED SUBJECT to the PRIOR COMPLETION of a LEGAL AGREEMENT to SECURE SIMULTANEOUS DEVELOPMENT WITH THAT AT 61 WHITE HORSE HILL, CHISLEHURST (17/03240/FULL6)**, as recommended, and subject to the conditions set out in the report of the Chief Planner with the deletion of Condition 5 and the addition of an Informative to read:-

INFORMATIVE 1: You are advised to contact the following address should the development be sited over or in close proximity to the sewer Thames Water, 1 Kew Bridge, Brentford, Middlesex, TW8 0EF, Telephone number 0845 850 2777, Email: developer.services@thameswater.co.uk

**12.9
CHISLEHURST
CONSERVATION AREA**

(17/03076/OUT) - Kemnal Stables, Kemnal Road, Chislehurst, BR7 6LT

Description of application – Demolition of existing residential building, stables with sand schools, flood lighting and office and the provision of 1 no. 4 bedroom house, 2 no. 2 bedroom and 6 1 bedroom dwellings with communal parking and private terraces.

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

Councillor Katy Boughey said that the continued operation due to the size of the stables was not financially viable and both she and Councillor Kevin Brooks supported the application. Councillor Boughey also referred Members to paragraph 4 on page 106 of the Chief Planner's report.

Councillor Charles Joel had visited the site located within the green belt and in an area of outstanding natural beauty and, in his opinion, the building could be renovated and in his view, it was part of the heritage of Bromley and the ground given in respect of the earlier application (16/03627/FULL1) also had relevance to this application.

The Chairman and Councillor Samaris Huntington-Thresher also objected to the application being an inappropriate development in the green belt.

The Chief Planner's representative advised Members that the application was outline and that the impact on openness could be assessed when the details were received.

Councillor Joel and the Chairman were concerned that if permission were granted then effectively Members would have accepted the principle of change of use of the site.

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

1. The proposal is inappropriate development which in principle and by reason of its size, location, design and siting would have a harmful impact upon the openness and character of the Green Belt and the purposes of including land within it, and for which no very special circumstances are considered to exist to clearly outweigh the harm to the Green Belt contrary to Policy G1 of the Unitary Development Plan, Policy 7.16 of the London Plan and the National Planning Policy Framework.

**12.10
BICKLEY**

**(17/03155/FULL6) - 8 Hunts Mead Close,
Chislehurst, BR7 5SE**

Description of application – Single storey outbuilding to house swimming pool.

The Chief Planner's representative reported that following publication of the agenda the Planning Inspectorate had written to the Council to confirm that an appeal against the non-determination of the application within the statutory eight week timeframe had been lodged and made valid. It was therefore necessary for the Sub-Committee to consider whether it wished to contest the appeal or not. The officer recommendation set out in the published agenda was to grant planning permission and therefore the Chief Planner's representative recommended that Members resolve not to contest the appeal for the reasons set out in the report. The recommendation was therefore amended to, 'Resolve not to Contest Appeal'.

Members having considered the report and objections, **RESOLVED NOT TO CONTEST THE APPEAL** as recommended, for the reasons set out in the report of the Chief Planner.

**12.11
CHELSFIELD AND PRATTS
BOTTOM**

**(17/03167/FULL1) - 30 Oxenden Wood Road,
Orpington, BR6 6HP**

Description of application – Demolition of existing dwelling and garages and erection of detached two storey 6 bedroom dwelling with accommodation in roofspace and integral garage.

Oral representations in objection to and in support of the application were received at the meeting. It was reported that a further objection to the application had been received. Supplementary information had been received from the applicant and objector and circulated to Members.

The Chief Planner's representative reported the wording for Conditions 9 and 10 on page 135 of the published agenda had a number of words omitted and the full wording of these conditions was circulated to Members.

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 amendments to conditions 9 and 10 to read:-

"9. 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 dwelling 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.

10. Before the development hereby permitted is first occupied the proposed window(s) in the 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 order to comply with Policies BE1 and H8 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties."

12.12
CHISLEHURST

**(17/03240/FULL6) - 61 White Horse Hill,
Chislehurst, BR7 6DQ**

Description of application – Part one/part two storey rear extension.

Supplementary information had been received from the applicant and circulated to Members.

This application was debated alongside the application for Item 4.8 of this agenda, (17/02900/FULL6) 59 White Horse Hill, Chislehurst. Members were only prepared to consider granting permission if the proposed works to Numbers 59 and 61 White Horse Hill were built simultaneously which would overcome previous grounds of refusal and it was therefore proposed that the recommendation for both applications should be amended to, 'Permission, subject to the prior completion of a Legal Agreement.

Members stressed it was very important that the applicant be strongly informed of the above.

Members having considered the report, **RESOLVED that PERMISSION be GRANTED SUBJECT to the PRIOR COMPLETION of a LEGAL AGREEMENT to SECURE SIMULTANEOUS DEVELOPMENT WITH THAT AT 59 WHITE HORSE HILL, CHISLEHURST (17/02900/FULL6)**, as recommended, and subject to the conditions set out in the report of the Chief Planner with the deletion of Condition 5 and the addition of an Informative to read:-

INFORMATIVE 1: You are advised to contact the following address should the development be sited over or in close proximity to the sewer Thames Water, 1 Kew Bridge, Brentford, Middlesex, TW8 0EF, Telephone number 0845 850 2777, Email: developer.services@thameswater.co.uk

12.13
WEST WICKHAM

**(17/03284/FULL6) - 20 Hayes Chase, West
Wickham, BR4 0HZ**

Description of application – First floor side and rear extension including elevational alterations.

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.

**12.14
CHISLEHURST
CONSERVATION AREA**

**(17/03456/FULL1) - Mead Road Infant School,
Mead Road, Chislehurst, BR7 6AD**

Description of application – 3 replacement external fire escape staircases, replacement isolated windows within the 'fire protection zone' and re-covering of rear upper and lower flat roofs with Bauder high performance felt system RETROSPECTIVE APPLICATION.

Members having considered the report, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

**12.15
BICKLEY**

**(17/03674/FULL1) - Durley Lodge, Bickley Park
Road, Bickley, Bromley, BR1 2BE**

Description of application – Demolition of existing dwelling and erection of 2.5 storey building, with accommodation in the roofspace, comprising of nine flats (5x one bedroom; 3x two bedroom; 1x three bedroom apartments), together with associated parking and landscaping.

Members having considered the report and objections, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner.

The meeting ended at 8.34 pm

Chairman

SECTION '2' – Applications meriting special consideration

Application No : 17/01895/FULL1

Ward:
Darwin

Address : Warren Farm Berrys Green Road Berrys
Green Westerham TN16 3AJ

OS Grid Ref: E: 543769 N: 158902

Applicant : Mr Tearle

Objections : YES

Description of Development:

Demolition of all existing buildings and erection of seven detached dwellings, with reconfigured access road and dedicated parking spaces.

Key designations:

Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding

Proposal

This full application is for the erection of seven detached houses within what is a redundant egg producing battery farm. Seven barns of varied size will be demolished, together with an existing two storey house which was associated with the redundant farm. The site will be comprehensively redeveloped with the existing access relocated and to a more central position in relation to the frontage. The proposed houses will be spread fairly evenly across the site. In all, the proposed houses will incorporate a total footprint of 853sq m and a floor area of 1490sq m (accounting for the ground and first floor accommodation). Although landscaping would be subject to a condition requiring more details approval, the submitted plans indicate that the north-eastern corner of the site - between the proposed access road and to the south of the boundary with 'Treetops' - will be landscaped and subject to potential tree planting.

The planning application is accompanied by a Design and Access Statement, Arboricultural Report and Bat Mitigation Survey.

Location

The application site comprises of a redundant egg producing battery farm which falls within the Green Belt. It is situated approximately mid-way along Berrys Green Road along its eastern side, approximately 700m to the north of its junctions with Buckhurst Road and New Barn Lane and 700m to the south of its junction with Berrys Hill. The site measures 0.74ha in area and measures up to approximately 210m in length. Its width varies from approximately 40 metres along its frontage to between 25m - 30m along its rear section. Presently, the site is occupied by five

substantial barns, two smaller barns and a detached two storey house. The access is located around the north-eastern tip of the site.

Berrys Green Road is characterised by residential ribbon development which is mainly concentrated along the northern half of the road which, for the most part, is made up of detached houses occupying substantial plots and which maintain a generous degree of separation to one another. These characteristics contribute to the open and rural character of the area. The area surrounding the application site is particularly verdant in character, with the adjoining highway being narrow and tree-lined, while the site immediately to the south is subject to a blanket Tree Preservation Order (No 568). The northern boundary adjoins the site at 'Treetops' which is occupied by a detached bungalow. The western site boundary adjoins a footpath and Cherry Lodge Golf Club beyond that.

Consultations

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

- cramped development
- excessive number of units
- road unable to cope with additional vehicles
- site fronts a narrow single track lane which is at full capacity
- road safety concerns
- concern regarding congestion on local roads
- lack of infrastructure to support scale of proposal
- lack of site notice at the site
- out of character with Green Belt location
- far smaller schemes have been refused on Green Belt grounds
- inconsistencies in planning decisions affecting the area
- plans should be reconsidered
- noise and light pollution
- proposal is contrary to Green Belt policies
- amended plans for seven units do not improve what is an inappropriate development in the Green Belt and address previous concerns regarding impact of the proposal

Comments from Consultees

The Council's Drainage consultant has raised no objection, subject to conditions.

From an Environmental Health perspective, a contamination assessment should be undertaken.

From a technical Highways perspective, the following comments were raised:

"The previous outline application for 6 houses was permitted. The number has now increased by a third. The site is within the lowest (0) PTAL area. The site is not sustainable and all trips associated with the site are likely to be by car."

Berrys Green Road is a relatively narrow lane. The frontage of the site where it meets the road is being opened up and it was agreed under the previous application that the sightlines were acceptable.

The impact will be the trips generated by the additional 2 houses on the immediate highway network. There will be an impact as a number of the lanes are narrow with single way working and additional vehicles will increase the potential delays etc. However, it is difficult to quantify the effect this will have and, although I would prefer to see a reduction in the number of dwellings, I do not think there is likely to be such a severe impact as to justify a ground of refusal.

I assume the refuse vehicle will enter the site. The turning head has been moved from the previous application. I would ask that the applicant supplies a swept path diagram to confirm that a 10.3m refuse vehicle can turn on site."

In response to the above, the agent has provided a swept path analysis. The Council's Highways engineer is satisfied with the details provided. Accordingly, no technical Highways objection has been raised in relation to the revised plans for the seven proposed dwellings, subject to conditions.

Planning Considerations

The application falls to be considered with regard to the following UDP policies:

- H1 Housing
- H7 Housing density and design
- T3 Parking
- T11 New accesses
- T18 Road Safety
- EMP5 Development outside business areas
- BE1 Design
- BE3 Buildings in rural areas
- NE5 Protected Species
- NE7 Development and trees
- G1 The Green Belt

Paragraph 80, 89 and 90 of the NPPF are relevant to this application and relate to the Green Belt. In addition, the new national technical housing standards are of relevance.

Policy 7.16 of the London Plan gives the strongest protection to London's Green Belt in accordance with national guidance. Inappropriate development should be refused except in very special circumstances and development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance; such improvements are likely to help human health, biodiversity and improve overall quality of life.

Emerging local plan

Draft policy 49 (Green Belt)

Draft policy 4 (Housing Design)

Draft policy 37 (General Design of Development)

Planning History

There is a lengthy planning history relating to the application site. The planning history since 1995 is set out in the table below.

95/02603	Replacement single storey agricultural building	Permitted 1996
01/01134	Change of use from chicken farm to Light Industrial/Commercial (Class B1) and storage (Class B8)	Refused 2001
01/03966	Change of use from chicken farm to light industrial/commercial (Class B1) and storage (Class B8)	Refused & dismissed at appeal 2002
01/03967	Demolition of agricultural buildings and erection of 4 dwellings and garages (Outline)	Refused & dismissed at appeal 2002
03/00438	External "Norfolk incinerator"	Permitted 2003
03/00439	Change of use from chicken farm to light industrial/commercial (Class B1) and storage (Class B8)	Refused 2003
03/00443	Demolition of agricultural buildings and erection of 2 dwellings (Outline)	Refused & dismissed at appeal in 2003
05/01002	Change of use of poultry farm buildings to mixed use comprising Class B1, B2 and B8	Refused 2005 & dismissed at appeal 2006
14/04310	Change of use of Agricultural Building to Class C3 dwellinghouses to form 3 dwellinghouses (56 day application for prior approval under Class MB of Part 3 of schedule 2 of the GPDO 1995 as amended).	Refused 2014
15/00472	Change of use of Agricultural Building to Class C3 dwellinghouses to form 3 dwellinghouses (56 day application for prior approval under Class MB of Part 3 of schedule 2 of the GPDO 1995 as amended).	Prior approval granted 2015
15/01340	Single storey rear extension, extending beyond the rear of the original house by 8m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m. (42 Day Notification for Householder Permitted Development Prior Approval)	Refused 2015
15/02449	Single storey rear extension, extending beyond the rear of the original house by 8m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m. (42 Day Notification for Householder Permitted Development Prior Approval)	Refused 2015

15/05159	Demolition of all existing buildings and erection of seven detached dwellings, together with access road and parking facilities (Outline)	Withdrawn
16/01961	Demolition of all existing buildings and erection of six detached dwellings, with reconfigured access road and dedicated parking spaces OUTLINE APPLICATION REGARDING ACCESS AND LAYOUT	Permitted 2016

In essence, planning application references 01/01134, 01/03966, 03/00439, 05/01002 were refused on the basis that these would result in intensification in the use of an access with inadequate sightlines, and would result in an unacceptable increase in vehicle parking and associated thereby constituting inappropriate development in the Green Belt.

In respect of the residential schemes, refs 01/03967 and 03/00443, it was also considered that these would result in intensification in the use of an access with inadequate sightlines, and this would constitute inappropriate development in the Green Belt within which there was a presumption against residential development.

Prior Approval was granted under ref. 15/00472 for the conversion of three of the existing barns to dwellings: this following an earlier unsuccessful application for a similar scheme (ref. 14/04310). Subsequent to that, Prior Approval was refused for applications to extend the existing dwelling on the site.

Most recently, under application ref. 16/01961, the Council granted outline permission for the demolition of all of the existing buildings within the site and the erection of six detached dwellings, with a reconfigured access road and dedicated parking spaces. It was noted that the proposal would result in a significant reduction in the level of built form within the site, and that such a reduction would significantly enhance its openness of the site. It was concluded that the characteristics of the application site and proposal amounted to very special circumstances to justify the scheme.

Conclusions

The main issues for consideration are: the appropriateness of this development in the Green Belt, including its impact on the openness of the Green Belt and the purpose of including land within it; and whether, if the development is inappropriate in the Green Belt, the harm by reason of inappropriateness or any other harm, would be outweighed by other considerations so as to amount to very special circumstances. This application follows the grant of outline permission under reference 16/01961 for a residential scheme comprising six detached dwellings, in which the principle of residential redevelopment of the site was accepted, and it was concluded that the commercial use of the site was no longer viable. In essence, this proposal seeks permission for one additional dwelling and incorporates detailed plans in contrast to the previous outline application. This proposal is considered in light of that previous proposal.

As outlined above, the application site forms a redundant egg producing battery farm. The site is dominated by various barns which straddle the length of the site, including four substantial chicken sheds within the south-east corner of the site and another within the western end of the site. In addition, the site includes a two storey detached house which occupies a central position of the site and two other barns to its north and west. These structures are accessed by a driveway comprising of hardstanding which extends from the site entrance. The site contains a high proportion of built forms and is highly developed. Despite that, in policy terms the existing agricultural-related development is considered to constitute appropriate development in the Green Belt.

The National Planning Policy Framework allows some "limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development." In terms of the question of whether the site represents previously developed land, it is noted that the site is predominantly occupied by agricultural buildings and therefore it does not fall entirely within the NPPF definition of previously developed land. Accordingly, such a housing proposal represents inappropriate development in the Green Belt for which very special circumstances are required to be demonstrated in order to justify the scheme. Paragraph 87 of the NPPF states that "as with previous Green Belt policy, inappropriate development is by definition harmful to the Green Belt and should not be approved, except in very special circumstances."

In this case following amendments to the General Permitted Development Order the site benefits from Prior Approval relating to the conversion of three of the existing sheds to residential use, which could incorporate a cumulative floor area of 450sq m (as granted under application ref. 15/00472). In effect, this would enable three additional houses to be constructed on site, whilst the remaining agricultural structures could remain in situ. In comparison to the prevailing planning policies at the time of the 2001 and 2003 planning applications, for which residential development was previously sought, current planning policies allow for a greater flexibility in terms of the re-use of buildings which have legitimately been used for agricultural trades or businesses. On this basis, it is considered a more intensive residential use of the site can be justified in principle.

Whilst local objections have been received on the basis this scheme will comprise an unacceptably cramped form of development, will be excessive in scale, and appear out of character in the Green Belt, in view of the self-contained nature of the development, the degree of separation of the proposed houses from neighbouring properties, and the proposed landscaped area adjacent to the boundary with 'Treetops', it is not considered that the living conditions of surrounding residents will be appreciably undermined.

In terms of highway issues, this scheme includes the re-siting of the vehicular access to a more central position in relation to the frontage. Whilst the Council has previously expressed concerns in relation to the intensification in the use of the existing access, such a comprehensive redevelopment as is now proposed will enable the vehicular access and entrance road to be designed in a manner which

will achieve adequate sightlines; furthermore, the likely trip generation for seven houses is considered to be acceptable in light of the current lawful use of the site. A swept path analysis included in the proposed plans shows that refuse vehicles will be able to turn on site.

Taking account of the above, it has previously been accepted the site in its existing form and use is no longer financially viable in view of its significant constraints. Whilst not constituting previously developed land, the site is nonetheless highly developed with little sense of openness maintained. In view of the passage of time and their lack of use, the buildings appear unsightly and fail to contribute positively to local character. It is also established that the site can accommodate a more intensive residential form of development, albeit by way of the conversion of existing buildings on the site.

In terms of its key merits, as with the previous scheme for six detached houses (ref: 16/01961) the proposal will result in a significant reduction in the level of built form within the site, with the current buildings footprint reduced from 2840sq m to 853sq m (with the overall floor area falling from 2919sq m to 1490sq m). (The 'Prior Approval' layout could, by contrast, retain an overall buildings footprint on 2256sq m within the site). Such a reduction as is now proposed will significantly enhance the openness of the site, with overall buildings coverage reduced from approximately 38% to 11%, this involving much of the site being re-contoured and landscaped. The overall floor area and building footprint will remain identical to that approved for the six dwellings under the previous outline application. On the whole, the proposed houses are modestly proportioned with an element of the proposed first floor accommodation inset within the roof area within some of the units. Furthermore, attached and detached car ports have been removed from the proposed units (as per the revised plans received 24.10.17) in order to reduce the number of built structures within the site and ensure an equal floor area to the previous proposal. The siting of Unit 1 has also been relocated further eastward (again, as per the revised plans received 24.10.17), meaning that the far-western side of the site will be open, and ensuring that the proposed houses are more tightly clustered. Taking account of these revisions, it is considered that the proposal will have a positive effect on the visual amenity and openness of the Green Belt and maintain a similar form to the previous 6-unit scheme.

The proposed houses will be generously apportioned within the site which will bear some reflection of local character. Whilst this proposal includes one additional dwelling since the previous scheme (following amendments made at application stage resulting in the removal of one house from the eight initially proposed), given the similar floor area and volumes and the siting and spacing of the proposed houses, it is considered that the proposal remains acceptable in terms of Green Belt and local character.

Notwithstanding the above, housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan (2015) generally encourage the provision of small scale infill development in previously developed residential areas 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.

In regard to ecology, a bat survey was submitted with the application which found that there was no bat activity or roosts found; however, it is considered that all buildings should be resurveyed before any works commence by a licensed bat ecologist should circumstances have changed in the intervening period.

Policy 3.5 of the London Plan and the Housing SPG (2016) 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 should comply with Nationally Described Housing Standards (2015). The floorspace size provision for all of the units is compliant with the required standards and is considered acceptable. The shape and room size in the proposed units is generally considered satisfactory for the ground and first floors where none of the rooms would have a particularly convoluted shape which would limit their specific use. In accordance with Standard 11 of Housing: Supplementary Planning Guidance. (March 2016) of the London Plan 90% of all new dwellings should meet Building Regulation M4(2) 'accessible and adaptable dwellings'.

In conclusion, it is considered that the above factors amount to very special circumstances to justify such development in the Green Belt. This proposal is considered to represent a sustainable form of development, making effective use of this redundant agricultural unit, whilst enhancing local character and openness.

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

as amended by documents received on 24.10.2017

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 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

- 5 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 5.13 of the London Plan.

- 6 No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority, and drainage works shall be carried out in accordance with the approved details prior to first use of any dwelling. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems set out in Annex F of PPS25, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:**

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;

ii) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and

iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented, maintained and managed in accordance with the approved details

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan.

7 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.

8 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.

9 Details of the finished surfaces of the access road, garage drives and parking areas, which shall include coloured materials and block paving, and of the street lighting installations, shall be submitted to

and approved in writing by the Local Planning Authority before the development commences and the access road, drives, parking areas and street lighting shall be completed in accordance with the approved details before any of the dwellings hereby permitted are first occupied.

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

- 10 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.

- 11 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.

- 12 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 satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan.

- 13 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 (as amended), 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 the interest of the visual amenity and openness of the Green Belt and to accord with Policies G1 and BE1 of the Unitary Development Plan and Section 9 of the National Planning Policy Framework.

14 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.

15 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.

16 All of the existing buildings shall be resurveyed before any demolition works take place and a survey has been carried out to ascertain if any bats are roosting in the buildings concerned. The Council shall be advised of the timing of the survey. If any bats are discovered, details shall be submitted to and approved in writing by the Local Planning Authority of the timing of the works and any necessary mitigation measures. The works shall be carried out in accordance with the approved timing and mitigation measures.

All of the existing buildings shall be resurveyed by a licensed bat ecologist before any demolition works take place and a survey has been carried out to ascertain if any bats are roosting in the buildings concerned. The Council shall be advised of the timing of the survey. If any bats are discovered, details shall be submitted to and approved in writing by the Local Planning Authority of the timing of the works and any necessary mitigation measures. The works shall be carried out in accordance with the approved timing and mitigation measures.

17 All of the existing buildings shall be resurveyed by a licensed bat ecologist before any demolition works take place and a survey has been carried out to ascertain if any bats are roosting in the buildings concerned. The Council shall be advised of the timing of the survey. If any bats are discovered, details shall be submitted to and approved in writing by the Local Planning Authority of the timing of the works and any necessary mitigation measures. The works shall be carried out in accordance with the approved timing and mitigation measures.

Reason: In order to comply with Policy NE3 of the Unitary Development Plan and in order to safeguard the interests and well-being of bats on the

site which are specifically protected by the Wildlife and Countryside Act 1981 (as amended).

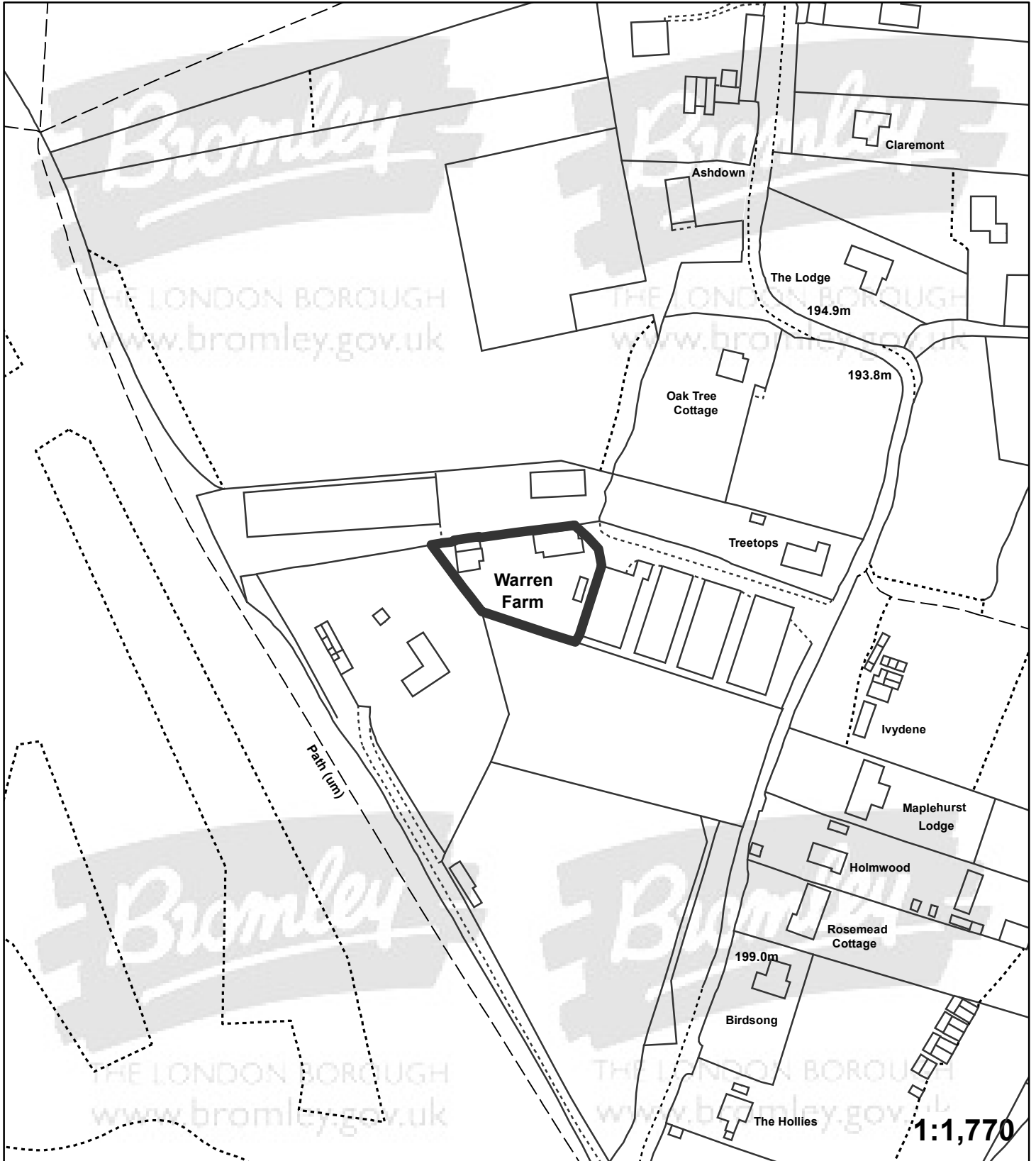
- 18 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

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.

Application:17/01895/FULL1

Address: Warren Farm Berrys Green Road Berrys Green Westerham TN16 3AJ

Proposal: Demolition of all existing buildings and erection of seven detached dwellings, with reconfigured access road and dedicated parking spaces.



"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 : 17/02072/ELUD

Ward:
Penge And Cator

Address : Bronze Works Kangley Bridge Road Lower
Sydenham London SE26 5AY

OS Grid Ref: E: 536727 N: 171352

Applicant : Mr Dominic Hill

Objections : No

Description of Development:

Use of building as 8 no. flats (Class C3) pursuant to grant of prior approval under reference 13/03598. (LAWFUL DEVELOPMENT CERTIFICATE - EXISTING)

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 25

Proposal

The application is for a lawful development certificate for an existing use or operation or activity.

The existing situation is described on the application form (Q8) as "The former office block has been re-developed for 8 no. flats pursuant to the grant of prior approval permission ref. DC/13/03598/RESPA dated 10th December 2013".

Under Q9 the applicant states:

"The conversion of the former office block to 8 no. flats is development for which planning permission was granted under the GPDO pursuant to a valid prior approval application ref. DC/13/03598/RESPA."

The application is accompanied by:

- Site plan
- Statutory declaration of Dominic and Nicholas Hill which can be summarised:
 1. There was never any doubt in the mind of the applicants regarding the lawful status of the office block because it had been in continuous independent use for that purpose since the site was bought in August 2000.
 2. There was a lack of office requirements in the area and it had been a struggle to find reliable and financially viable tenants for the office building at the front of the site, as a consequence of which it was decided to apply for the change of use.
 3. The application was made on 15th October 2013 and at that time Ngwena Ltd was the tenant.
 4. The council issued its written notice of prior approval on 10th December 2013. The applicant's view of the lawful planning use status of the building was not questioned.

5. The applicants state that they have sought to rely on GPDO permission as prudent landowners/developers.
6. In early January 2014 the internal tear out of the offices began. At the same time the applicants started work with architects on the detailed building plans.
7. In March 2014 it was decided that a full planning application would be needed for other works associated with the change of use. Plans were drawn up and submitted on 17th June 2014. On 30th October 2014 a letter from the LPA was received which expressed doubts regarding the lawful use of the building on 30th May 2013 (the qualifying date).
8. A lawful development certificate was submitted and refused. In the interim the necessary conversion works have been undertaken to implement the change of use. As the GPDO originally stood there was a requirement to complete the change of use on or before 30th May 2016. On 6th April 2016 the GPDO was amended to extend the time limit for existing prior approvals to 3 years from the date of their grant.
9. As of 10th December 2016 the following works had been carried out:
 - Flat 1 completed and the current tenant moved in to occupy the unit on 28th May 2016 with a signed tenancy.
 - Flats 2, 3, 5 and 6 - completed apart from bathrooms
 - Flat 4 - mostly completed apart from kitchen/bathroom fittings
 - Flats 7 and 8 - partly completed, with wiring, plumbing and other structural works.
- Covering letter ref. BBG/HIL26-1 dated 5th May 2017 which provides a background to the submission of the current application, referring to the then on-going appeal and making the submission:
- The council is not legally able to set aside its prior determination that the Building was a B1(a) office.
- The current S191 application is for C3 dwellinghouse use of the individual units "in light of the fact that the prior approval permission has now been implemented by the carrying out of substantial conversion works to the Building."

The submission refers to there being two grounds (i) and (ii) to the s. 191 application.

(i) the grant of prior approval was a final determination of the B1(a) office use

(ii) the conversion works carried out at the building satisfy the timing requirements of the GPDO.

Additional information was submitted 17/7/17 and 2/8/17 comprising:

- Copy of "Agreement for an assured shorthold tenancy" between Mr D Hill/Mr N Hill and Mr Jaroslaw Rusiecki (tenant). The document starts on P4 of 22 pages and relates to The Bronze Works Flat 1. The date of the 6 month tenancy starting is given as the 27th May 2016 and the end date is the 26th November 2016.
- Pages 1 - 4 arrived separately and comprise "Prescribed Information" relating to the deposit protection service. Again, signed by the tenant and this document is dated 27/5/16.

- A domestic electrical installation certificate (No. 28971819) dated 28/5/16. The work is described as "full wiring of new 1 bedroom ground floor flat."
- Photographs of pipework and meter and note "The electric and gas supplies were taken from existing commercial supplies temporarily until the new supplies were installed. These are now installed. However, Flat 1 is still connected to the commercial supplies at this time. It is separately metered so that we know what is being used though this has not been charged to the tenant. If you would like to see this in person, please email us to arrange another site visit. Please find attached below images to support this fact."
- Notes from the applicant: page1 states that they were only aware that street naming/numbering department exists as a result of comment by planning appeal officer. The note states that they will be submitting the forms shortly. In the past, on the commercial side they have always just advised the VOA of the split and the new units were created and the relevant rates bills issued. The VOA were contacted by email dated 26/6/17 and 2 phone calls were made to follow this up.
- Copy of email to Hazel Jada (VOA.gsi.gov.uk) dated 20/6/16 stating "one of the flats has been completed and was passed to a new tenant on 27/05/2016. It is a one bedroom flat."
- Note (ATT0005) states Mr Fergus Powell from the VOA contacted Mr Hill in January 2017.
- Copy of email from Mr Fergus Powell (26/1/17) which refers to an email sent to Ms Jada in February 2015, and asks for an update. It asks if Mr Hill could let him know if they now have planning permission and if so whether the building works are near completion.
- Copy of email from Mr D Hill to Fergus Powell dated 9th February 2017 which states that Ms Jada had been told that one of the units had been completed and occupied. The remaining 7 units are referred to as being underway and at different stages of completion and expected to be completed in around 2 - 3 months.
- Copy of email from Mr Hill to Mr Powell dated 13/3/17 stating that the address of the unit is "Flat 1, Office Building, The Bronze Works". It refers to Mr Hill as being on site most of the time completing the other units.
- Copy of an email with a plan of the Flat 1, Bronze Works unit which was provided to CTSouth@bromley.gov.uk on 30/3/17.
- Copy of email from Mr Hill to CTSouth stating that the property became available on 27/5/16 and was rented from that date by Mr Rusiecki.
- Copy of an email from Mr Powell to Mr Hill dated 30/6/17 requesting that he let that office know if the remaining 7 units are complete and asking whether Mr Hill or the tenant have received a demand for council tax since the identification of the unit has been difficult, seeking the address "as it's known by the local authority."
- Witness statement of the applicant's legal representative on behalf of the applicants.

The statement includes the assertion that the witness wrote to the applicants on 5/4/16, 7/4/16 and 6/5/16 referring to changes in the GPDO and stressing the need for caution in relation to what works might need to be carried out and by what date, in order to save the "Permission" from expiring. The second of these letters referred to an email received by the witness on 6th April 2016 from the Planning Manager for DCLG. The email is quoted in the witness statement and refers to Section 17(2)(b) of the Interpretation Act 1978 and states inter alia "We consider that prior approval granted under the Class O before 6 April will continue (sic) to have effect under Class O as re-enacted, and will be subject to the new requirement that change of use be completed within three years starting with the prior approval date." The email quoted by the witness also states that "these amendments do not have retrospective effect in that they do not change the terms of any prior approval which has already been granted by the local authority (for example the new requirement to consider noise will not apply to prior approvals already granted)."

The witness (Mr Garbett) states it is the Government's own view that the change of use authorised by "this Permission" would need to have been completed by 10th December 2016 in this case.

At paragraph 13 the witness states that he has a record of a telephone conversation with the clients on 9 June 2016 in which he was informed that one unit had already been developed but there was no building regulations sign off for this flat.

With regards to completion, the witness refers to case law (SSCLG v Welwyn Hatfield BC [2011] UKSC 15) which endorsed a ruling of Lord Justice Donaldson in the case of Impey v Secretary of State. The witness refers to there being "no legal requirement to actually complete one or more units in order to 'begin' the use of the Building as a dwellinghouse, or to 'complete' the development (i.e. to initiate the permitted change of use)."

He concludes to state that the works that were undertaken in relation to the stripping out of the former office building and completion of flat 1 (and to varying degrees the conversion of the 7 other flats) were significant in planning terms to satisfy the GPDO requirement. He states that even if 10th December 2016 was treated as the relevant cut-off, this breach of Condition 0.2(2) of the GPDO does not render the start of development as being unlawful, giving rise simply to the question of whether it would be expedient for the Council to take enforcement action against that breach.

Consultations

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

Legal Opinion

It is likely that the applicant is correct as to the lawful interpretation of the old Class J (now Class O) provisions. It makes sense that for a RESPA approval that straddles the 1995 and 2015 GPDO that once the 1995 version was repealed the rights under the prior approval were governed by the 2015 GPDO as amended. As a consequence following the repeal of the 1995 GPDO and the enactment of the 2015 GPDO, Class O.2(2) is the time constraint condition relevant, in which case the prior approval granted on 10 December 2013 had to be completed within 3 years.

The only issue therefore is whether the change of use was completed by that date.

The GPDO applies to parts of a building and not just the building as a whole (article 2(1) GPDO 2015 at "building" and case law relating to s.171B). As such the material change of use to a self-contained residential dwelling is an issue for each individual flat and not the

building as a whole as each individual flat is a separate planning unit once completed and the use implemented. The intention of the old Class J was to allow offices to be converted into multiple flats (and so a change of use for each individually) but each would still have had to have the material change of use completed within the meaning of Welwyn Hatfield.

It may be argued by the applicant that the use of the whole building changed to residential upon Flat 1 being occupied, and that then creating self-contained flats did not amount to a material change of use, but it seems inarguable that each flat, once completed and occupied, is a separate planning unit. 'Completion' of a change of use is a matter of fact and degree as to when the property was 'useable' for residential purposes.

Impey said: "Change of use to residential development can take place before the premises are used in the ordinary and accepted sense of the word, and [counsel] gives by way of example cases where operations are undertaken to convert premises for residential use and they are then put on the market as being available for letting. Nobody is using those premises in the ordinary connotation of the term, because they are empty, but there has plainly, on those facts, been a change of use. The question arises as to how much earlier there can be a change of use. Before the operations have been begun to convert to residential accommodation plainly there has been no change of use, assuming that the premises are not in the ordinary sense of the word being used for residential purposes. It may well be that during the course of the operations the premises will be wholly unusable for residential purposes. It may be that the test is whether they are usable, but it is a question of fact and degree."

In addition to this extract from Donaldson LJ in the Impey case, the Judge also said "I would say that the physical state of these premises is very important, but not decisive. Actual use or intended use is important but not decisive. These matters have to be looked at in the round".

On the applicant's evidence as at 10 December 2016 only Flat 1 was 'useable' for residential purposes. Flats 2, 3, 5 and 6 had no bathrooms, Flat 4 had no kitchen or bathroom and Flats 7 & 8 were even less complete. The site was visited pursuant to the appeal into the previous application on 11th May 2017 and it was clear at that time that only Flat 1 was complete. Clearly the building as a whole was not useable for residential use on 10 December 2016. With the exception of Flat 1 none of the units had reached the point that it could be said that they were usable.

The key issue would be whether a change of use for each flat has occurred as a matter of fact and degree or not. On the applicants' own evidence none of flats 2 - 8 were useable for residential purposes by 10 December 2016.

As condition O.2(2) has not been satisfied there is no general permitted development right for the change of use to residential self-contained dwellings for those flats (2 - 8) so any change of use to residential self-contained dwellings for those flats on or after 10 December 2016 would be an unlawful change of use. Flat 1 will benefit from the permitted right to materially change the use as it was completed prior to 10 December 2016 and so is lawful as a separate planning unit.

It is noted that the applicant's agent agrees that the Impey case is the relevant authority, and while making an assertion that the GPDO requirements are met, it is also commented "In any event, even if 10th December 2016 is treated as the relevant cut-off date, this breach of condition (i.e. Condition O.2(2) of the 2015 GPDO) does not render the start of development as being unlawful. It merely gives rise to the question of whether it would be expedient for the Council to take enforcement action against that breach."

It is advised that the certificate application should be refused for the reasons above. However it is noted that the change of use on Flat 1 is lawful and those works on the remaining flats carried out prior to 10th December 2016 were not in breach of condition O.2(2) at the time they were undertaken.

Planning Considerations

Relevant Legislation

Class J, Part 3 to the second schedule to the Town and Country Planning (General Permitted Development) Order 1995 and its successor.

Class J, Part 3 to the second schedule to the Town and Country Planning (General Permitted Development) Order 1995 and the succeeding provision, Class O, Part 3, Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 grants permitted development rights to make a change from offices to dwellinghouses, subject to conditions. Condition O2(2) to Class O of the 2015 Order provides "Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date. The prior approval date is the date of the prior approval which is 10th December 2013.

The applicant has also referred to planning case law.

Planning History

13/03598/RESPA - On 10th December 2013 the Local Planning Authority granted prior approval for the change of use of premises from Class B1(a) office to Class C3 dwellinghouses to form 2 one bedroom, 4 two bedroom and 2 two/three bedroom flats. This was a 56 day application for prior approval in respect of transport and highways, contamination and flooding risks under Class J Part 3 of the Town and Country Planning of the Town and Country Planning (General Permitted Development)(Amendment)(England) Order 2013, with Section N of the Order providing the framework for determination.

14/02347/FULL1 - Under reference 14/02347 a planning application was submitted to the Council for the extension and elevational alterations to the office. During the course of this application (which was subsequently withdrawn) it was brought to the applicant's attention that the Council was doubtful as to the lawful use of the building on 30th May 2013 and whether that use fell within Class B1(a) as per the prior approval application.

15/05049/ELUD - Under reference 15/05049 an application for a lawful use/development certificate was submitted which sought to establish that the offices at the Bronze Works were non-ancillary and self-contained offices falling within Class B1(a). The application was described by the applicants thus:

"This application is to certify that the office block is B1(a) use and not ancillary to a wider commercial use on the site. The site apart from the office block is made up of 15 separate commercial units, all of which have tenants."

The application was submitted on 19th November 2015. The chronology submitted by the same applicants in this current application states that at this stage the tear out works of the office block had begun (para. 7 of statutory declaration dated 28th April 2017).

The application was reported by the Chief Planner to the Plans Sub-Committee meeting on 14th July 2016 where members refused the lawful development certificate on the grounds:

"Insufficient evidence has been provided to substantiate that the use of the front building would fall within Class B1(a) use and would not form part of a wider commercial use on the site. Insufficient evidence has been submitted to substantiate that the front building has been used as such continuously for a period of 10 years and as such the existing use is not considered to be lawful." The decision was dated 15th July 2016.

An appeal against the Council's refusal of the lawful development certificate has been allowed, with the Inspector certifying on the basis of the submissions that the use of the property on application date of 16th November 2015 fell within Class B1(a) of the Use Classes Order 1987 as amended.

Conclusions

The application seeks a Lawful Development Certificate for an existing use/building works/activity described in the application forms as "The former office block has been re-developed for 8 no. flats pursuant to the grant of prior approval permission ref: DC/13/3598/RESPA dated 10th December 2013."

The advice of the Director of Corporate Services is that in order for the proposal to be considered permitted under the provisions of Class O of the GPDO it would have to have been completed by 10th December 2016 (i.e. within 3 years starting with the prior approval granted on 10th December 2013).

Therefore the only issue in the assessment of this Lawful Development Certificate application is whether the change of use allowed by Class J and subsequently Class O was completed by 10th December 2016.

It is noted that the GPDO applies to 'parts' of a building and not just the building as a whole. The material change of use to a self-contained residential dwelling is an issue for each individual flat and not the building as a whole. Each individual flat comprises a separate planning unit once completed and the use implemented.

The key issue is whether a change of use for each flat has occurred. It is clear from the Impey case law that change of use to residential development can be judged to have taken place before the premises are used in the accepted sense of the word, where the residential accommodation is unoccupied for example.

The Court of Appeal said ""Change of use to residential development can take place before the premises are used in the ordinary and accepted sense of the word, and [counsel] gives by way of example cases where operations are undertaken to convert premises for residential use and they are then put on the market as being available for letting. Nobody is using those premises in the ordinary connotation of the term, because they are empty, but there has plainly, on those facts, been a change of use. The question arises as to how much earlier there can be a change of use. Before the operations have been begun to convert to residential accommodation plainly there has been no change of use, assuming that the premises are not in the ordinary sense of the word being used for residential purposes. It may well be that during the course of the operations the premises will be wholly unusable for residential purposes. It may be that the test is whether they are usable, but it is a question of fact and degree.....I would say that the physical state of these premises is very important, but not decisive. Actual use or intended use is important but not decisive. These matters have to be looked at in the round."

The information submitted by the applicant shows that the flats were in a varying state of development by the 10th December 2016 and the submission acknowledges that only one of the flats (Flat 1) was occupied at that time. Of the remaining flats, Nos. 2, 3, 5 and 6 had no bathrooms, Flat 4 was mostly completed with the exception of kitchen and bathroom

fittings and Flats 7 and 8 were only partly completed with wiring, plumbing and other structural works.

It is not considered on the basis of the applicant's own submission as part of this application and that submitted during the appeal into the previous application that the condition O.2(2) has been fully complied with in that Flats 2 - 8 were not useable on the relevant date for residential purposes. Only Flat 1 was usable for residential purposes.

Members are advised that this is a complex case, evidenced by the extensive planning history, and may be sympathetic to the position that the applicants find themselves in at this time in terms of the works done thus far. It is noted that the works to the remaining flats carried out prior to the relevant date were not in breach of condition O.2(2) at the time they were undertaken, but that works subsequent to that date would breach condition O.2(2).

However, as an application testing the lawfulness of the development it falls only to consider whether the development the subject of the application and referred to by the applicants in the first paragraph above is lawful as a matter of fact and degree. In view of the information provided by the applicant, their agent, from observation during the course of the previous appeal, and the legal advice provided to the council it is not considered that the proposal as it stands would be lawful and it is therefore recommended that the application for a Lawful Development Certificate for the use of the building as 8 flats (existing) be refused. It is open to the applicant to submit an application for planning permission.

as amended by documents received on 17.07.2017

RECOMMENDATION: REFUSE CERTIFICATE FOR EXISTING USE/DEVELOPMENT

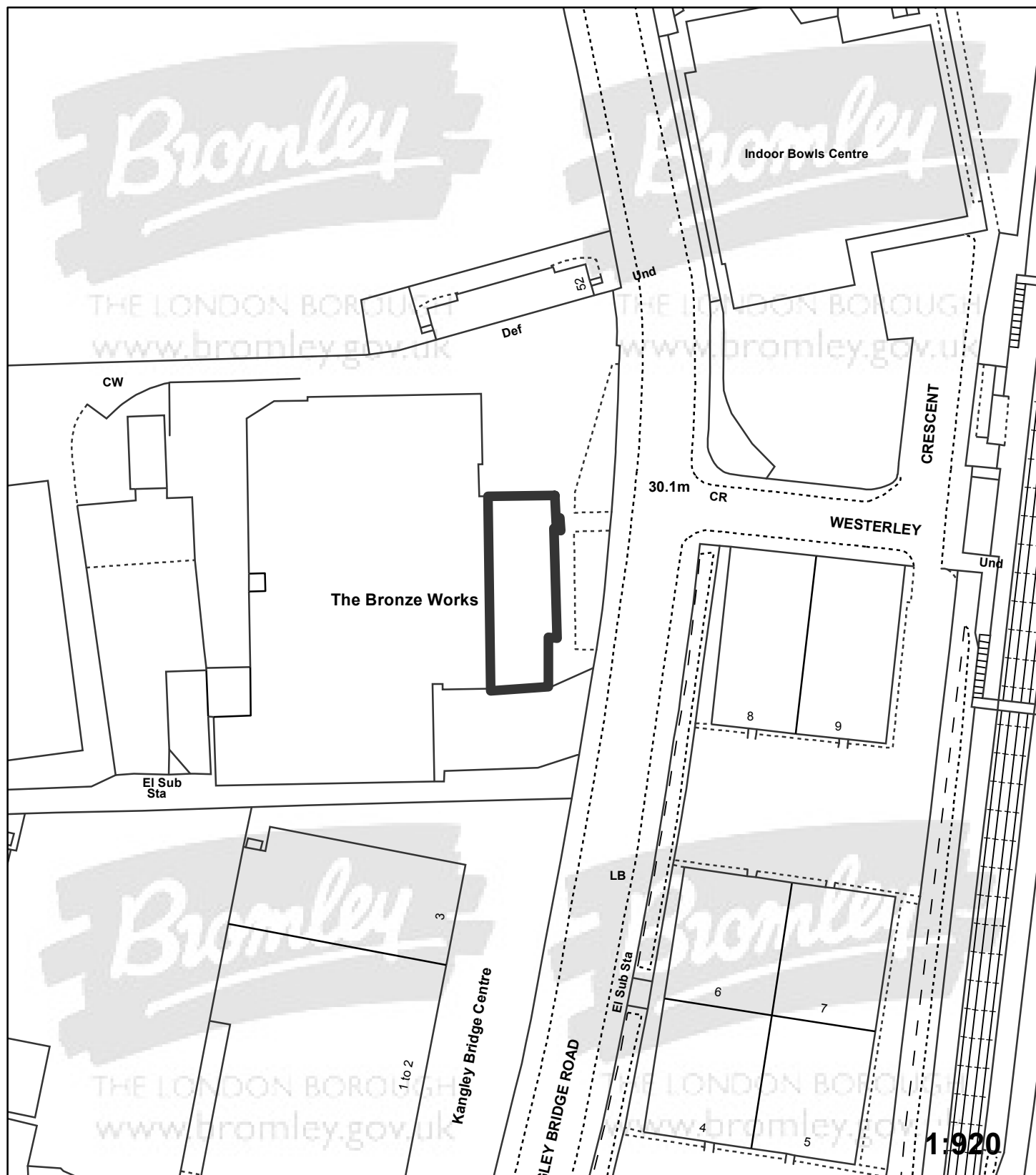
for the following reasons:

- 1 On the balance of probabilities and in the absence of evidence to suggest otherwise, the conversion of the front building to 8 no. flats was not completed by 10th December 2016 and would therefore not comply with condition O.2(2) of Class O to the Town and Country Planning (General Permitted Development)(England) Order, 2015.**

Application:17/02072/ELUD

Address: Bronze Works Kangley Bridge Road Lower Sydenham London SE26 5AY

Proposal: Use of building as 8 no. flats (Class C3) pursuant to grant of prior approval under reference 13/03598. (LAWFUL DEVELOPMENT CERTIFICATE - EXISTING)



"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 : 17/02314/FULL1

Ward:
Penge And Cator

Address : Adam House 1B Thesiger Road Penge
London SE20 7NQ

OS Grid Ref: E: 536007 N: 170418

Applicant : Mr Abdul Ghafar

Objections : YES

Description of Development:

Change of use of existing public house (Class A4) to 3 residential flat (Class C3) (2 x 1 bed and 1 x 2bed) and insertion of a door in the eastern elevation

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 33

Proposal

Planning permission is sought for the change of use of existing public house (Class A4) to 3 residential flat (Class C3) (2 x 1 bed and 1 x 2bed) and insertion of a door in the eastern elevation

Amended plans were received on 23rd October 2017 showing the relocation of the bins store and cycle spaces to the front of the property and a communal amenity area. Neighbours were reconsulted and the following assessment is based on these amended plans.

Location

The site is located at the fork of Thesiger Road and Somerville Road in Penge and is occupied by a public house. The first floor of the building is currently being converted to 6 x 1 bed flats (granted in November 2015 under ref 15/02635/FULL1). The property is a two storey building of masonry construction. It has a clay tiled roof to the main building with flat roof sections to the rear. The property has a garage/storage area and a garden to the left hand elevation of Thesiger Road.

Consultations

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

First consultation

- o Strongly object to more flats in the building
- o Already a big issue with rubbish generate by resident of the flats, Wheelie bins are left on Sommerville eyesore and rubbish scattered up the street
- o lack of adequate parking. Parking is already at a premium
- o cars often double park at the end of Somerville Road, blocking other cars in
- o Increase in congestion
- o Previous appeal states that parking surveys were out of date

- o The current provision of waste disposal and space for it for the first and second floor flats is severely inadequate and the addition of further dwellings will only exacerbate this matter
- o Little or no effort to market the ground floor as a commercial opportunity
- o Building work has been going on at ground floor level

Reconsultation on amended plans

- o Objections received comment that amended plans do not overcome previous objections to the proposal as outlined above.

Planning Considerations

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

- BE1 Design of New Development
- H12 Conversion of Non-Residential Buildings to Residential Use
- T1 Transport Demand
- T3 Parking
- T7 Cyclists
- T18 Road Safety

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

- Draft Policy 10 Conversion of non-residential buildings to residential
- Draft Policy 23 Public Houses
- Draft Policy 30 Parking
- Draft Policy 37 General Design of Development

London Plan

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable Design and Construction.
- 5.7 Renewable Energy
- 5.13 Sustainable Drainage
- 5.15 Water use and supplies, Waste self-sufficiency
- 5.17 Waste Capacity
- 6.9 Cycling
- 6.13 Parking
- 7.2 An Inclusive Environment.
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

Housing: Supplementary Planning Guidance. (November 2012) London Plan 2011 Implementation Framework

Planning History

Planning permission was refused in August 2014, (ref 14/01394/ful), for dormer windows to Thesiger Road and Somerville Road elevations and internal alterations to provide 8 one bedroom flats at first floor level and within the roofspace.

The application was refused for the following reasons:

1 The proposal would constitute an overdevelopment of the site and would be out of character with the surrounding development, contrary to Policy BE1 of the Unitary Development Plan

2 The proposed accommodation will not provide a satisfactory living environment for its occupiers due to its size and layout, contrary to Policy H11 of the Unitary Development Plan and Policy 3.5 of the London Plan.

The application was also dismissed on appeal. Decision dated March 2015.

Planning permission was refused in October 2014 (ref: 14/03387/FULL1) for internal alterations to provide 3 one bedroom flats and 1 studio flat, cycle and bin store.

The application was refused for the following reasons:

1 The proposed development, due to its poor quality, poor standard of provision and conflicts of use with the commercial pub use of the outdoor amenity space and access, would provide an unacceptably poor standard of living accommodation for its occupants. The proposals are therefore contrary to Policy H12 of the Unitary Development Plan and Policy 3.5 of the London Plan.

2 The proposed development would fail to provide a satisfactory layout, standard and size of good quality accommodation for future occupiers by reason of its substandard floor space arrangement and internal layout contrary to Policy 3.5 of the London Plan, the London Plan Supplementary Planning Guidance: Housing and Policy H12 in the adopted Unitary development Plan.

Planning permission was granted in October 2015 for (ref: 15/02635/FULL1) alterations internally and externally to create 6 one bed flats on the first and second floor

Planning permission was refused in February 2016 (ref: 15/05424/FULL1) for alterations internally and externally including mansard roof extension to create 6 one bed flats on the first and second floor for the following reasons:

The proposed mansard roof in conjunction with the dormer windows by reason of its bulk, mass and design would be an incongruous form of development, detrimental to the character and appearance of the host building and the street scene, contrary to Policy BE1 of the UDP.

Planning permission was refused for Change of use of existing Public house (Class A4) to 3 residential flats (Class C3) (2x1 bed and 1X2 bed) and insertion of a door in the west elevation under reference 16/01750

The proposal, by way of an excessive number of units would constitute an over-intensive use of the site, lacking adequate amenities for future occupiers with particular regard to private amenity space contrary to Policies BE1 and H12 of the Unitary Development Plan and Policy 3.5 of the London Plan (2015) and the Mayor's Housing SPG (2016).

The proposed development would lack adequate quantity of on-site car parking provision to accord with the Council's standards and would therefore generate an unacceptable increase in the demand for on-street car parking in the vicinity of the site, prejudicial to the free flow of traffic and conditions of general safety in the highway, contrary to Policies T3 and T18 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 primary issues in the assessment of the planning application are:

- The principle of the proposed development
- The design and appearance of the scheme and the impact of these alterations on the character and appearance of the area and locality
- Impact on the amenity of neighbouring properties
- The quality of living conditions for future occupiers
- Highways and traffic issues
- Sustainability and energy

Principle of development

Policy H12 - Conversion of non residential buildings to residential uses states that the Council will permit the conversion of genuinely redundant office and other non residential buildings to residential use, particular above shops, subject to achieving a satisfactory quality of accommodation and amenity.

The principle of the change of use has already been established through the previous applications and the most recent appeal decision. A marketing report was previously submitted in support of the loss of the pub by Pegasus Business Sales. The pub was marketed for A1, A3 or A4 through a number of websites from 10th September 2014 to 20th March 2016. The report states that within this period, there were 132 enquiries expressing interest in the property. Of these enquires were 2 people who expressed further interest and arranged viewings but were not interested due to the location of the site being in a residential street where it would be hard to generate trade for a business to succeed. The marketing report states that evidence of the advertising is unavailable as all advertisers delete the adverts from the site.

The marketing evidence provided to support the last application is not the most detailed; however it acknowledged that the public house had been vacant for at least 18 months. Given the upper floors have now been converted to flats and the surrounding area is residential, on balance, the loss of the pub may be considered to be acceptable.

The most recent appeal decision raised no issue with the principle of the change of use and therefore the principle is considered to be acceptable.

Design

The proposal includes the creation of a new door to allow access for future occupiers of Flat 1 B-C located on the southern elevation. Additionally, a lightwell is proposed towards

the north western boundary of the site. The proposed new door is a minor change that would not materially affect the appearance of the building and is therefore considered to be acceptable.

Standard of accommodation

Three flats are proposed consisting of 1 x 2 bed and 2 x 1 bed. All units are of an adequate size and comply within internal floorspaces within the London Plan. Following a reconfiguration internally, the flats are now in fact slightly larger than the previous application. All units will have an adequate level of outlook /sunlight and daylight for future occupants and are dual aspect where possible.

The bins and cycle storage will now be located within the existing garage and details of the layout can be required by condition.

In regards to the lack of amenity space, both previous Inspector's decision considered that the outdoor amenity provision was inadequate The most recent appeal decision (APP/G5180/W/16/3159850) stated:

'Notwithstanding the above, the Mayor of London's Housing Supplementary Planning Guidance 2006 (SPG) states that private open space is of a high value and should be provided in all new housing developments. Standard 26 of the SPG requires that a minimum of 5 square metres of private outdoor space is provided for 1 -2 bedroom units, with a further 1 square metre being provided for each additional occupant. The proposal would fail to provide any private outdoor space for any of the propose units'.

The Inspector went on to say that there is no evidence to confirm whether extra internal living space to mitigate the lack of provision of private outdoor amenity space has been provided within the previous proposal.

The Inspector recognised the benefit of the creation of additional units to the supply of housing within the borough, however found that the proposal failed to provide a level of private outdoor space for future occupiers.

Amended plans were received that have tried to address the lack of amenity provision. It is acknowledged the site is constrained by the existing footprint of the building and balconies would be unacceptable as it would detrimentally affect the character and appearance of the existing building and street scene. The bikes and bin storage have now been moved into the garage area so that a communal area can be provided. A new communal area is now proposed at front entrance to the building (facing Thesiger Road) and a condition could be attached regarding the landscaping.

Whilst this is not perhaps ideal, given the constraints of the physical existing footprint of the building, on balance the proposal is considered to overcome the previous inspectors concerns regarding lack of amenity provision.

Impact upon adjoining residential amenity

The proposed development is considered acceptable in terms of its impact upon the amenities of neighbouring occupants, the outlook of windows will remain to the front and flank of the building and given they are at ground level there would appear to be no issues with regards to overlooking.

Highways

The development is located on the corner of Somerville Road and Thesiger Road. Also the site is within a medium PTAL rate of 3. There are on street parking spaces available within

walking distance of the site. No off street parking is offered. Nonetheless, the site is considered accessible to public transport links, being within walking distance of bus routes and a Rail Station.

As there is a correlation of car ownership and type of dwelling people reside (1 bed flat), this suggests that not all occupiers will own car (s). Furthermore the applicant has provided a parking stress survey carried out on 18th and 19th June 2014, indicating that there are on-street parking spaces available for additional demand during the hours of maximum residential parking demand.

The most recent appeal decision noted that parking stress is likely to be at its highest during the evening periods when residents have returned from either work or day time activities, however the inspector also noted from her site visit that it was evident that whilst on street parking pressure existed, a number of car parking spaces were available within a short walking distance from the proposed site during the day time. She went on to say that 'I accept that this is only a snap shot in time and despite concerns raised by neighbouring occupiers particularly in relation to the safety of the junction, no objection has been made by the Council's Highway department. In addition, no substantive evidence has been submitted in relation to accident data for this location to support such safety concerns. As such, I have no reason to doubt that my observations are not a valid representation of the availability of parking within the locality'.

Therefore due to the relatively modest size of the proposal and the accessibility of public transport provision, it was not considered that the potential increase in the event of demand for on street car parking would result in a substantial increase of additional traffic movements which would impact on the safety of road users nor would it be prejudicial to the free flow of traffic. This appeal decision is a material consideration to this application and therefore Council does not consider that the application can be refused on parking or traffic concerns.

A condition can be required regarding the details of the cycle provision.

Summary

In this case, given the previous history and appeal decisions, Members may consider that, on balance, the scheme may not cause such harm to the character of the area or result in a significant loss of amenity to local residents as to warrant a planning refusal and that the provision of communal amenity space would overcome the previous appeal decision.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 17/02314FULL1 outlined 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 additional to those shown on the permitted drawing(s) shall at any time be inserted in the elevation(s) of the **** 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.

- 5 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.

- 6 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.

- 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.

Application:17/02314/FULL1

Address: Adam House 1B Thesiger Road Penge London SE20 7NQ

Proposal: Change of use of existing public house (Class A4) to 3 residential flat (Class C3) (2 x 1 bed and 1 x 2bed) and insertion of a door in the eastern elevation



"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 : 17/02846/FULL1

Ward:
Chislehurst

Address : Haddon Beechcroft Chislehurst BR7 5DB

OS Grid Ref: E: 543249 N: 170518

Applicant : Mr & Mrs N & D Kerr

Objections : YES

Description of Development:

Demolition of existing dwelling and the construction of two detached four bedroomed dwellings with accommodation in the roof space as a (Revisions to ref: 16/03482/FULL1 which was approved on 12.10.2016 to provide additional accommodation within the loft space in the form of a games room, study and bathroom per unit).

Key designations:

Conservation Area: Chislehurst
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 16

Proposal

This application follows a recent permission which was granted for the demolition of the existing dwelling and construction of two detached four bedroomed dwellings under Ref: 16/03482/FULL1 and a refusal under Ref: 17/00437/FULL1 which had expanded on the 2016 application to include accommodation in the roof space in the form of two additional rooms and bathroom per unit together with flank and rear dormers.

This new application now seeks to address the previous reason for refusal by removing the flank dormers whilst still retaining the rear dormer and conversion of the roof space to habitable accommodation in the form of two additional rooms and bathroom per unit together.

Plot one is a triangular shaped plot with a maximum width of ~11m and ~46.5m in length. The new dwelling would have a maximum width of 10.3m and 9.5m in height (eaves 5.7m). The dwelling is proposed to be constructed with a hipped roof profile with a two storey front projecting gable and three dormers in the roofslope, one on each flank and one on the rear. The new dwelling will be located ~11m back from the highway, and 3.377m from the northern boundary with Stonywood and 1.4m at its closest point to the southern boundary with No. 1.4m and Plot 2.

Plot two would have a maximum width of ~28m and length of ~51.6m on a triangular shaped plot. The new dwelling would be located 10.5m increasing to 15m back from the highway. The dwelling would be located 4.26m at its closest point with the southern boundary to The Thicket and ~1.2m from the northern boundary at its closest point with Plot one. The new dwelling would have a maximum width of 16.5m and depth of 13.4m. The dwelling is proposed to be constructed with a hipped roof profile with two front projecting gables. The new dwelling will be 8.7m in height (eaves 5.7m). The new dwelling will have four dormers one to the rear, one on the northern roof slope and two on the southern roofslope looking towards The Thicket.

An additional vehicular entrance is proposed to the site to the south of the plot facilitated by the removal of some planting within the front amenity space.

Location

This property occupies a triangular plot within Chislehurst Conservation Area, and is located on the western side of Beechcroft at the point where the road bends westwards. The site has a wide frontage and tapers to a point at the rear giving a triangular-shaped rear garden. The site is bounded to the north and south-west by two storey detached dwellings known as Stonywood and The Thicket respectively. The site is occupied by a wide fronted single storey dwelling which extends the width of the site, approximately 35.3m.

Consultations

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

- o Proposal would result in two seven bedroomed houses which are three storeys in height which is out of keeping with the character of the conservation area;
- o Concern over the increase in number of windows and loss of privacy; the previous application stipulated that the flank windows would be obscure glazed to prevent overlooking and this application has not included obscure glazing and ignored previous concerns by adding more windows;
- o There is a covenant on the land to prevent sub-division of plots
- o This application gets back to squeezing on two very large six bedroom housing on a single plot;
- o Three storeys are out of character with the area;
- o The houses are not in alinement with the neighbouring properties
- o Dormers will make the houses appear bulky and ugly;
- o The council should (a) retract the previous permission as it is an overdevelopment of the site and does not adhere to the original covenants and would lead to unsatisfactory accommodation without excessively exceeding the Building Lines and cutting down a number of trees or (b) amend previous permission prohibit additional accommodation in the loft space or (c) remove the dormers and replace them with flush rooflights;
- o The rear dormer should be removed as it will lead to loss of privacy;
- o All window facing The Thicket should be removed as it will lead to loss of privacy;
- o The Design and Access Statement is full of inaccuracies.

Please note the above is a summary of objections received and full text is available on the Council's website.

Internal and External Consultees:

Environmental Health - Housing - No objection raised.

Environmental Health - Pollution - No objection raised.

Highways - The application is a revision to the last 2016 application and appears to be basically the same as the previous 2017 proposal. The proposed access and parking arrangements have not changed and as such no objections are raised subject to conditions.

Drainage - No objections subject to conditions.

Conservation Officer - No objections subject to conditions requiring the development to be completed fully in accordance with the submitted plans.

Tree Officer - The arboricultural report details the tree constraints associated with the proposals and indicates protection measures to reduce the impact upon retained trees. Trees outlined for removal as listed on the tree survey schedule are of limited value and should therefore not from a reason to refuse the application. The Tree Protection Plan (TPP) illustrates the trees proposed to be removed and protection measures both at the front and rear. It is clear that the current driveway arrangement is sited close to the protected cedar tree (T2). The proposed new driveway access will not have a negative impact upon the protected cedar tree (T5). The non-invasive construction technique adopted in respect of the new drives, will respect the Root Protection Area (RPA) of both trees T2 and T5.

The redevelopment of the site will potentially provide an opportunity to plant new trees to replace those lost at the front. Space is tight here, however, if details of landscaping are requested by way of condition, I would like to see at least one tree planted between the two accesses.

I am satisfied that the development can proceed with the healthy retention of significant trees. I would therefore recommend that the conditions are applied in the event planning permission is granted to ensure the safeguarding of the trees and future landscaping.

Planning Considerations

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

National Planning Policy Framework (NPPF) (2012):

The NPPF confirms that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Chapter 6 - Delivering a wider choice of high quality homes

Chapter 7 - Requiring Good Design

London Plan (2016):

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.9 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.12 Road Network Capacity
- 6.13 Parking

- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 7.19 Biodiversity and Access to Nature
- 8.3 Community Infrastructure Levy

Housing: Supplementary Planning Guidance. (March 2016)

Technical housing standards - Nationally Described Space Standard (March 2015)

Unitary Development Plan (2006):

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- BE11 Conservation Areas
- BE12 Demolition in Conservation Areas
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- NE7 Development and Trees
- T3 Parking
- T18 Road Safety

Supplementary Planning Guidance 1: General Design Principles
 Supplementary Planning Guidance 2: Residential Design Guidance
 Supplementary Planning Guidance: Chislehurst Conservation Area

Draft Local Plan (2016):

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

- Draft Policy 1 Housing Supply
- Draft Policy 4 Housing Design
- Draft Policy 8 Side Space
- Daft Policy 37 General Design of Development
- Draft Policy 30 Parking
- Draft Policy 32 Road Safety
- Draft Policy 41 Conservation Area

Planning History

There is a considerable planning history with regards to this site, of which the most pertinent and recent applications include:

02/03204/OUT - Demolition of existing dwelling and erection of 2 detached two storey five bedroom houses with integral double garages (OUTLINE) - Application refused

Reason for Refusal - The proposed dwellings represent a cramped overdevelopment of the site by reason of inadequate separation, which would be detrimental to the character of the Chislehurst Conservation Area

03/00045/OUT - Demolition of existing dwelling and erection of 2 detached two storey five bedroom houses with integral garages (OUTLINE) - Application refused

Reason for refusal:

1.The proposed dwellings represent a cramped overdevelopment of the site by reason of inadequate separation, which would be detrimental to the character of the Chislehurst Conservation Area.

Dismissed on appeal - Inspector concluded ' The plan form has been contrived to fit the proposed size of the building onto the site. Given the shape and size of the footprint, I am not persuaded that a satisfactory form of development would result'.

07/03852/FULL1 - Demolition of existing dwelling and erection of a detached two storey five bedroom dwelling with basement accommodation - Permitted

10/02412/FULL6 - Front boundary wall and gates - Permitted

11/00405/EXTEND - Extension of time limit for implementation of permission reference 07/03852 granted for demolition of existing building and erection of a detached two storey five bedroom dwelling with basement accommodation - permitted

15/02391/FULL1 - DEMOLITION OF EXISTING HOUSE AND ERECTION OF DETACHED REPLACEMENT HOUSE.(RESUBMISSION OF APPROVED SCHEME REF 07/03852 AND EXTENSION OF TIME APPLICATION 11/00405) - Permitted

16/00832/FULL1 - Proposed demolition of existing dwelling and the erection of two, four bedroom detached dwellings - Refused

Reasons for refusal:

1. The relationship between the two proposed dwellings appears awkward and cramped allowing for an intrinsic lowering in the overriding spatial standards of the locality at odds with the prevailing urban grain of the surrounding area and harmful to the wider Conservation Area contrary to policy BE1 and BE11 of the Unitary Development Plan.

2. The removal of approximately 10m of mature vegetation along the front boundary is considered detrimental to the verdant character of the wider locality and harmful to the setting of the conservation area contrary to policy BE1 and BE11 of the Unitary Development Plan.

16/03482/FULL1 planning permission was granted on 12.10.2016 for the proposed demolition of existing dwelling and the erection of two detached four bedroom dwellings subject to conditions.

17/00437/FULL1 planning permission was refused for the demolition of existing dwelling and the construction of two detached four bedroomed dwellings with accommodation in the roof space as a (Revisions to ref: 16/03482/FULL1 which was approved on 12.10.2016 to provide additional accommodation within the loft space in the form of a games room, study and bathroom per unit) on the 18.04.2017 for the following reasons:

1. The proposed dwellings by reason of the proposed flank dormer extensions would result in an obtrusive "top-heavy" feature incongruous and harmful both to the appearance of the Chislehurst Conservation Area and street scene generally contrary to Policies 7.4 and 7.6 of the London Plan (2015), BE1 and BE11 of the Unitary Development Plan (2006) and Draft Policies 37 and 47 of the Draft Local Plan (2016).

2. The proposed development in the form of the flank dormers would give rise to an unacceptable degree of overlooking and loss of privacy and amenity to the occupiers of Stonywood and The Thicket, Beechcroft thus contrary to Policies 7.6 of the London Plan (2015), Policy BE1 of the Unitary Development Plan (2006) and Draft Policy 37 of the Draft Local Plan (2016).

Conclusions

To address the previous reasons for refusal the applicant as removed the flank dormers and replaced these with rooflights which are shown to be flush with the roofslope.

It is considered the planning issues and considerations relate to:

- o Principle of development and density;
- o Design and scale;
- o Neighbouring amenity;
- o Standard of accommodation;
- o Car parking and access;
- o Cycle parking;
- o Refuse;
- o Trees;
- o Sustainability and energy; and
- o Community Infrastructure Levy

Principle of development and density:

The National Planning Policy Framework (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.

National, regional and local plan policies promote redevelopment of brownfield sites and optimising site potentials. There is however no presumption in favour of development sites created from rear gardens of residential houses. In this respect, policy 3.5 of the London Plan (2015) states that housing developments should be of the highest quality internally, externally and in relation to their context.

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 Unitary Development Plan (UDP) clearly outlines the Council's policies for new housing.

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".

Policy H7 seeks to prevent unacceptable residential developments on backland and infill sites and will be expected to meet all of the following criteria:

- (i) the development complies with the density ranges set out in the density/ location matrix at Table 4.2 below;
- (ii) in the interest of creating mixed and balanced communities, the development provides a mix of housing types and sizes, or provides house types to address a local shortage;
- (iii) 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;
- (iv) adequate private or communal amenity spaces are provided to serve the needs of the particular occupants;
- (v) off street parking is provided at levels no more than set out in the Table at Appendix II. These are maximum parking standards. A higher provision will be acceptable only where it can be demonstrated that complying with the maximum standards would not be in the interest of the safety of highway users, or where additional parking is required to meet the needs of particular users, such as those with disabilities;
- (vi) the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and
- (vii) security and crime prevention measures are included in the design and layout of buildings and public areas.

This is supported in London Plan Policies 3.4 and 3.5 and Draft Policy 3 of the Local Plan.

The site is located in a residential location where the Council will consider infill development provided that it is designed to complement the character of surrounding area, 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 the provision of an additional dwelling 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

It is considered that the principle of the sub division of the site has been agreed in principle by the Inspector. The Inspector stated there was no harm to the character and appearance of the area resulting from the replacement of the single dwelling with two however this would be subject to an assessment of the factors as listed above. The issue is therefore not the sub-division itself but, instead, the ability of the plot to satisfactorily accommodate the proposed dwellings and the design of the dwellings inclusive of the impact on neighbouring residential amenity and the wider Chislehurst Conservation Area.

Objections have been raised from neighbouring residents with regards to a covenant covering the site precluding the subdivision of house plots as with the previous application ref: 16/03482/FULL2 this is a private legal matter, and does not form part of the assessment of this application.

The provision of two units on this site was previously considered acceptable in principle under refs: 16/03482/FULL1. The view was taken that the proposed replacement dwellings

would be in character with other surrounding two storey dwellings. The proposed dwellings would cover a similar sized footprint as the existing bungalow. The height of the proposed dwellings would be slightly taller than the neighbouring properties with the dwelling at plot one sited 900mm above Stonywood and the property at site two sited 1.3m above The Thicket however this would be commensurate with the previously permitted dwellings under ref: 16/03482FULL1.

Within the Chislehurst Conservation Area SPG it states that residential development in Chislehurst is characterised by spacious suburban development. Whilst it is noted that the two properties proposed within this application are of a size and scale commensurate with the previously proposed single dwelling, the sub division of the plot leads to an intensification of the site to a capacity that proposes to host two family sized properties and therefore the application should take into account the relevant spatial standards and level of amenity that accompanies this.

The definitive urban grain of the surrounding street scene is of wide, substantial properties sited within generous plots with liberal side space provisions. The siting of the two dwellings has been re-configured from the previously refused application and is in the same location as the previously approved scheme under ref: 16/03482/FULL2 with the dwelling at plot one substantially reduced in width and the dwelling proposed at plot 2 re-sited closer to the boundary with The Thicket allowing for a more generous side space provision between the two dwellings. The spacing between the two properties has been increased from 1.6m to the common side boundary in the previously refused application to 2.6m for plot 2 and 3.4m at the closest point for plot 1. The dwellings retain a space between the respective flank elevations of between 6-9.6m which allows for views to be retained through to the rear of the site and is commensurate with surrounding properties. Whilst the properties are still angled away from each other which reduces the perceived spacing between the dwellings when viewed from the highway, given the increased spatial standards, the siting of the dwellings are now considered acceptable and it can be considered that the scheme has overcome the previous refusal ground in this regard and conforms with the prevailing spacious layout of the Chislehurst Conservation Area in compliance with Policy BE11 of the Unitary Development Plan.

As such it is considered that the principle of development can be accepted as the development is in compliance with Policies 3.4 and 3.5 of the London Plan and Policies H1 and H7 of the UDP.

The density of the proposal would be 125hr/ha. Table 3.2 of the London Plan sets out the appropriate density range for a site with a PTAL of 0 in a suburban area as 150-200 hr/ha.

Whilst, the density of the proposal is below the guided density criteria the amount of development on site is considered suitable at this location, given the location of the site within the Chislehurst Conservation Area and the existing density of the neighbouring properties.

Design and Scale:

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Policy 7.6 also relates to architecture and how buildings should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and comprise details and materials that complement, not necessarily replicate, the local architectural character.

Policy BE1 requires a high standard of design in new development and the scale and form of new residential development to be in keeping with the surrounding area, and the privacy and amenities of adjoining occupiers to be adequately safeguarded.

Policy H9 states that when considering applications for new residential development, including extensions, the Council will normally require the following:

(i) for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building; or

(ii) where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space. This will be the case on some corner properties.

The Council considers that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. It is important to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas. Proposals for the replacement of existing buildings will be considered on their merits.

The proposed alterations to the roof now include flank rooflight and rear dormers; these are considered to have addressed the previous concerns by removing the flank dormers which would have appeared bulky, stark and top heavy. The rooflights proposed are conservation area style which is flush with the roofslope and the dormer to the rear elevation is sited centrally within the roof form and its modest size which is considered to sit comfortably. Overall it is considered that the alterations now proposed would not impact detrimentally on the character and appearance of the Chislehurst Conservation Area or the street scene generally.

Standard of Residential Accommodation:

Policy 3.5 of the London Plan (2016) 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.

Table 3.3 of the London Plan requires a Gross Internal Area of 129m² for a 6 bedroom 8 person 3 storey dwelling houses, paragraph 3.36 further states that for dwellings with more than eight persons/bed spaces developers should allow approximately 10sqm per extra bedspace/person. On this basis the floorspace provision is considered acceptable.

The shape, size and layout of the rooms in the proposed building are considered satisfactory however it is noted that due to the constraints of the site the layout of the rooms within the plot 2 dwelling are quite contrived. Nevertheless, all rooms would have a satisfactory level of natural light provision and given the size and scale of the dwellings, the layout is considered acceptable.

Standard of Amenity Space:

Policy H7 states that adequate private or communal amenity space should be provided with regards to new residential accommodation.

It is clear from the site plan that the amenity space for the proposed dwellings is to the rear of the site. The amenity space measures 36m in length for plot 2 and 31m for plot 1 however could be considered quite contrived in shape. It is considered that the space provided is not comparative with similarly sized properties in the vicinity however due to the considerable length and average width of 10m, on balance this could be considered acceptable.

Impact on Adjoining Properties:

Policy BE1(v) of the UDP that new development will only be permitted where it can be demonstrated that the proposal does not cause an unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight, sunlight or privacy they enjoy or result in an un-neighbourly sense of enclosure. This is supported by Policy 7.6 of the London Plan.

Objections have been received with regards to the impact on neighbouring properties arising from the development. Due to the separation distances provided to the boundaries with neighbouring properties, it is not considered that the development would cause any detrimental impact upon residential amenity over and above the single dwellinghouse as previously permitted. Furthermore, the dwellings encroach minimally past the rear elevations of Stonywood and The Thicket, mitigating and impact with regards to overbearing or overshadowing.

Concern is raised over loss of privacy and overlooking from the flank windows, under ref: 16/03482/FULL1 windows within the first floor side elevations were to be either secondary windows or serve non-habitable rooms at first floor and as such should be conditioned to be obscurely glazed and non-opening. This new proposal also includes flank rooflights within the flank roof slope, there is therefore concern that the proposal would result in loss of privacy to the neighbouring properties. A cross section showing the finished floor level in respect to the flank rooflights has been provided, this shows the bottom of the windows would be approximately 0.6m from finished floor level and 1.8m to the top, as such it is recommended that a condition be attached to any permission requiring the roof lights to be bottom hinged with restricted openings (to allow ventilation only) and obscure glazed to ensure there is no loss of privacy.

With regards to the rear dormers, there are windows proposed at ground and first floor levels, it is considered that the introduction of further windows in this elevation, albeit at second floor level would not give rise to any further loss of privacy or overlooking beyond the extant permission.

Therefore given all of the above it is considered that on balance the proposed development is acceptable and complies with policy on neighbouring amenity.

Car parking:

Highways have raised no objections subject to conditions due to sufficient off street parking provision within the scheme. Additional cross overs will be required to apply for a highways licence for these works.

Cycle parking:

Cycle parking is generally required to be 1:1 for residential development. The applicant has not provided details of a location for lockable cycle storage for the units. Further details can be conditioned if approval were to be forthcoming.

Refuse:

All new developments shall have adequate facilities for refuse and recycling. The applicant has not provided details of refuse storage for the units however details with regarding this could be conditioned if permission was to be forthcoming.

Trees:

The surrounding street scene is verdant in character with the host site contributing to this appearance with mature high level planting along the front boundary. A number of trees are proposed to be removed to facilitate the development including four within the front boundary and 8 within the rear amenity space. The siting of the units are the same as the recently approved scheme under ref: 16/03482/FULL1 and the Tree Officer comments remain unchanged. It is noted that no significant trees are to be felled as part of the scheme however does consider the loss of the two Maple trees to be regrettable. The Officer did state however that the impact from this could be mitigated by a landscaping condition requiring further planting. The trees to be lost are located within the site and through correspondence with the Applicant it is noted that the vegetation along the front boundary is to remain in situ not including the opening for the new access way which measures 3m in width. The Tree Officer also stated within the previous comments that a replacement tree can be planted between the two access ways to mitigate the felling of trees within this location. Additionally, a comprehensive landscaping scheme can be conditioned to be submitted which will include all measures to re-instate a verdant and mature boundary treatment along the prominent corner setting, inclusive of species type, height and size. On balance, given the retention of one further tree within the front amenity space, the replacement tree planting and through the submission of a comprehensive landscaping plan, it is considered that the works to the trees within the site are considered acceptable and will not impact detrimentally upon the character of the wider conservation area in compliance with policy NE7 and BE11 of the UDP.

Community Infrastructure Levy:

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant will be required to completed the relevant form.

Summary:

The principle of the demolition of the existing dwelling and construction of two detached houses on the site has been established, Members are therefore asked to consider if the revised design over the 16/03482/FULL1 application which now propose accommodation in the roofspace and includes flank rooflights and rear dormers has fully addressed the previous reasons for refusal and if the new development would sit comfortably within the street scene and not impact detrimentally on the character of the Chislehurst Conservation Area or amenities of neighbouring occupiers. It is therefore recommended that planning permission is granted subject to the imposition of suitable conditions contained within this report.

Background papers referred to during production of this report comprise all correspondence on the file ref: 16/03482/FULL1, 17/00437/FULL1 and 17/02846/FULL1 set out in the Planning History section above, excluding exempt information.

as amended by documents received on 27.09.2017

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 and samples 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 above ground works are commenced. A schedule for applying the approved render shall be submitted including the type of render and manufacturer and the procedure for application. 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 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.

5 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 (2016).

6 No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority, and drainage works shall be carried out in accordance with the approved details prior to first use of any dwelling. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems set out in Annex F of PPS25, and the results of the assessment provided to the Local Planning

Authority. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;

ii) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and

iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented, maintained and managed in accordance with the approved details.

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan (2016).

- 7 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 (as amended), 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 comply with Policies H7 and BE1 of the Unitary Development Plan and to prevent overdevelopment of the site.

- 8 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.

- 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 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.

- 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 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.

- 13 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.

- 14 The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be permanently retained thereafter.

Reason: To comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016 and to ensure

that the development provides a high standard of accommodation in the interests of the amenities of future occupants."

- 15 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.

- 16 Construction of the foundations around existing roots shall be carried out by hand or by tools held in the hand (other than power-driven tools), placing sufficient small material such as sharp sand around the roots to avoid damage by compaction.

Reason: In order to comply with Policy NE7 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.

- 17 The development shall be implemented in accordance with the Tree Protection Plan (TPP) approved as part of the planning application, under the supervision of a retained arboricultural specialist in order to ensure that the correct materials and techniques are employed.

Reason: To ensure that works are carried out according to good arboricultural practice and in the interests of the health and amenity of the trees to be retained around the perimeter of the site and to comply with Policy NE7 of the Unitary Development Plan.

- 18 Before the development hereby permitted is first occupied the proposed window(s) in the north and south flank elevations of the dwellings hereby permitted 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.

- 19 Before the development hereby permitted is first occupied the proposed rooflight window(s) in the north and south flank elevations of the dwellings hereby permitted shall be obscure glazed to a minimum of Pilkington privacy Level 4 and shall be non-opening unless bottom pivot/hinged windows with restricted opening to allow ventilation only. 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.

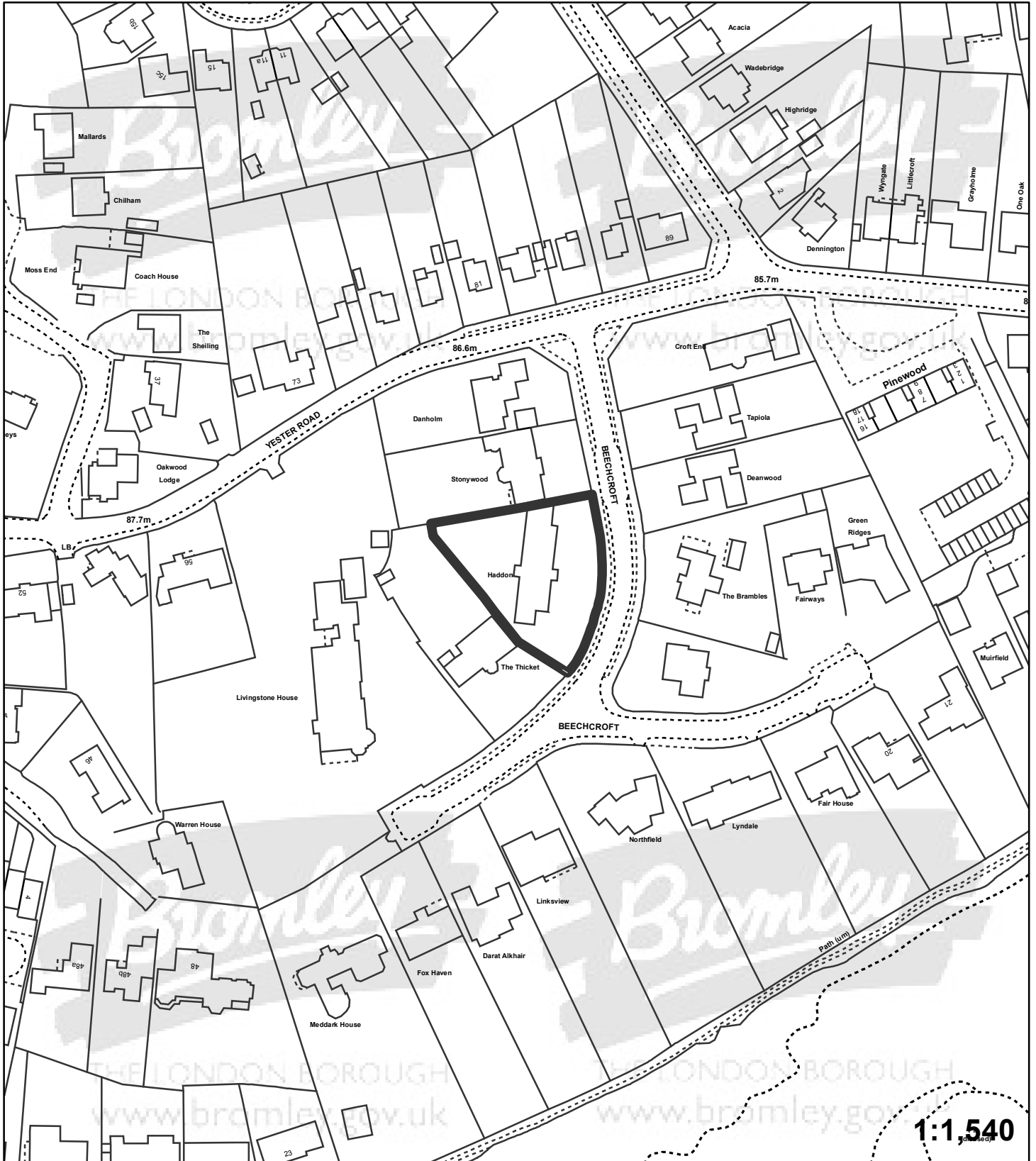
You are further informed that :

- 1 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.**
- 2 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**
- 3 Conditions imposed on this planning permission require compliance with Part M4 of the Building Regulations. The developer is required to notify Building Control or their Approved Inspector of the requirements of these conditions prior to the commencement of development."**
- 4 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.**

Application:17/02846/FULL1

Address: Haddon Beechcroft Chislehurst BR7 5DB

Proposal: Demolition of existing dwelling and the construction of two detached four bedroomed dwellings with accommodation in the roof space as a (Revisions to ref: 16/03482/FULL1 which was approved on 12.10.2016 to provide additional accommodation within the loft space in



"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 : 17/03727/RECON

Ward:
Chislehurst

Address : Darul Uloom Foxbury Avenue Chislehurst
BR7 6SD

OS Grid Ref: E: 544816 N: 170704

Applicant : Mr Musa

Objections : YES

Description of Development:

Variation of condition 1 of permission reference 16/02702 /RECON to increase the number of pupils aged over 17 years of age or older from 25 to 65 (The total number of pupils attending the school is not proposed to be increased beyond 225 as approved under 14/03754/VAR).

Key designations:

Conservation Area: Chislehurst
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Sites of Interest for Nat. Conservation
Smoke Control SCA 16

Proposal

The proposal is to vary condition 1 of permission reference 16/02702 /RECON to increase the number of pupils aged over 17 years of age or older from 25 to 65 (The total number of pupils attending the school is not proposed to be increased beyond 225 as approved under 14/03754/VAR).

Condition 1 states that the number of pupils attending the school shall not exceed 225 at any one time and no more than 25 pupils shall be aged over 17 years of age or older.

Overall there will be no increase in staff or pupils numbers over and beyond the current situation. A statement has been received from the Principal of the school stating that the school are "seeking permission for those students (who are already with us from year 7 and above) to carry on their studies at Darul Uloom London all of which will be full time boarders (Hence there will be no additional car journeys)".

Location

Darul Uloom is an Institute of Higher Islamic Education and a secondary boarding school. All of the students at the school are borders.

The site is located at the junction between Foxbury Avenue and Perry Street. It is within the Chislehurst Conservation Area and forms part of the Green Belt.

Consultations

Nearby Owners/occupiers were notified of the application and the objections received are summarised as follows:

- o Object to the increase in pupils at the school;
- o Neighbours suffer from noise from the school playing fields and request help in resolving this type of nuisance;

- o We have had several instances of boys coming through our hedge and crossing our garden instead of walking round via the road. This is an illegal act. We feel that more boys over 17 would exacerbate this situation and therefore object to this petition;
- o The ages should remain as currently defined with specific and responsible teaching staff providing clear teaching and overall guidance to these young scholars;
- o The school is a welcome part of the Chislehurst community. I would encourage them to be even more open and to engage even further with the community to help also educate (us) the local community in the schools teachings;
- o Object as they are constantly applying for many things and this school and pupils contribute no benefit to the borough;
- o The application will change the nature of the establishment, moving away from school and more towards a college;
- o Concern that there will be more pupils able to drive and will cause significant problems with increase in parking, congestion and traffic problems;
- o Car park is not used by students, and when a student was asked why he didn't park in there the resident was informed that they were discouraged from using it.

The Chislehurst Society: Raise objections to the proposal for the following reasons:

The application has not been supported by clear evidence of student numbers at each level from years 7-13 over a 5 year period. Tables of data ought to include numbers of direct entry not levels above the principal entry at year 7; the average and range of ages at enrolment to key stages from Level 7 - 12. Are the students attending this school older than the normal profile of secular secondary school in the Borough? If so, why?

Secondly the reason cited by the applicant for the proposal is specifically related to the detailed study of Islam through 7 years of intense education. The basis of this is likely to be the Islamic Curriculum that is followed in parallel with Secular Curriculum though Levels 7-11. The applicant states that "after their GCSE's, students dedicate themselves to completing this course". It is unclear if this Islamic Curriculum, specifically that leading to graduation as an Aa'lim, is expected to be completed during levels 12 and 13 in parallel with (or instead of) A-Level studies. Or, does the more advanced Islamic studies extend beyond this level?

We are advised that elements of the Islamic Theology and Scholarship (with the Islamic Curriculum) are very challenging, as would be appropriate to graduate as an As'lim and progress to become a qualified Iman. Is this level of scholarship normally expected of students older than 17/18 year of age? Is the study at this level normally associated with a (Islamic) secondary school?

This application is deficient in clear evidence and reasoned argument justifying the proposed variation of condition 1 and should be refused.

Please note that the above is a summary of the objections received and full copies are available on the Council's website.

Comments from Consultees

Highways: The existing parking areas has been remodelled and marked out in accordance with the drawing shown in previous application which is satisfactory.

As I understand this application is about changing the age limit so that the children can keep studying at the school and complete their studies however the total number of pupils attending the school is not proposed to be increased beyond 225.

As there is no increase in the number of the students I have no objection to the application.

Planning Considerations

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

National Planning Policy Framework (NPPF) (2012)

The NPPF confirms that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraphs:

72 (education)

216 (status of emerging policies)

The London Plan (2016)

Policy 3.18 Education Facilities

Policy 7.8 Heritage Assets

Policy 7.16 Green Belt

Unitary Development Plan (2006)

T3 Parking

T18 Road Safety

G1 Green Belt

BE11 Conservation Areas

C1 Community Facilities

C7 Educational and Pre-School Facilities

Draft Local Plan (2016)

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Policy 27 Education

Policy 28 Education Facilities

Policy 30 Parking

Policy 33 Access to services for all

Policy 41 Conservation Areas

Policy 49 The Green Belt

Planning History

The site has a detailed planning history, but those applications of particular relevance to the application proposal are as follows:

Planning permission was granted in 2003 (Ref:03/02501) for the demolition of a single storey building and erection of a single storey building comprising classrooms, laboratories, library and multi-purpose hall.

A number of planning applications have been submitted relating to the enclosure of canopied walkways (Refs: 05/03770 and 06/01853) and alterations to fenestration (Ref: 06/00889).

Planning permission was granted in 2006 (Ref: 06/02255) for the use of a boiler room as teaching accommodation with elevational alterations to provide windows and doors.

A previous application (Ref: 09/03526) that is virtually identical to the current application (apart from the content of some of the supporting material) was submitted by the school in 2009, but not determined.

In 2013 planning permission was granted under ref: 13/03312/FULL1 for enclosed linking canopy and entrance canopies

Under planning ref: 14/03754/VAR planning permission was refused for the variation of condition 5 of permission reference 03/02501 to increase the number of pupils from 155 to 225. This was subsequently allowed at appeal.

Planning permission was granted in 2016 under ref: 16/02702/RECON for the variation of condition 3 of permission reference 14/03754/VAR (allowed at appeal on 10/03/2016) to allow the reconfiguration of car parking area.

Conclusions

The main issues relating to the application are considered to be:

- o Principle of additional children over the age of 17 at the school
- o Impact on neighbouring amenity
- o Highways

Principle of additional children over the age of 17 at the school:

The proposal is to vary a condition that was imposed on planning permission Ref: 16/02702/RECON. The condition restricted the number of pupils attending the school shall not exceed 225 at any one time and no more than 25 pupils shall be aged over 17 years of age or older. This application wishes to increase the pupils aged over 17 years of age or older from 25 to 65. It is important to note that the total number of pupils attending the school is not proposed to be increased beyond 225 as approved under 14/03754/VAR which was allowed at appeal.

In terms of the principle of the development, whilst the site is located in the Green Belt the proposal will not lead to any intensification of the use of the site as the overall staff and pupil numbers will remain unchanged and it will be within the context of an existing operational school. Furthermore, as the school is a boarding school there are not the same daily trips and activity as with a day school. No external alterations to the existing building are proposed as part of this application. Neither would there be any physical increase in the size of the parking area. The proposal does not, therefore, constitute development and as such, the proposal is not considered to represent inappropriate development in the Green Belt or have any adverse impact on the openness or visual impact of the Green Belt.

Under Policy C7 (Educational and Pre-School Facilities), applications for new or extensions to existing educational establishments will be permitted provided that they are located so as to maximise access by means of transport other than the private car. There is therefore a presumption in favour of extensions to such facilities, subject to appropriate transport considerations. As the proposal is for an increase in the number of over 17 year old pupils at a boarding school with no increase in the overall numbers of pupils or staff the trip generation of the proposal adopts a different pattern to that of a standard day school, this is also complicated by the fact that the school hosts 'Friday Prayers'. The transport implications of the day to day operation of the school is therefore key to understanding the impact of the proposal and this is considered in more detail below.

In terms of the character of the Conservation Area, as the proposal does not include any operational development, the issue for consideration in this case is whether the level of activity, traffic, parking services or noise generated by the proposal will detract from the character or appearance of the area, again this relates specifically to highways impacts and these are considered in more detail below.

Impact on neighbouring amenity:

Policy BE1 (v) states that the development should respect the amenity of occupiers of neighbouring building and those of future occupants and ensure their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing. This is supported within Policy 7.6 of the London Plan.

The nearest dwellings to the school are in Sturges Field, Queenborough Gardens and Ashfield Lane. There is a belt of woodland between them and the school site; adjacent to the school buildings themselves it is of considerable depth.

The use falls within the existing educational use of the site, a number of objections have been received raising concern over the impact on neighbouring properties in terms of increased noise and disturbance. The proposal is considered not introduce any new activity that would cause harm to the amenity of neighbouring properties over any beyond the current situation. The principle of the school has confirmed that all of the students will be full time boarders and as such there will be no additional car journeys over and beyond the current situation.

For these reasons, it is considered that the proposed development is acceptable and complies with policy on neighbouring amenity.

Highways:

The existing parking areas has been remodelled and marked out in accordance with the drawing shown in previous application which is satisfactory.

The application is for changing the number of pupils ages 17 or above to allow the children to remain studying at the school and complete their studies. The total number of pupils attending the school is not proposed to be increased beyond 225.

As there is no increase in the number of the students and given the students are border no highway objections are raised to the proposal.

Summary:

Having had regard to the above, Members are asked to considered that the proposal to increase the number of pupils aged over 17 years of age or older from 25 to 65 will not be detrimental to the openness and visual amenities of the Green Belt or be detrimental to the character and appearance of the Chislehurst Conservation Area, traffic or congestion bearing in mind that the total number of pupils attending the school is not proposed to be increased beyond 225 as approved under 14/03754/VAR. The proposal is therefore considered to comply with all relevant planning policies as set out above.

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

as amended by documents received on 06.11.2017

RECOMMENDATION: APPROVAL

subject to the following conditions:

- 1 The number of pupils attending the school shall not exceed 225 at any one time and no more than 65 pupils shall be aged over 17 years of age or older.

Reason: To protect the amenity of adjoining residents and preserve the character of the Conservation Area, to ensure highway safety, and in order to comply with Policies G1, B11 and C7 of the adopted Unitary Development Plan.

- 2 The buildings permitted in connection with permission Ref DC/03/02501/FULL1 shall be used exclusively in conjunction with the existing residential school for the purposes shown on drawing 03/14/AR03 and for no other purposes.

Reason: In order to comply with Policies G1, B11, T18 and C7 of the adopted Unitary Development Plan.

- 3 Prior to the attendance of the increased number of pupils hereby permitted the existing parking areas shall be remodelled and marked out in accordance with the drawing shown at Figure 4A within the submitted transport assessment¹. They shall be retained as such thereafter.

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.

- 4 Prior to the attendance of the increased number of pupils hereby permitted details of a scheme for the management of the car parking area shall be submitted to and approved in writing by the local planning authority. The car parking areas shall be operated in accordance with the approved scheme at all times.

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 Prior to the attendance of the increased number of pupils hereby permitted details of bicycle parking and storage facilities at the site shall be submitted to and approved in writing by the local planning authority. The facilities shall be provided in accordance with the approved details and retained as such thereafter.

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

- 6 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 ensure appropriate management of transport implications of the development and to accord with Policy T2 of the Unitary Development Plan.

- 7 Prior to the attendance of the increased number of pupils 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 approved timetable and details.**

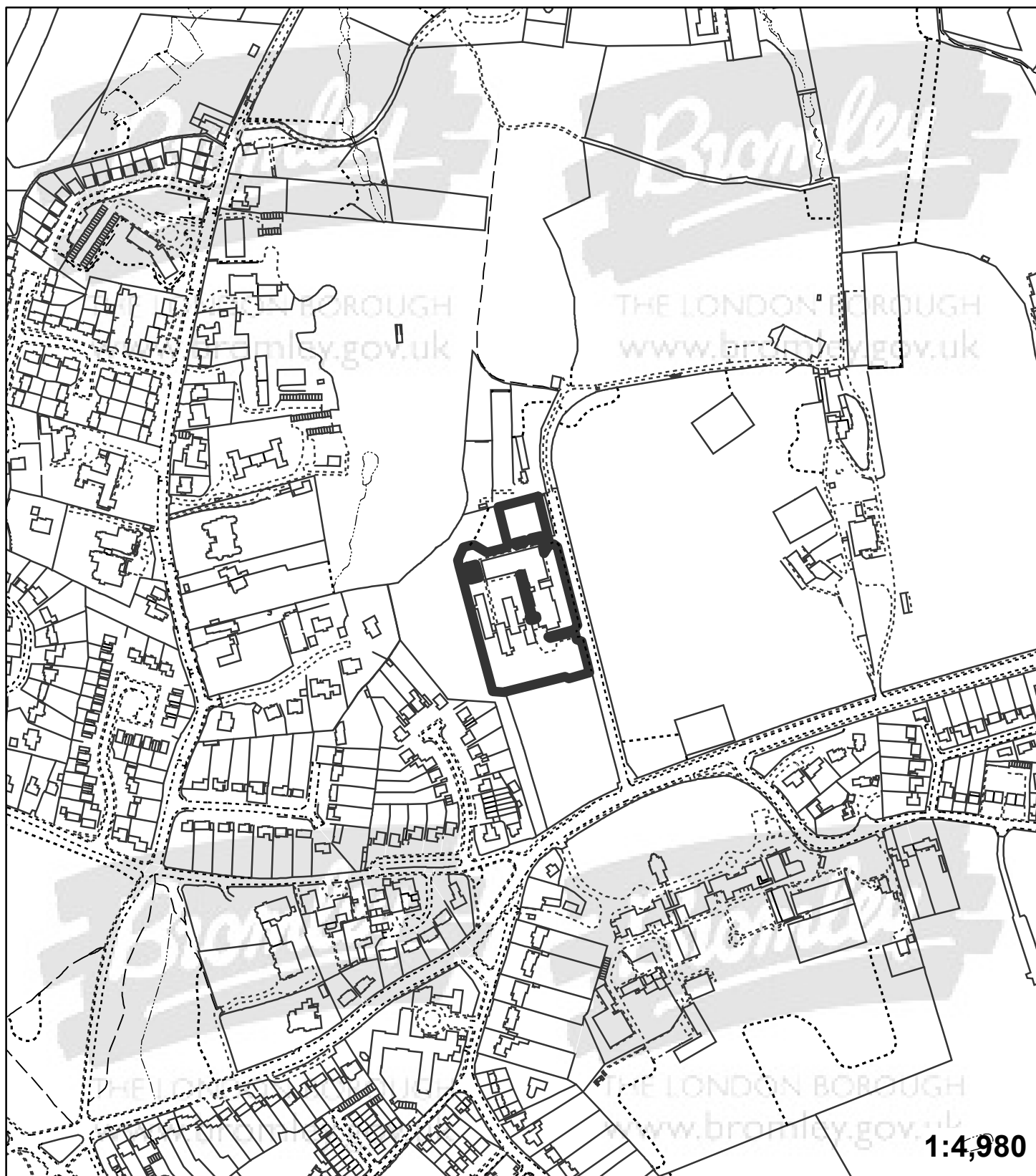
Reason: In order to ensure appropriate management of transport implications of the development and to accord with Policy T2 of the Unitary Development Plan.

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Application:17/03727/RECON

Address: Darul Uloom Foxbury Avenue Chislehurst BR7 6SD

Proposal: Variation of condition 1 of permission reference 16/02702 /RECON to increase the number of pupils aged over 17 years of age or older from 25 to 65 (The total number of pupils attending the school is not proposed to be increased beyond 225 as approved under 14/03754/VAR).



"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 : 17/04061/FULL1

Ward:
Kelsey And Eden Park

Address : 8 The Close Beckenham BR3 4AP

OS Grid Ref: E: 536153 N: 168278

Applicant : Ms C Newman, G Aandrews & S Whitehurst **Objections :** YES

Description of Development:

Erection of 3 three bedroom terraced houses with new access and alterations and part demolition and extension to 8 The Close

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 15

Proposal

Planning permission is sought for the erection of 3 three bedroom terraced houses with a new access and alterations and part demolition and extension to 8 The Close.

The principle elevation of the terraced building will face virtually due north set back approximately 8.7m from the flank boundary to No8 The Close.

Each dwelling measures 5.2m width at the front elevation by 9.2m depth at ground level and 8.7m depth at first floor. The houses are two storeys with a hipped roof structure. The front rear eaves height is 5m and the maximum ridge height is 7.5m. The flank eaves are lowered to 4.2m above ground level.

The footprint of the terrace is set in from the flank boundaries at the front elevation building line point by 5.3m to the flank property boundary with No9 The Close to the east and an average 3.5m to the west with the rear boundaries of properties fronting Eden Road. Parking arrangements are provided to the north of the site in a parking area for 6 vehicles in three tandem rows with an indicated turning area. Shared vehicular access is provided from The Close.

Internal layout plans indicate 3 three bedroom dwellings. The rear curtilage will vary between approximately 10m to 15m depth between properties divided into private areas. An external refuse store is located within the shared front curtilage adjacent to the access. Materials have not been indicated.

The works to No8 involve the partial demolition of the southern flank of the building and reconstruction with a two storey side extension and single storey rear extension. The two storey extension will be set back 2.3m from the existing front elevation. This will enable a greater external area to facilitate a larger area for vehicle access to the site.

Location

The site is located on a former private allotment area (undesignated) to the rear of a number of properties fronting The Close, Raymond Road and Eden Road. The site is enclosed by rear property boundaries on all sides. The site area is approximately 740m² with a width of approximately 25m and depth 30m on average.

No trees currently exist on the site and the land is unused and overgrown with weeds and grasses. The site is not within 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:

- Access to The Close is restricted. Construction works need to keep access free for use by others and emergencies.
 - Concerns regarding the impact to safety on the narrow access road to The Close.
 - Access to the site will be a restricted one.
 - Concern regarding pressure on parking congestion in The Close.
 - General concerns have been raised regarding the construction process and noise and disturbance.
 - Green space will be reduced.
 - Three houses are threat to health and safety of adjacent residents.
 - Too much building in small area.
 - Blocks light to surrounding houses.
 - Will result in a loss of view.
 - Houses will look out of place and be cramped on the site.
 - No benefit for residents. Only a financial benefit to developer.
 - Too close to surrounding properties. Will overlook properties on Eden Road.
 - Will result in extra noise from new properties.
 - Concerns that the area hasn't the space for extra properties.
 - Concerns expressed that the housing will be for social housing with a negative effect on the area.
-
- Concerns have been expressed regarding the position of the site boundary.

Officer response: Revised plans have been received to address this issue that has now been agreed with an adjacent property owner.

Internal consultations

Highways: The development is located adjacent to No. 8 rectangular in shape and was formerly allotment gardens. The site is in an area with high PTAL rate of 4 (on a scale of 0 - 6b, where 6b is the most accessible).

The intensification of use of this spur section of The Close would not have a significant impact on road safety.

In summary, following the submission of additional information and swept path analysis diagrams the proposal has adequately demonstrated how refuse and emergency vehicles would be able to service the site. Six car parking spaces are indicated for the proposed dwellings. This is acceptable in principle but the applicant should demonstrate that both new and proposed have rights of way to access the parking spaces. Two cycle parking spaces are required per dwelling.

Environmental Health - Pollution: No objection.

Drainage: No objection.

Planning Considerations

Relevant policies and guidance in the form of the National Planning Policy Framework (NPPF) (2012) and National Planning Practice Guidance (NPPG) include:

- 14: Achieving sustainable development
- 17: Principles of planning
- 29 to 32, 35 to 37: Promoting sustainable transport
- 49 to 50: Delivering a wide choice of high quality homes
- 56 to 66: Design of development

London Plan:

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of affordable housing
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.12 Road Network Capacity.
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 7.19 Biodiversity and Access to Nature
- 8.3 Community Infrastructure Levy

Housing: Supplementary Planning Guidance. (March 2016)

Technical housing standards - Nationally Described Space Standard (March 2015)

Unitary Development Plan:

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- ER7 Contaminated Land
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- NE7 Development and Trees
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T16 Traffic Management and Sensitive Environments
- T17 Servicing of Premises
- T18 Road Safety

Supplementary Planning Guidance 1: General Design Principles
 Supplementary Planning Guidance 2: Residential Design Guidance

Emerging Bromley Local Plan:

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

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

Planning History

There is no relevant planning history relating to the application site.

Other relevant planning history

12 Elmerside Road:

Under reference 07/01698/FULL1 a scheme for 2 two bedroom semi-detached houses with access and associated parking on land at and adjacent to 12 Elmerside Road (outline) was allowed on Appeal on 17/8/2007.

Under reference 13/02239/OUT a scheme for the erection of 2 two storey semi-detached dwellings with access onto Elmerside Road was approved on 13/9/2013. A subsequent application for Reserved Matters under ref 15/01065/DET was approved on 19/8/2015.

At the time of writing the scheme has not been commenced on site.

Under reference 14/02269/OUT a scheme for the erection of 3 two bedroom houses with access onto Elmerside Road was refused by the Council as inappropriate backland development. The application was appealed to the Planning Inspectorate with the Inspector finding against the issue of scale and the effect of the development on the living conditions of neighbouring residents by reason of its adverse and oppressive visual impact.

The relevance of the above schemes in relation to the current application are explored below in the case assessment.

Conclusions

The main issues to be considered in respect of this application are:

- Principle of development
- The design and appearance of the scheme and the impact of these alterations on the character and appearance of the area and locality
- The quality of living conditions for future occupiers
- Access, highways and traffic Issues
- Impact on adjoining properties
- Sustainability and energy

Principle of development

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan generally encourage the provision of redevelopment in previously developed residential areas 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 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.

The justification paragraphs following the policy, provides further clarification of the Council's approach to backland sites such as at the site now proposed.

It details that many residential areas are characterised by spacious rear gardens and well-separated buildings and advises that the Council will therefore resist proposals which would tend to undermine this character or which would be likely to result in detriment to existing residential amenities. Backland development, involving development of land surrounded by existing properties, often using back gardens and creating a new access, will generally also be resisted. Private gardens can be of great importance in providing habitats for wildlife, particularly in urban areas. Except in Areas of Special Residential Character, such development, however, may be acceptable provided it is small-scale and sensitive to the surrounding residential area.

Draft Policy 3 - Backland and Garden Land Development of the Emerging Local Plan states new residential development will only be considered acceptable on backland or garden land if all of the following criteria are met; there is no unacceptable impact upon the character, appearance and context of an area in relation to the scale, design and density of the proposed development; there is no unacceptable loss of landscaping, natural habitats, or play space or amenity space; there is no unacceptable impact on the residential amenity of future or existing occupiers through loss of privacy, sunlight, daylight and disturbance from additional traffic; and a high standard of separation and landscaping is provided.

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

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

In this case residential dwellings of all forms surround the site in a primarily residential area and it is acknowledged that the proposal would alter the pattern of development with a new built form where none currently exists. However, this is considered unavoidable if better use is to be made of the currently vacant site which also needs to be considered against the strong support in principle for making efficient use of land in sustainable urban locations. The site appears as an anomaly in the local development pattern and is self contained without direct access to the public realm currently. The site is not designated as allotment land. As such the site in its current state does not make a positive contribution to the character of the area and therefore some form of development of the land is not considered to harm the character of the area.

Therefore, the provision of residential development on the land appears 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.

Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 of the plan and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL).

The site has a PTAL rating of 4 and is within a suburban setting. In accordance with Table 3.2, the recommended density range for the site would be 35-65 dwellings per hectare. The proposed development would have a density of 40 dwellings per hectare.

Therefore, the proposed development of the site would be within these ranges and maybe considered a suitable level of development for the site. However, a numerical calculation of density is only one aspect in assessing the acceptability of a residential development and Policy 3.4 is clear that in optimising housing potential, developments should take account of local context and character, design principles and public transport capacity which are assessed below.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Policies 3.4 and 3.5 of the London Plan 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 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 BE1 of the UDP requires development to be imaginative and attractive to look at and to 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 the relationship 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.

In this case despite appearances, the site is constrained by its location and proximity to neighbouring residential development which has surrounded the land during the wider development of the area over time. However, the parameters of the site facilitate a relatively square overall site shape with average dimensions of 25m east west across the site and 30m north south.

It is noted that the site at 12 Elmerside Close detailed above was deemed only acceptable for a semi-detached pair of houses in various applications submitted as opposed to a terrace of three houses. This was due to the much narrower site width to that now proposed at the application site which is wider and more regular in shape and allows a greater flexibility to the format of development possible.

The submitted plans show a two storey development with relatively low eaves and ridge heights as detailed above. The roof structure has been designed to limit the scale of the building to the flank sides. The siting of the building approximately centrally within the site maximises separation distances to surrounding property rear elevations and view distances of the site. It is acknowledged that surrounding property views of the site will alter in terms of outlook. However, the siting of the building at the distances away from surrounding buildings will not be overbearing. The mass, scale and design style of the terrace building will also be comparable to surrounding property on Eden Road and The Close with regard to the height, building proportions, roofscape and window proportions considered to echo the adjacent context. Therefore, the impact of the building in terms of its mass and scale is considered minimal representing an unobtrusive infill development.

The justification paragraph in respect of Policy H9 details that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. This is to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas.

The scheme has provided adequate separation distances to adjacent property boundaries in the context of the prevailing pattern of development and on balance, it is considered that the level of separation indicated between properties is sufficient to maintain the established and individual qualities of the area.

Access to the site is obtained through a widened gap between No's 8 and 9 The Close facilitated by the alterations proposed to No8. Given the resultant spatial characteristics of the dwellings in The Close will largely remain the same the use of the gap to provide access to additional dwellings is not considered out of character with the immediate locality.

In terms of design approach, the opportunity to construct a similar style of development with a related mass and scale has been achieved with the terraced style undertaken. The design approach is traditional which takes its cues from the locality. Traditional materials can be conditioned in any planning approval and as such it is considered that the impact on the character and context of the locality is positive as the terraced building adds a

suitable traditionally styled infill building between existing developments of interwar and period buildings.

In terms of the extension and alterations to No8, these are considered to be in keeping with the character and appearance of the building facing the streetscene. The single storey extension is deep but is set away from the adjoining property at No7 by 4.5m and also flanks the car parking area within the application site to the south helping to screen the proposed parking area to the main rear ground floor windows at No8.

Standard of Residential Accommodation

Policy 3.5 of the London Plan and the Housing SPG (2016) 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 should comply with Nationally Described Housing Standards (2015).

The floor space size of each of the houses is indicated at 84.43m². The nationally described space standards require a GIA of 84m² for a three bedroom four person unit, It is noted that bedroom 3 in each property is marginally below the required NDSS size for a single bedroom, However, on balance, the floorspace size provision for all of the units is generally compliant with the required standards and is considered acceptable.

The internal layout of the units has a regular form, the shape and room size in the proposed units is generally considered satisfactory for the units where none of the rooms would have a particularly convoluted shape which would limit their specific use.

In terms of amenity space the depth and width of the rear gardens are of sufficient proportion to provide a usable space for the purposes of a family dwellinghouse and is representative of the proportions of rear gardens in the vicinity.

In accordance with Standard 11 of Housing: Supplementary Planning Guidance. (March 2016) of the London Plan 90% of all new dwellings should meet Building Regulation M4(2) 'accessible and adaptable dwellings'.

A Part M compliance review has been submitted and annotated as part of the detailed plans that clarifies compliance with the relevant sections of Part M. A compliance condition is recommended with any permission in this regard.

Impact on Adjoining Properties

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

In terms of outlook, the fenestration arrangement will provide front and rear outlook for each unit overlooking amenity space or overlooking parking area at the site. There are no flank windows in either end of the terrace building. The outlook from windows from the proposed properties is considered to maintain a suitable level of privacy at the intended distances to existing neighbouring property.

Concerns have been raised regarding the terrace blocking natural light to neighbouring property. The buildings are two storey with a massing arrangement and footprint position representative of neighbouring housing and the prevailing development in the area. The distances to the rear elevations of surrounding properties vary in each direction. The closest is from No's 63 to 69 Eden Road at approximately 16m to the flank elevation of the terrace. This substantially increases to the south and west. To the north the front principle

elevation will partially overlook the rear garden of No8 The Close to be altered as part of the proposed scheme. Given the single storey extension proposed at No8, the indicated boundary screening it is not considered that there will be a significant loss of privacy to the rear garden area of No8 to withhold planning permission on this basis.

To the wider site, generally it is acknowledged that while outlook may change to the properties surrounding the site it is not considered that the development will be overbearing to any significant extent given the separation distances that would warrant withholding planning permission on this basis. On balance, it is considered that the building will not be detrimental to neighbouring residential amenity.

Highways, Car parking and access

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Emerging Local Plan should be used as a basis for assessment.

The Council's Highway Officer has reviewed the current application and not raised any objection to the level of parking provided off road at the site and the new access created onto The Close. It is therefore considered that there will be minimal impact on parking in the vicinity and the proposal is considered generally acceptable from a highways perspective.

Cycle parking

Cycle parking is required to be 2 spaces for dwellinghouses as proposed. The applicant has provided details of a location for cycle storage within the rear garden area. This is considered acceptable. A planning condition is recommended in this regard for further details to ensure the storage is secure and lockable.

Refuse

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of a refuse storage area adjacent to the front curtilage parking area of the site. The location is considered acceptable. A planning condition is recommended in this regard for further details of a containment structure and capacity.

Trees and landscaping.

Policy NE7 states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.

An indicative landscaping layout has been submitted as shown on the proposed site plan drawing that details the areas given over to landscaping. Full details of hard and soft landscaping and boundary treatment are recommended to be sought by condition as necessary.

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.

An informative is recommended with any approval to ensure that the development strives to achieve these objectives.

Community Infrastructure Levy

The Mayor of London's CIL is a material consideration. CIL is liable 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. It is considered that the density and house type of the proposed scheme is acceptable and that the development would not be detrimental to the character and appearance of the locality. The standard of the accommodation that will be created will be good. The proposal would not have an adverse impact on the local road network or local parking conditions. The proposal 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.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 17/04061/FULL1 and any other applications on the site set out in the Planning History section above, excluding exempt information.

As amended by documents received on 20.10.2017, 18.10.2017 and 07.11.2017.

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 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 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.

- 6** 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.

- 7** The development permitted by this planning permission shall not commence until a surface water drainage scheme and details of general drainage works 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.

- 8** Details of the layout of the vehicular access and turning area including its junction with The Close and dimensions of visibility splays shall be submitted to and approved in writing by the Local Planning Authority and these access arrangements shall be substantially completed before any part of the development hereby permitted is first occupied. There shall be no obstruction to visibility in excess of 0.9m in height within the approved splays except for trees selected by the Authority, and which shall be permanently retained.

Reason: In the interest of pedestrian and vehicular safety and to comply with Policy T18 of the Unitary Development Plan and Policy 6.12 of the London Plan.

- 9 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.

- 10 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 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.

- 11 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.

- 12 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) for 2 bicycles for each dwelling 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.

- 13 The dwellinghouses hereby approved shall not be occupied until the works to No8 The Close hereby approved for the partial demolition of the southern flank of the building and reconstruction with a two storey side

extension and single storey rear extension has been implemented in their entirety.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to ensure adequate vehicular access is maintained to the site to comply with Policy BE1 and H7 of the Unitary Development Plan.

14 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.

15 No windows shall at any time be inserted in the flank elevations of the terrace building hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: In order to comply with Policy BE1 and H7 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

16 The application site is located within an Air Quality Management Area declared for NO_x: In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NO_x emission rate of <40mg/kWh

Reason: To minimise the effect of the development on local air quality within an Air Quality Management Area in accordance with Policy 7.14 of the London Plan.

17 The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be permanently retained thereafter.

Reason: To comply with Policy 3.8 of the London Plan and the Mayors Housing Supplementary Planning Guidance 2016 and to ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants.

18 No extensions or alterations to the building(s) hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

Reason: In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policies BE1 and H7 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** You should consult the Street Naming and 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
- 3** You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.
- 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** Conditions imposed on this planning permission require compliance with Part M4 of the Building Regulations. The developer is required to notify Building Control or their Approved Inspector of the requirements of these conditions prior to the commencement of development.
- 6** The applicant is required to contact the Street Environment Officer at the Council's Environmental Services regarding the construction of the new access.

- 7** 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.
- 8** If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.
- 9** The applicant is advised that the development shall strive to achieve 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 of Policy 5.2 of the London Plan.

Application:17/04061/FULL1

Address: 8 The Close Beckenham BR3 4AP

Proposal: Erection of 3 three bedroom terraced houses with new access and alterations and part demolition and extension to 8 The Close



"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 : 17/04326/MATAMD

Ward:
Bromley Town

Address : 14 Highland Road Bromley BR1 4AD

OS Grid Ref: E: 539619 N: 169814

Applicant : Mr Raj Kang

Objections : YES

Description of Development:

Minor material amendment under Section 73 of the Town and County Planning Act 1990 to allow a variation of the planning permission 11/01958/EXTEND for extension of time limit for implementation of permission ref. 08/02582 granted for single storey side and 4 storey rear extension incorporating rear balconies. Provision of accommodation in roof including 3 side dormers. Elevational alterations and detached bin store and front entrance gates with access drive and 9 car parking spaces and detached timber frame bicycle store at rear and conversion of building into 1 three bedroom dwelling with parking and garden and 8 two bedroom flats to allow alterations to the approved landscaping details, change in fenestration to the windows of the northern flank elevation, creation of additional window at second floor level of the northern flank elevation, relocation of refuse storage area and relocation of the cycle storage area

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 3

Proposal

The application is made under Section 73 of the Town and County Planning Act 1990 for a Minor Material Amendment to allow a variation of the planning permission 11/01958/EXTEND for extension of time limit for implementation of permission ref. 08/02582 granted for single storey side and 4 storey rear extension incorporating rear balconies. Provision of accommodation in roof including 3 side dormers. Elevational alterations and detached bin store and front entrance gates with access drive and 9 car parking spaces and detached timber frame bicycle store at rear and conversion of building into 1 three bedroom dwelling with parking and garden and 8 two bedroom flats in order to allow:

- o alterations to the approved landscaping details
- o change in fenestration to the windows of the northern flank elevation
- o creation of additional window at second floor level of the northern flank elevation
- o relocation of refuse storage area and relocation of the cycle storage area

Location

The application site is situated on the west side of Highland Road, which slopes steeply up to the north. Highland Road is a residential street and is fronted by a mix of family houses and low-rise flatted development. The works to convert the building into flats have been undertaken and completed. The application property is Locally Listed and the wider area is covered by a Tree Preservation Order.

Consultations

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

- o Extreme inconvenience, uncertainty and anxiety for leaseholders and/or residents by this situation occasioned by failure to both complete the development by permitted plans or abide by planning conditions imposed.
- o The building is Locally Listed deserving the highest standards, ensuring the development proceeds to the original permission and planning conditions, and not giving retrospective permission simply to regularise an unsatisfactory position, which lets the original development 'off the hook'
- o The windows are not in keeping with the overall style of the building. Permission should not be allowed for the windows as installed and should revert to the original approved specification
- o The new additional windows in the northern flank compromises neighbouring privacy in Highland Court. Council should not be bounced into accepting fait accompli and should insist that the property be return to a condition that reflects the original permission
- o New plans do not include landscaping on the driveway. The original was granted permission on the basis that there was soft landscaping on the drive. The drive looks stark and uninviting, which is not appropriate for an important building. Soft landscaping would benefit the road. Planning permission should not be granted until there is a definite plan to install soft landscaping on the drive.
- o The privacy screening shown on the plans is welcomed by should have been carried out three years ago. Enforcement action should be undertaken to ensure this is carried out.
- o Why hasn't the decision to the 2016 application not been made. Original objections still stand.
- o No consideration to planning law or neighbours. Enforcement team should take the strongest action against this developer.
- o These are not minor amendments as they seriously affect privacy and communal environment.
- o Direct overlooking
- o Allowing this application would set a precedent for future developments.

Drainage - No comments

Highways - Rearrangement of the cycle storage area and repositioning of the bin store/front entrance gates does not disturb the parking layout. No objections are raised.

Planning Considerations

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

London Plan

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.3 Sustainable Design and Construction
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local Character

7.6 Architecture
7.9 Heritage Assets and archaeology

Unitary Development Plan (2006)

BE1 Design of New Development
BE10 Locally Listed Buildings
H7 Housing Density and Design
T3 Parking
T18 Road Safety
NE7 Development and Trees

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Policy 30 Parking
Policy 32 Road Safety
Policy 37 General Design of Development
Policy 39 Locally Listed Buildings
Policy 73 Development and Trees

Planning History

08/00467/FULL1 -Single storey side extension, two/three storey side and rear extensions with additional accommodation in roof space and front dormer with roof terraces at rear with access drive and 10 car parking spaces at rear and conversion of building into 1 three bedroom dwelling with parking and garden 7 two bedroom flats and 1 four bedroom flats. Refused 26.03.2008

08/02582/FULL1 - Single storey side and 4 storey rear extension incorporating rear balconies. Provision of accommodation in roof including 3 side dormers. Elevational alterations and detached bin store and front entrance gates with access drive and 9 car parking spaces and detached timber frame bicycle store at rear and conversion of building into 1 three bedroom dwelling with parking and garden and 8 two bedroom flats. Permission 28.10.2008

09/02923/FULL2 - Change of use from dwelling house (Class C3) to education centre (Class D1) with ancillary staff accommodation on second floor with access ramp and railings at rear and elevational alterations. .Refused 18.12.2009

11/01958/EXTEND - Extension of time limit for implementation of permission ref. 08/02582 granted for single storey side and 4 storey rear extension incorporating rear balconies. Provision of accommodation in roof including 3 side dormers. Elevational alterations and detached bin store and front entrance gates with access drive and 9 car parking spaces and detached timber frame bicycle store at rear and conversion of building into 1 three bedroom dwelling with parking and garden and 8 two bedroom flats. Permission 08.08.2011

08/02582/CONDIT - Conditions: 2 (landscaping), 5 (windows), 12 (refuse storage), 13 (Bicycle Parking) and 14 (light the access drive)
Conditions (2), (5) and (12) Approved; Conditions (13) & (14) Refused 04.06.2014.

08/02582/CONDT1 -Details of conditions submitted in relation to planning permission ref. 08/02582/FULL1: Condition 13 (bicycle parking). Approved 24.06.2014

08/02582/CONDT2 - Details of conditions submitted in relation to planning permission ref. 08/02582/FULL1: Condition 14 (Lighting the Access Drive). Approved 07.08.2014

16/03890/MATAMD - Minor Material Amendment to DC/08/02582/FULL1 in order to allow changes to the approved landscaping details, reconfiguration and installation of windows, relocation of refuse storage area and cycle storage area. Pending

Enforcement:14/00149/PLANS - A breach of condition notice was served on the 12th July 2017.

Conclusions

The main issues relating to the application are the impact of the proposed changes on the character and appearance of area and building, together with any impact on neighbouring amenity.

An application for a minor material amendment was submitted under ref: 16/03890/MATAMD in order to regularise changes made to the approved details, which were never properly implemented. However, the plans submitted with respect to that application were inaccurate and despite numerous attempts to negotiate with the named agent in order to provide amended drawings, no response was received. Subsequently a breach of Condition notice was served on the 12th July 2017. The current application has been submitted in response to this breach of condition notice.

The application seeks a Minor Material Amendment for the following changes to the approved scheme:

- o alterations to the approved landscaping details
- o change in fenestration to the windows within the northern flank elevation
- o creation of additional window at second floor level of the northern flank elevation
- o relocation of refuse storage area and relocation of the cycle storage area

Landscaping

The application property is surrounded by trees and shrubs to the rear of the site. These were established and listed as being retained within the original documentation. However, a strip of landscaping was proposed along the northern boundary, running from the access point down to the rear parking area. This element has not been implemented, but landscaping has been provided along the street frontage, with two separate areas of shrub planting. The planting to the front continues to soften the appearance of the building within the streetscene. Furthermore, the trees and shrubs located along the rear periphery of the site provide a green backdrop for the building.

Members may consider that the lack of planting along the northern site boundary has not resulted in significant harm to the character and appearance of the streetscene or setting of the Locally Listed Building.

Fenestration

The approved scheme included seven windows within the north facing flank elevation. The glazing pattern included a sliding sash arrangement. However, the installed windows are of a casement design and one further small window has been installed within the upper floor of the northern gable.

The windows are set half way down the middle of the building, which is back from the road frontage. The window proportions and size of the glazing panels are considered to be sympathetic and in keeping with a number of narrow glazed windows located on the front elevation. They are not overly prominent from the public realm and their casement opening

mechanism is not considered to be unacceptable in this context, particularly given their location.

One additional window has been installed within the top floor on the northern facing gable. This window is smaller than its counterparts, but its location is not overly prominent. This new window serves a kitchen and is obscured glazed. The kitchen sink/counter top is also situated in front of this window, which further mitigates any overlooking. This northern flank faces the side elevation of Highland Court, which includes unobscured windows directly facing the application property. The original scheme did not propose to obscure the lower windows within the northern flank and the buildings are separated by approximately 10.8m. Accordingly, Members may consider that the addition of one obscured non-habitable window in this location is acceptable and has not resulted in a loss of privacy which is materially worse than the approved arrangement.

Concerns have previously been raised regarding the provision of privacy screens to the rear balconies, which were agreed under the original submission, but never installed. The privacy screens have however been outlined within the current proposal and are proposed to be installed.

Refuse and Cycle Storage

The original scheme included the provision of a brick refuse storage chamber to the left of the driveway, which was set slightly forward of the main building. The refuse storage area has now however been erected to the right hand side of the drive, immediately adjacent to the highway. This area has been enclosed with brown timber board cladding. The height of the structure is on the taller side, however its location is considered to be practical. Whilst the property is designated as being Locally Listed, the street in general is not located within a conservation area and comprises a variety of flatted developments, semi-detached and terrace dwellings. The structure, whilst prominent, is not considered to be significantly incongruous or harmful in appearance given its muted colour. Members may therefore consider that the revised location and design of the refuse storage area is on balance acceptable.

The application also seeks to regularise the location of the cycle storage area. This has now been set alongside the shared boundary with Highland Court. This is not too dissimilar to the approved arrangement; however it is orientated closer to Highland Court. This structure has been enclosed with brown timber board cladding, similar to the boundary fencing, but was built without a roof cover. The current application seeks approval for the revised location and also proposes a flat roof, to secure the area. The location to the rear of building was assessed and deemed acceptable under the original application. The revised location is not considered to be significantly different to the approved arrangement, albeit closer to the side boundary. It is not prominent within the public realm and its height within this location is not overly intrusive or dominant. The use of timber board cladding and the provision of flat roof are considered suitable in terms of security. Members may therefore consider the revised details are acceptable and the revised cycle storage location does not result in significant harm to the character and appearance of the area or impact detrimentally on neighbouring residential amenities.

Summary

In summary, Members will have to consider whether the revised landscaping arrangement is acceptable and would not result in harm to the character and appearance of the Locally Listed Building and streetscene in general. They will also have to consider whether the installation of one additional obscured window, and changes to the window design within the side elevation, are acceptable in terms of their design and neighbouring amenity. Finally, Members will have to consider whether the revised location and enclosures for the

cycle and refuse storage areas are acceptable and have not resulted in harm to the appearance of the streetscene.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 17/04326/MATAMD outlined in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION (MINOR MATERIAL AMENDMENT)

- 1 No additional windows shall at any time be inserted in the elevations of the extension hereby permitted, without the prior approval in writing of the Local Planning Authority**

Reason: In order to comply with Policies H7 and BE1 of the Unitary Development Plan (2006) and in the interest of the amenities of adjacent properties.

- 2 The parking spaces and/or garages and turning space hereby approved 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.

- 3 The arrangements for storage of refuse, including the means of enclosure shown on drawings hereby approved shall be permanently retained.**

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.

- 4 The bicycle parking (including covered storage facilities where appropriate) hereby approved shall be permanently retained thereafter.**

Reason: In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.13 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.

- 5 The lighting scheme shown on the plans and documents, approved under ref: DC/08/02582/CONDIT2 and dated 7th August 2014 shall be maintained and retained in perpetuity.**

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.

- 6 The privacy screens shown on the drawings hereby approved shall be installed within 2 months from the date of this decision and shall be maintain and retained in perpetuity.**

Reason: In accordance with Policy BE1 of the UDP and in the interest of neighbouring residential amenities.

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Application:17/04326/MATAMD

Address: 14 Highland Road Bromley BR1 4AD

Proposal: Minor material amendment under Section 73 of the Town and County Planning Act 1990 to allow a variation of the planning permission 11/01958/EXTEND for extension of time limit for implementation of permission ref. 08/02582 granted for single storey side and 4 storey rear



"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 : 17/04402/FULL6

Ward:
Hayes And Coney Hall

Address : 58 Queensway West Wickham BR4 9ER

OS Grid Ref: E: 539519 N: 164957

Applicant : Mr Samuel Ebohon

Objections : NO

Description of Development:

Roof alterations to incorporate side/ rear dormer.

Key designations:

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

Proposal

The application seeks planning permission for roof alterations to incorporate side/ rear dormer. The dormer will extend across the side of the main roof of the dwelling before wrapping around to extend across the rear roof slope. It will have a flat roof with hipped element to the side and will be tile hung to match the existing roof. It will contain two windows within the rear elevation and two windows in the side elevation.

Location and Key Constraints

The application site comprises a two storey semi-detached dwellinghouse located on the southern side of Queensway, West Wickham. The property includes a prominent front gable, with a staggered flank elevation. The surrounding area is characterised by two-storey semi-detached residential dwellings of a similar style, many of which maintain their original roof profiles. The site is not located within a Conservation Area, nor is it Listed.

Consultations

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

Any further comments received will be reported verbally at the meeting.

Planning Considerations

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- o The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- o The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- o The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

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

London Plan Policies

7.4 Local character
7.6 Architecture

Unitary Development Plan

H8 Residential extensions
BE1 Design of new development

Draft Local Plan

6 Residential Extensions
37 General Design of Development

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

The National Planning Policy Framework (NPPF) is also a material consideration.

Planning History

Under ref: 85/02766/FUL, planning permission was granted for a single storey rear extension.

Under ref: 90/02401/FUL, planning permission was granted for a single storey side extension.

More recently, under ref: 17/01665/FULL6, planning permission was refused for roof alterations to incorporate side/ rear dormer for the following reason;

"1 The proposed roof alterations, involving substantial alterations to the existing roof profile of the property, are unsympathetic to the scale and form of the host dwelling and would result in top-heavy and incongruous additions, detrimental to

the appearance of the host dwelling and resulting in severe unbalancing to the symmetry of the pair of semi's, causing adverse harm to the character of the streetscene and wider area in general, and thereby contrary to Policies BE1 and H8 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.

Design and Scale

Both national and local planning policies recognise the importance of local distinctiveness in ensuring an effective planning system which achieves favourable design. Paragraph 60 of the NPPF states that it is proper to seek to promote or reinforce local distinctiveness, whilst paragraph 61 refers to the fact that although visual appearance and architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Whilst London Plan Policies 7.4 and 7.6 seek to enhance local context and character, as well as encouraging high quality design in assessing the overall acceptability of a proposal. It is considered that the proposal fails to address these criteria.

Similarly, policy BE1 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.

Moreover, UDP policy H8 provides that dormer windows should be of a size and design appropriate to the roofscape and sited away from prominent roof pitches, unless dormers are a feature of the area.

Queensway and the surrounding area is characterised by uniformly sited and symmetrically designed semi-detached dwellings. The roofs of the dwellings are both prominent and of particular importance to the appearance of the street scene and comprise large front gables with timber detailing to the front and full hips to the sides and rear. These hips add to the sense of space between the buildings and emphasise the prominence of the front gables. The properties also benefit from two storey wings to the side which are modest in form and appearance with fully hipped roofs set back from the front of the property. As a result they are visually subservient and emphasise the simplicity and prominence of the front gables. Whilst it is noted that some properties in the area have been extended, this original roof design remains an evident feature of the area.

The application property is one half of a pair of one of these semi-detached dwellings. Both the application property and its adjoining semi benefit from unaltered roofs which maintain the original large front gables and full hips to the side and rear as well as the secondary hipped roof to the two storey wing.

The application follows a previously refused application, under ref: 17/01665/FULL6, for a larger side and rear dormer which extended across both the main roof and the secondary roof of the two storey side wing. This application was refused as it was considered that the proposed roof development would substantially alter the existing roof profile of the property and would be unsympathetic to the scale and form of the host dwelling, resulting in a top-heavy and incongruous addition which would be detrimental to the appearance of the host dwelling and result in severe unbalancing to the symmetry of the pair of semi's, therefore adversely harmful to the character of the streetscene and wider area in general.

The roof alterations proposed under this current application include a smaller side and rear dormer which would project only across the side and rear of the main roof and not across the secondary roof to the side. In addition, the dormer has been reduced in height so that the flat roof of the dormer would sit around 1m lower than the ridge height of the main roof and would include a small side hipped element.

It is acknowledged that the dormer proposed under this current application would be smaller and less bulky than that of the previously refused application. However, it would still occupy much of the existing main side roof slope wrapping around across the rear roof slope. As such, the dormer would still be highly visible and prominent when viewed from the street scene and would significantly alter the appearance of the host dwelling.

Whilst it is clear that each case must be treated on its individual merits, it should also be noted that many of the recent applications in the surrounding area which have proposed similar side/rear dormer extensions have been refused due to their size and prominent location and the resultant impact on the character and appearance of the host dwelling and streetscene in general. A number of these applications (including one at no. 115 Queensway (ref: 16/01620) as well as in neighbouring Birch Tree Avenue, including no.'s 42 and 138 Birch Tree Avenue (ref's 16/03903 and 15/04448 respectively)) have also been dismissed at appeal.

In the dismissing of the appeals of all three of these nearby applications, the Planning Inspectorate outlined that despite the presence of existing extensions in the surrounding locality almost all these were considered to detract from the character and appearance of their host properties and the street scene. Furthermore, it was determined that dormer extensions upset the rhythm of the roofscape and failed to respect the character and appearance of the host dwellings.

Therefore, for the reasons above, Members may consider that the reduction in scale of the proposed dormer is not significant enough overcome the previous reason for refusal and that the proposed roof extension would still undermine and detract from the character and symmetry of the pair of dwellings resulting in harm to the overall character and appearance of the street scene.

Impact on Residential Amenity

Policy BE1 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 overshadowing. This is supported by London Plan Policy 7.6 and paragraph 17 of the NPPF.

In respect to residential amenity, the proposal is not considered to result in any loss of light or outlook. The rear facing windows are not considered to provide any additional opportunities for overlooking than currently exist from the upper first floor window of the property. One of the flank windows would serve a 'passage' between the two new bedrooms and as such could be required to be obscure glazed to prevent overlooking towards no. 60. The other window would be the only window serving a bedroom and as such it would not be considered reasonable to require it to be obscure. Having visited the site there are no flank windows within the neighbouring dwelling at no. 60 which face the site and as such in this instance, whilst not ideal, the clear glazed window may be considered acceptable in that it would not result in any undue loss of privacy to this neighbouring residential dwelling.

Summary

Taking into account all the above, Members may consider that the proposed side and rear dormer would result in detrimental harm to the character and appearance of the host dwelling and pair of semi's, and would unacceptably upset the balance and sense of rhythm within the streetscene, and therefore contrary to the policy objectives of Policies BE1 and H8 of the Unitary Development Plan, London Plan 7.4 and 7.6 and the NPPF.

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

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposed alterations incorporating the construction of a side and rear dormer, are unsympathetic to the scale and form of the host dwelling and would result in top-heavy and incongruous addition, detrimental to the appearance of the host dwelling and resulting in severe unbalancing to the symmetry of the pair of semi's, causing adverse harm to the character of the streetscene and wider area in general, and thereby contrary to Policies BE1 and H8 of the Unitary Development Plan, London Plan Policies 7.4 and 7.6 and the National Planning Policy Framework.**

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Application:17/04402/FULL6

Address: 58 Queensway West Wickham BR4 9ER

Proposal: Roof alterations to incorporate side/ rear dormer.



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SECTION '2' – Applications meriting special consideration

Application No : 17/04504/FULL6

Ward:
Bromley Common And Keston

Address : Rivendell 26 Forest Drive Keston BR2 6EF

OS Grid Ref: E: 542289 N: 164517

Applicant : Mrs Patricia Williams

Objections : NO

Description of Development:

Two storey front extension with habitable accommodation in roof space incorporating two side dormers and rooflight to side roof slope and single storey rear extension

Key designations:

Conservation Area: Keston Park
Biggin Hill Safeguarding Area
London City Airport Safeguarding
River Centre Line
Smoke Control SCA 14

Proposal

The application seeks planning permission for a two storey front extension with habitable accommodation in roof space incorporating two side dormers and rooflight to side roof slope and single storey rear extension.

The existing front projection at the property is proposed to be enlarged from a single storey structure with pitched roof and small side dormer to a full two storey extension with a front gable end roof to match the height of the existing roof and side dormers within both the eastern and western roof slopes. The extension will also include a 1.2m two storey addition to the front of this existing single storey front projection.

At present the existing single storey structure includes a cinema room at ground floor with a small guest bedroom above served by the small side dormer within the eastern roof slope. The proposed extension will result in the ground floor being converted back into a garage (as shown on the plans for the original construction of the dwelling) with the extended section providing a store and an entrance door with internal stairway to a kitchen/lounge/dining room at first floor. The roof space of the extension which is also served by dormers in the eastern and western roof slopes and a rooflight in the western roof slope will provide a bedroom with bathroom which will also be accessed directly from the new extension.

The proposed single storey rear extension will project 8.8m to the rear of the western side of the dwelling adjacent to the boundary with no. 24. It will extend for a width of 6.36m to project 0.95m beyond the western flank wall of the existing dwelling maintaining a separation of between 1.1m and 1.3m to the western side boundary. It will have a flat roof to a height of approximately 2.9m, when scaled from the submitted drawings, with two rooflights above, and will provide a summer lounge with hot tub served by glazed doors in the eastern side and rear elevations. The existing first floor balcony which sits above the proposed extension is also shown to be enlarged by approximately 0.8m in depth.

The application form states that the extensions will be finished with brickwork, render and timber cladding, with a clay tiled roof and GRP flat roof and white and grey aluminium windows.

Location and Key Constraints

The application site comprises a large two storey detached residential dwellinghouse on the southern side of Forest Drive, Keston. The property is located within the Keston Park Conservation Area.

Consultations

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

Any further comments received will be reported verbally at the meeting.

Consultee Comments

The Council's Conservation Officer has stated that whilst there is already a single storey garage projection in the front garden, this proposal will be a far more dominant element in the streetscene in a way that could be harmful.

The Council's Tree Officer has advised that the site is within a Conservation Area and there is a Tree Preservation Order (TPO) within boundary of the property. The proposals consist of two separate extensions to the north and south of the property. The extension to the north is likely to encroach into the Root Protection Area (RPA) of the trees protected under TPO. No information has been provided with the application to show root damage will not occur, therefore it is recommended that the application is refused.

The Advisory Panel for Conservation Areas (APCA) did not inspect the application.

Planning Considerations

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- o The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- o The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- o The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

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

London Plan Policies

7.4 Local character

7.6 Architecture

7.8 Heritage Assets and Archaeology

Unitary Development Plan

H8 Residential Extensions

H9 Side Space

BE1 Design of New Development

BE11 Conservation Areas

BE14 Trees in Conservation Areas

NE7 Development and Trees

Draft Local Plan

6 Residential Extensions

8 Side Space

37 General Design of Development

41 Conservation Areas

43 Trees in Conservation Areas

73 Development and Trees

Supplementary Planning Guidance

Supplementary Planning Guidance 1 General Design Principles

Supplementary Planning Guidance 2 Residential Design Guidance

Supplementary Planning Guidance Keston Park Conservation Area

The National Planning Policy Framework (NPPF) is also a material consideration.

Planning History

The application property, as currently exists, was constructed following the grant of conservation area consent for the demolition of the existing dwelling and garage under ref: 04/00776/CAC, and a grant of planning permission under ref: 04/00775/FULL1 for a new Two storey five bedroom detached house with integral double garage and including part basement accommodation.

Under ref: 05/03537/FULL6, planning permission was granted for 3 air conditioning units at ground level adjacent to flank elevations.

Under ref: 17/00122/FULL6, planning permission was refused for a two storey front extension with habitable accommodation in roof space incorporating two side dormers and rooflight to side roof slope and single storey rear extension for the following reasons;

- "1 The proposed front extension, by reason of its forward projection, siting, height, design and scale, would result in an overly dominant and bulky addition to the host dwelling, which would fail to respect the scale and form of the surrounding area, giving rise to a detrimental impact on both the visual amenities of the streetscene and the amenities of the neighbouring dwelling at no. 24, and would be significantly harmful to the character and appearance of the Keston Park Conservation Area within which it lies. The proposal would therefore be contrary to Policies H8, BE1 and BE11 of the Bromley Unitary Development Plan, as well as the Keston Park Conservation Area SPG and Policies 7.4 and 7.8 of the London Plan and the overarching aims and objectives of the NPPF.
- 2 The application fails to address the tree constraints associated with the proposals and, in the absence of evidence to the contrary, the development would prejudice the retention and wellbeing of a number of trees which are protected by a Tree Preservation Order and by the sites location within the Keston Park Conservation Area, therefore contrary to Policies NE7 and BE14 of the Unitary Development Plan."

Conclusions

The main issues relating to the application are the effect that it would have on the character and appearance of the host dwelling and the area in general, with particular regard to its location within the Keston Park Conservation Area, as well as the impact that it would have on the amenities of the occupants of surrounding residential properties.

The proposed application is almost identical to that previously refused under ref: 17/00122/FULL6. The only change to the proposal is that the two storey extension forward of the existing single storey front section has been reduced in depth by 0.94m. The remainder of the application is as previously proposed.

As outlined within the Planning History section of the report above, this previous application, ref: 17/00122/FULL6, was refused as the proposed front extension, by reason of its forward projection, siting, height, design and scale, would result in an overly dominant and bulky addition to the host dwelling, which would fail to respect the scale and form of the surrounding area, giving rise to a detrimental impact on both the visual amenities of the streetscene and the amenities of the neighbouring dwelling at no. 24, and would be significantly harmful to the character and appearance of the Keston Park Conservation Area within which it lies.

In addition, this previous application failed to address the tree constraints associated with the proposals and, in the absence of evidence to the contrary, the application was also refused as the development would prejudice the retention and wellbeing of a number of trees which are protected by a Tree Preservation Order and by the sites location within the Keston Park Conservation Area.

Character and Appearance

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 BE11 also seeks to ensure that developments within conservation areas will preserve or enhance the character and appearance of the conservation area by respecting or complimenting the layout, scale, form and materials of existing buildings.

Policy 7.4 of the London Plan seeks that buildings should provide a high quality design that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass and contributes positively to the character of the area. In

addition, Policy 7.8 of the London Plan states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Consistent with this the National Planning Policy Framework (NPPF) states that new development should reflect the identity of local surroundings and add to the overall quality of the area.

The property is located within the Keston Park Conservation Area. Paragraph 3.2 of the Keston Park Conservation Area SPG states that; "the Council will expect all proposals for new development to conform with the highly dispersed and wooded character of the conservation area, and with the approach taken by surrounding dwellings, especially in regard to the scale and height of construction, location with a plot (where material), design and materials used. It is hoped that all improvement works will take account of the character of original buildings and alter them as little as possible".

It is acknowledged that in 2004, the property was demolished and replaced with a new dwelling. This included a single storey attached garage which projects forward of the main dwelling, with a small side dormer in the pitched roof providing a guest bedroom within the roof space. This existing single storey projection, whilst including a small first floor component, provides a subservient element to the main dwelling. In addition, due to the existing front boundary hedge, only the roof of this existing single storey structure is visible from the streetscene.

The two storey front extension proposed under this current application includes an additional 1.2m to the front and an increase to the height of the existing single storey structure to create a first floor extension, with an enlarged pitched roof with front gable end and side dormers with a room in the roofspace. This differs from the previously refused application only in that the forward projection has been reduced by 0.94m

Paragraph 4.46 of Policy H8, states that proposals for forward extensions to detached houses should have particular regard to the relationship to neighbouring buildings and to the effect on the street scene. As was considered with the previously refused application, the main front building of the application dwelling sits behind the main front building line of many of the neighbouring dwellings within Forest Drive to the west, whilst the neighbouring dwellings to the east on Forest Ridge sit on a slightly different line due to the curvature of the road. However, the front of the existing single storey element of the application dwelling does sit in line with the front of many of the neighbouring dwellings to the west, and sits slightly further forward than the front of the main dwelling immediately to the west at no. 24 (although it is noted that there is a single storey detached building within the front garden of no. 24 which lies adjacent to the application dwelling). Therefore, the additional 1.2m front extension will result in an extension which is further forward than the predominant building line of this section of Forest Drive and much further forward than the main dwelling of the immediate neighbour at no. 24.

In addition, it is considered that the reduction in the forward projection does little to reduce the overall scale and massing of the proposed front extension which would still include the substantial first floor addition and two side dormers. The excessive scale and massing of the proposed front extension, along with its prominent siting, is considered to result in a much more bulky addition than the existing single storey structure which would fail to be subservient to the host property and would be visually dominant within the streetscene.

The limited alteration to the proposed front extension from that proposed under ref: 17/00122/FULL6 is not considered to overcome the previous reason for refusal in this respect. Accordingly, the forward projection, siting, height, design and scale of the proposed front extension is still considered to result in an overly dominant and bulky

addition to the host dwelling, which would fail to preserve or enhance the Keston Park Conservation Area and would be detrimental to the visual amenities of the streetscene.

Notwithstanding the above, the accommodation within the proposed extension appears to provide annex accommodation (although justification or details have been provided by the applicant in this respect). The proposed extension includes a kitchen with lounge and dining area at first floor with a bedroom with en-suite at second floor within the roofspace. There is only one access point to the proposed extension from the main house via a small corridor from the lounge/dining area. The lounge/dining room also leads to a bathroom within the existing dwelling which will be severed to prevent access from the main house. A separate entrance door is proposed within the eastern side elevation of the extension which will lead to an internal stairway providing direct access to the first floor reception room and second floor bedroom.

Paragraph 4.47 of the UDP seeks to ensure that extensions are designed to form an integral part of the main dwelling, as the severance of extensions to form separate self-contained units, "can result in the creation of substandard accommodation with inadequate privacy, access provision, parking and amenity space. Such accommodation is likely to be out of scale and character with the surrounding area and detrimental to residential amenity".

It is clear that whilst there would be some internal access between the proposed extension and the main dwelling, the new accommodation provided by the proposed extension could be severed to provide a self-contained unit. Accordingly, to prevent the proposed extension being severed in this way, it would be considered reasonable to place a condition on any approval to ensure that it restricts occupancy to members of the main dwelling's household only.

The proposed single storey rear extension will project 8.8m in depth with a flat roof to a height of approximately 2.9m. Whilst it will extend approximately 1m beyond the side wall of the existing dwelling, it would primarily be located to the rear and would not be visible from the streetscene and wider conservation area and thus not appear significantly obtrusive. Furthermore, although the extension is substantial in depth, it would not extend the full width of the dwelling and would have a modest flat roof, so as to maintain subservience to the main property. In addition, the host plot is generous and accordingly the spatial standards and qualities of the area may not be compromised.

Impact on neighbouring amenity

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. This is supported by Policy 7.6 of the London Plan and paragraph 17 of the NPPF.

As well as the impact on the character and appearance of the streetscene and Keston Park Conservation Area, the previous application (ref: 17/00122) was refused due to its impact on the amenities of the neighbouring dwelling at no. 24, as the forward projection, siting, height and bulk of the proposed front extension was considered to give rise to an overbearing sense of enclosure and loss of outlook to the front facing windows of this neighbouring dwelling.

The front extension now proposed under this current application would still result in an increase in both the forward projection and height of the property adjacent to no. 24. The existing single storey structure to the front of the dwelling, which is proposed to be extended, already sits further forward than the front of the neighbouring dwelling at no. 24.

However, there is a single storey detached building within the front garden of no. 24 which lies adjacent to the application dwelling and this along with the existing vegetation along the common boundary helps to screen the existing single storey structure.

As was the case with the previously refused application, the proposed two storey front extension will result in a substantial increase in bulk to this part of the dwelling with the addition of a 1.2m extension to the front as well as a first floor extension with front gable end roof and side dormers which will match the height of the main dwelling. This increase in bulk and height, along with the proximity to the neighbouring dwelling at no. 24 and the existing relationship between these dwellings, would significantly impact upon the visual amenities that this neighbouring dwelling currently enjoys, giving rise to an overbearing sense of enclosure and loss of outlook to the front facing windows. As such, the two storey front extension proposed under this current application is not considered to have overcome the previous reason for refusal in respect of the harmful impact on the amenities of this neighbouring dwelling.

The proposed side dormer window within the western roof slope of the extension would face directly towards the side boundary shared with no. 24. However, the window is shown to be obscure glazed which would help safeguard the privacy of both the host dwelling and neighbouring property, and as the proposed bedroom would also be served by a window within the dormer to the eastern roof slope, it could be required by condition to also be non-opening so as to further prevent a loss of privacy and as such this matter is not considered to warrant a refusal of planning. Given the location of the front extension to the western side, there is not considered to be any undue loss of amenity to the neighbouring dwelling to the east at no. 2 Forest Ridge.

The proposed single storey rear extension will result in the increase in a considerable depth of the property at ground floor adjacent to the boundary with no. 24. However, it will be located a minimum of 1m from the common boundary and will have a flat roof to a height of only approximately 2.9m. Due to the siting of the existing dwellings, the rear elevation of the application dwelling is located much further to the rear of the neighbouring dwelling at no. 24. Furthermore, the neighbouring dwelling at no. 24 benefits from a large rear garden which is substantial in both width and depth, and a number of mature trees and hedges lie along the common boundary providing screening between the dwellings. Therefore, taking this all account, the proposed single storey rear extension is not considered to result in any significant harm to the amenities of this neighbouring dwelling.

The existing first floor balcony which sits above the proposed extension is shown to be enlarged by 0.8m in depth. Given the presence of an existing balcony in this location and the relationship with the neighbouring dwelling at no. 24, the enlarged balcony is not considered to result in any additional overlooking or impact to the amenities of this neighbouring dwelling than currently exists.

Trees

There are a number of trees on the site located close to the proposed extensions, some of which are protected by a TPO and others which will still be afforded protection due to the location with a conservation area. The previous application ref: 17/00122/FULL6 made no reference as to the impact of the proposal on these nearby trees. The application failed to address the tree constraints associated with the proposal and as such this formed the basis of one of the refusal grounds in relation to this previous application (ref: 17/00122/FULL6).

Reference is made within the application form for this current application to a recent tree works application made under ref: 17/02667/TPO "To cut back overhanging branches from a selection of trees on boundary by 1.5m from the building SUBJECT TO TPO 2022 (A1)".

However, no further details as to the impact of the proposal on nearby trees have been provided.

The Council's Tree Officer has advised that the application still fails to address the tree constraints associated with the proposals in respect of the likely encroachment of the front extension into the Root Protection Area (RPA) of the trees protected under TPO. As such the application fails to overcome this previous reason for refusal, and subsequently conflicts with Policies NE7 and BE14 of the Unitary Development Plan an.

Summary

Having had regard to the above, Members may consider that the development in the manner proposed is not acceptable in that the proposed two storey front extension would result in an overly dominant and bulky addition to the host dwelling, which would fail to respect the scale and form of the surrounding area giving rise to a detrimental impact on both the visual amenities of the streetscene and the amenities of the neighbouring dwelling at no. 24, and would fail to either preserve or enhance the character and appearance of the Keston Park Conservation Area within which it lies.

The proposal would therefore be contrary to Policies H8, BE1 and BE11 of the Bromley Unitary Development Plan, as well as the Keston Park Conservation Area SPG and Policies 7.4, 7.6 and 7.8 of the London Plan and the overarching aims and objectives of the NPPF. The proposal also fails to address the tree constraints associated with the proposals and conflicts with policies NE7 and BE14 of the Bromley Unitary Development Plan.

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

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

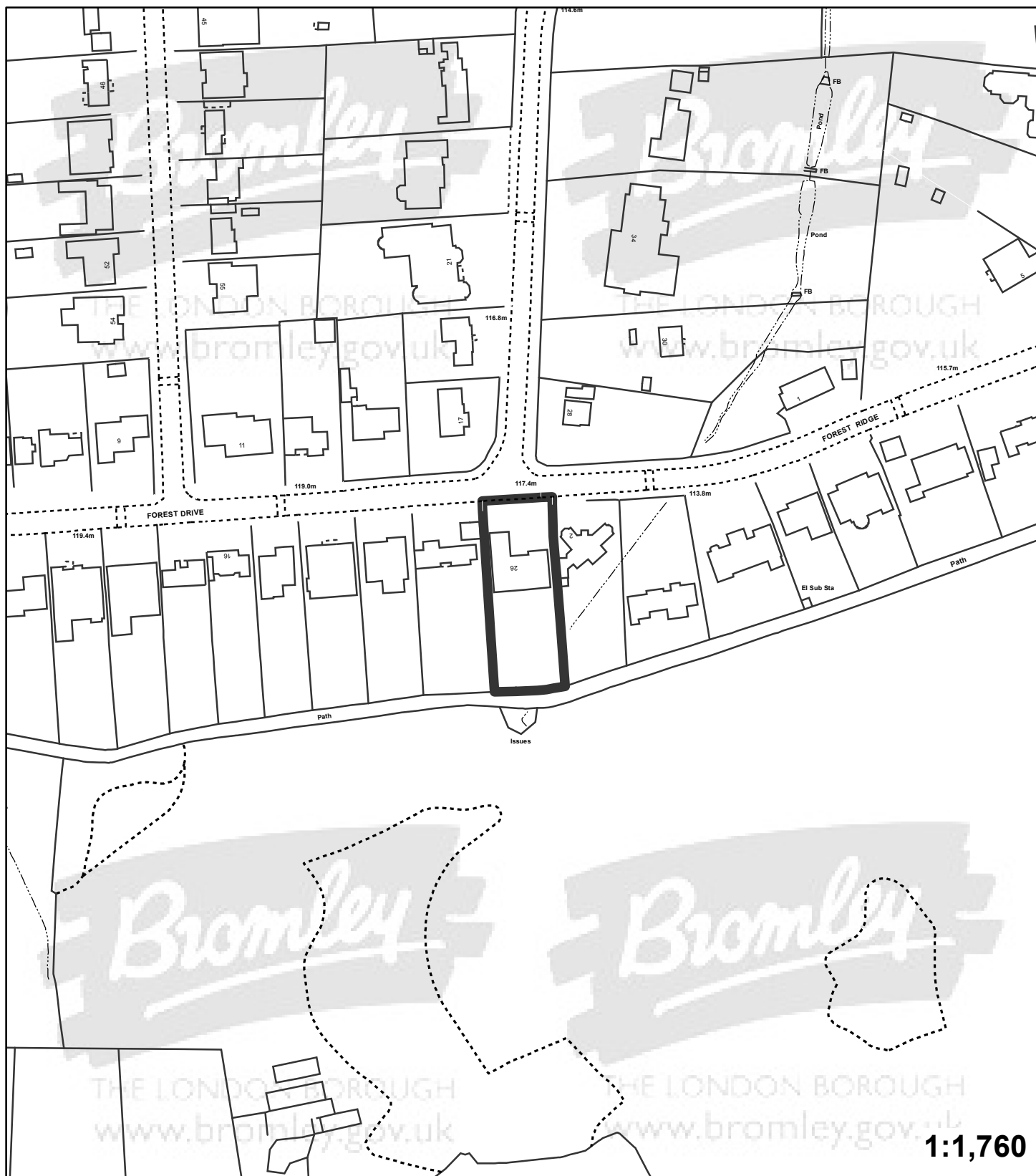
- 1 The proposed two storey front extension, by reason of its forward projection, siting, height, design and scale, would result in an overly dominant and bulky addition to the host dwelling, which would fail to respect the scale and form of the surrounding area, giving rise to a detrimental impact on both the visual amenities of the streetscene and the amenities of the neighbouring dwelling at no. 24, and would be significantly harmful to the character and appearance of the Keston Park Conservation Area within which it lies. The proposal would therefore be contrary to Policies H8, BE1 and BE11 of the Bromley Unitary Development Plan, Policies 6, 37 and 41 of the Draft Local Plan (2016), as well as the Keston Park Conservation Area SPG and Policies 7.4, 7.6 and 7.8 of the London Plan and the overarching aims and objectives of the NPPF.**
- 2 The application fails to address the tree constraints associated with the proposals and, in the absence of evidence to the contrary, the development would prejudice the retention and well-being of a number of trees which are protected by a Tree Preservation Order and by the sites location within the Keston Park Conservation Area, therefore contrary to Policies NE7 and BE14 of the Unitary Development Plan and Policies 43 and 73 of the Draft Local Plan.**

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Application:17/04504/FULL6

Address: Rivendell 26 Forest Drive Keston BR2 6EF

Proposal: Two storey front extension with habitable accommodation in roof space incorporating two side dormers and rooflight to side roof slope and single storey 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 '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 17/00398/DET

Ward:
Penge And Cator

Address : 213 Kings Hall Road Beckenham BR3 1LL

OS Grid Ref: E: 536597 N: 170331

Applicant : Brookworth Homes Limited

Objections : YES

Description of Development:

Details of scale, appearance and landscaping of development granted planning permission on appeal (LBB ref. 15/04458/OUT) for the introduction of an access road and erection of three detached dwellings, each with a double garage, parking and associated landscaping.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 25

Proposal

Outline planning permission was granted on appeal under reference 15/04458/OUT for the introduction of an access road and erection of three detached dwellings, each with a double garage, parking and associated landscaping. The scale, appearance and landscaping of the development were reserved matters.

The application was deferred from the committee meeting held on 9th May 2017 in order to afford the applicant the opportunity to consider:

- Reduction in size of windows
- The proposals to include the planting of more mature trees
- To lengthen the acoustic fencing
- To reconsider the position of the gates

Members also asked for clarification on the Council's position regarding condition 4 of the Inspector's decision on 15/04458, which specified a list of plans including 13121/C402C "Proposed Sketch Elevations," and the details submission under 17/00398.

Further to this latter point advice was sought from a legal perspective regarding the wording of the condition and compliance with the specified plans. Comments were received stating that while the Inspector may have exceeded their remit in respect of the outline application, the applicant had not challenged the decision letter nor had he made an application for the Council to vary the terms of the conditions. It was considered that one avenue for resolving the issue would have been to make an application to the Council to vary the Inspector's conditions if he did not wish to comply with them (with specific regard to the inclusion on the illustrative/indicative sketch elevation in the list of plans referred to in condition 4).

The applicant submitted such an application under reference 17/03050/RECON, seeking to remove the reference to the illustrative street scene from the list of conditioned plans. The application was reported to the Plans Sub-Committee meeting held on the 31st August 2017 on List 3 with a recommendation that the application be approved. It was determined however that the application should be refused on the ground:

"The inclusion of Condition 4 on appeal ref APP/G5180/W/16/3149502 was considered reasonable and necessary in order to protect the character and appearance of the surrounding area and the amenity of neighbouring residents. Accordingly, the variation of the condition would be contrary to Policy BE1 of the Unitary Development Plan."

In response to this decision, this application currently under consideration and held in abeyance since the deferral of its determination on 9th May 2017, was amended by details submitted on 18th September 2017. The cover letter for the amended submission states that the applicant "is left with little option but to revert back to submitting plans and elevations for the 3 houses consistent with the indicative elevations provided at outline stage."

It was noted however that while the proposed elevations matched (in terms of the front elevations - since the indicative street scene provided these alone under 15/04458/OUT) the roof massing did not tally with the roof design shown in the site layout drawings and that the revised submission would not therefore now be in accordance with other plans referred to in condition 4 of the appeal Inspector's decision. The applicant was invited to consider this issue and in response submitted amended information/plans on 13/10/17. In this submission the roof design tallies with that conditioned by the Inspector. It has come to light that the sketch street scene provided in the original application (allowed on appeal) did not itself tally precisely with the site layout in terms of the roof proportions/gables. As such it is not feasible or practicable for the development to accord with all the combined drawings conditioned by the Inspector since they themselves did not tally with each other.

The applicant has requested that the application be considered in its current form as amended by the documents received on 13th October 2017, stating inter alia:

- The elevations as noted in the appeal condition are only "indicative" and the basis of this indicative elevation has been used to produce the reserved matters scheme
- The style of the dwellings match and the bulk, massing and height are also almost identical
- The indicative street elevation was hand drawn and would therefore be difficult to match completely
- The scheme respects the character and style of the approved outline scheme, and the appearance of the development was indeed a reserved matter for later consideration.

The applicant has also submitted a response to objections which is available on file but provides background information relating to the timing and scope of the Arboricultural report and the proposed planting.

With regards to the other reasons for deferral of the application from the 9th May committee meeting, the points are referred to below:

Reduction in size of windows

As noted above the application as amended now proposes elevations with detailing and design substantially similar to the design and appearance of the indicative street scene elevation provided in respect of application 15/04458/OUT.

Consideration of mature tree planting

The applicants have supplied on the 18th September 2017 a revised Arboricultural Impact Appraisal and a revised Tree Protection Plan. This information along with a statement from

the applicant's consultant, is intended to address the potential that more mature planting be considered. The applicant's Arboricultural consultant has stated:

"We have currently specified nine trees along the northern boundary. The size we have specified is 10-12cm. This does not refer to their height... this is a standard notation for tree nursery stock and refers to their girth (trunk circumference) at 1m. The specified trees are select standards. These trees are 3-3.5m in height. If we were to up the spec to 12-14cm, these would be heavy standards. These trees are 3.5-4m in height. I do not recommend that we include more trees, as with the crown spreads of the retained trees, there will not be sufficient space for them to develop or even establish."

Acoustic fencing

The acoustic fencing has been extended from the first point at the rear boundary of No. 217 Kings Hall Road to a point aligning with the front elevation of the garage at Plot 3.

Position of gates

The access gates provided would be sited level with the rear of Nos. 215 and 217 Kings Hall Road. The applicant has stated that it would not be possible to move the gates to a more forward position, aligning with the front of those properties, as this would interfere with the free flow of traffic on Kings Hall Road and also with the private driveway/turning facility for No. 215.

The previous committee report is repeated below, suitably amended to reflect the revised submission, comments from neighbouring residents received in the interim and responses to technical consultations where fresh information has been submitted.

This application seeks approval for the reserved matters - scale, appearance and landscaping. It is proposed to provide three detached dwellings which would be sited in positions commensurate with the outline approval of layout, accessed via a roadway leading between No. 215 and 217 Kings Hall Road.

The access road runs parallel to and approx. 3.5m from the flank boundary with No. 217 for a length of approx. 60m before the roadway curves to lead to the formed cul-de-sac of three dwellings known as Plot 1, Plot 2 and Plot 3.

The flank elevation of the dwelling at Plot 1 (annotated as Plot 3 in the successful appeal scheme) is located 3m from the eastern boundary of the site with the rear gardens of Nos. 211 and 213 Kings Hall Road. The 5 bedroom property includes an attached garage set beneath a pitched roof with central apex. The dwelling would be 10m high to the apex of the pitched roof, with an eaves height of 5.5m. The dwelling incorporates a central front bay with gable roof. The front elevation incorporates a single storey element set beneath a pitched roof. Two parking spaces are shown to be provided between the western flank elevation of the dwelling and front elevation of the single storey garage.

To the west of Plot 1 is Plot 2 which would comprises a 5 bedroom dwelling. This dwelling incorporates a front gable feature and an attached double garage. The main dwelling would be approx. 9.8m high to the roof apex and 5.6m high to eaves level. Two car parking spaces are shown to be provided in front of the double garage, adjacent to the eastern flank elevation of the dwelling.

The dwelling at Plot 3 lies to the north-west of Plot 2 and is set at a right angle to the Plot 2 dwelling to face east along the access road and to the boundary of the site with the rear gardens of dwellings fronting Kings Hall Road. The main bulk of the 5 bedroom dwelling is

separated from the boundary with the rear gardens of dwellings fronting Lennard Road by the attached double, in addition to side space. The main dwelling would be 9.85m high to the top of the crown roof and 5.5m high to eaves height.

In terms of the landscaping details provided, the tarmac access road would lead to 2 parking spaces associated with No. 215 Kings Hall Road before running parallel to the boundary with No. 217 and the rear boundary of 189 and 191 Lennard Road before curving into the site to provide access to the three residential plots. Areas of shrub planting would be provided adjacent to the access road and driveways and between the road and the northern boundary, along with tree planting along the northern landscaping strip between the application site and the dwellings fronting Lennard Road and hedge planting along the rear boundary with No. 215 Kings Hall Road and part of the rear boundary of No. 213. Additional birch trees would be planted along the boundary between Plot 1 and the rear gardens of Nos. 207 and 209 Kings Hall Road. Patio paving was shown to be provided on the submitted landscape plan (LP 05 - 26/5/17).

The existing woodland area to the western boundary of the site would be retained and the existing woodland tree screen to the southern boundary would also be retained.

Location

The application site is a large parcel of residential garden land to the rear of No's 207-215 Kings Hall Road, currently serving No.213. The site adjoins residential gardens to the north and east belonging to properties in Lennard Road and Kings Hall Road respectively with the area being predominantly residential in nature, although the ground floor of No. 213 is currently used as offices. The site has no designation in the adopted UDP but it is bounded by Metropolitan Open Land (MOL) to the south and Pool River to the west.

The site falls within Flood Zone 2 and the far western edge is covered by a Tree Preservation Order (TPO).

The site does not lie in a designated Conservation Area.

Consultations

Comments from local residents to previous submission (deferred at PSC):

- The houses proposed would have flattened apex roofs whereas the indicative drawings considered by the Inspector had fully pointed apex roofs. The planning Inspector referred to plan C401B which was a site layout drawing which included within it the siting of the proposed houses which were shown on the plan to include fully pitched roofs. The proposed dwellings would appear three storey in height. The Inspector imposed conditions which would show no flattened roof design and only two storey buildings with single garages
- Concern is expressed regarding the strip of land to be retained behind 211 - 215 Kings Hall Road and it is requested at assurance be provided that the site layout will be maintained in the future, with covenant being a suggested means of achieving this outcome
- The proposed dwellings would not look similar to the surrounding area and the materials do not complement the existing residential development on Kings Hall Road.
- The garage heights have increased
- The manoeuvring of the refuse truck appears tight and to encroach on the landscaping
- Concern regarding the position of the car parking in front of the garages

- The footprints of the buildings are not what was approved and the development would appear intrusive and ugly
- The plot numbering has been reversed in an attempt to confuse
- The appearance of the proposed dwellings is quite different to that which was indicated in the appeal
- The windows in the proposed dwellings would be too large and would appear intrusive to properties in Lennard Road
- The planting adjacent to 181 Lennard Road would not effectively screen the development
- The gates to the development should be moved level with the frontage of 215 Kings Hall Road for security reasons
- Potential for noise and disturbance and it is therefore essential that the acoustic fence be provided to protect the boundaries with all neighbouring properties in Lennard Road
- The proposed landscaping would afford views from plot 3 towards the rear of Lennard Road
- The dwelling at Plot 3 would butt up against the garden fences of dwellings fronting Lennard Road. There should be frosted glass in the first floor windows looking over the Lennard Road gardens and a prohibition of third floor development in line with the Inspector's requirements
- The roadway and landscaping alignment to the north side of Plot 1 differs from that in the approved plans and Plot 2 appears to extend south of the approved plan position
- Tree Preservation Orders should be made on the trees identified on the landscaping plans approved by the Inspector and a condition should be imposed to prevent the subdivision of the residential sites

Comments from local residents in relation to amended docs received 18/9/17 (trees and landscaping details) and 13/10/17 (elevations etc.):

- Concern that the Arboricultural Impact Appraisal and Method Statement (15/9/17) continues to make recommendation that 17 trees need to be removed and 40 protected in view of the length of time between the original site visit in March 2014 and the further site visit of 14th September 2017 - surprising that there are no significant changes identified by the consultant following this passage of time
- The visit by the consultant was presumably made without the revised site layout drawing
- The tree protection schedule is limited to T1-T32 and doesn't include reference to the remaining trees in the statement
- The trees to be planted would be relatively young, with slender trunks and will take a substantial time for them to establish so as to provide adequate screening. They are also deciduous and will not provide screening in winter months
- The screening between the flank wall of the garage to plot 3 and the rear fences of 177/179 and 181 Lennard Road would remain inadequate
- The retention of the existing woodland area to the rear of Plot 3 would result in the rear of that property being very dark and there being pressure to remove this planting. Safeguards should be put in place to prevent this
- It is unclear why the acoustic fence terminates where it does rather than extending further to protect the remaining properties in Lennard Road
- The acoustic fence should be at least 2m tall and should be subject to a covenant or other long-term provision to secure its retention
- Buildings should be red brick in keeping with the area
- Drawings do not precisely tally with those referred to by the Inspector
- query as to whether a TPO covers part of the land

- The gates should be sited to be parallel with the front of No. 215 Kings Hall Road for security reasons
- Applicants placed plant and equipment onto the site before matters of scale and appearance had been settled
- The houses are too big, are out of keeping with the local area and should be scaled down
- There is nothing to protect the retained trees after the development has finished
- There should be opaque windows on upper floors where neighbouring gardens are overlooked
- Future conditions should be carefully worded so as to ensure compliance
- A condition should be imposed removing permitted development rights, in particular with regards to development in the roof
- The overall height to the ridge level is close to the 10m height stipulated by the Inspector and this is compounded by the design adopted for the chimneys, which should be reduced in height as they do not reflect the chimneys in Kings Hall Road
- The "Kings Hall Road" style is limited to the front elevations of each property with the possible exception of the side elevations of Plot 1 and the frontage design is therefore simply cosmetic
- Comments should be sought from the council's tree officer regarding the information providing regarding the planting and impact on existing trees
- Evergreen trees should be utilised

Technical Comments

Highways: Revised plans were submitted prior to consideration of the application at the Plans Sub-Committee meeting on 9th May 2017 which showed a Swept Path Analysis for a refuse vehicle manoeuvre within the site and repositioning the access gates closer to the front access point. The siting of the access gates was considered acceptable from a technical highways perspective, with the previous siting having been commented on negatively, with the comment that if gates are desired they should be sited closer to Kings Hall Road but set back so as to enable a vehicle to stand clear of the highway in the interest of road safety and the free flow of traffic and to prevent obstruction to the access to No. 215. A guideline distance of 15-20m was recommended in contrast with the original submission gate position which broadly aligned with the rear boundary of No. 215 with the application site. There were no technical objections to the revised proposals, with the gate position being replicated in the most recent plans.

Trees and Landscaping: The content of the revised arboricultural documents has been reviewed and the tree constraints assessed. Pressure has been put on the retained trees immediately behind the proposed dwellings, but the Tree Protection Plan (TPP) and mitigation methods detailed within the method statement had addressed the impact to a reasonable degree. The submissions are considered adequate and it is considered that the landscape plan is satisfactory. No objections are raised.

Environmental Health: From a technical environmental health perspective no objections were raised to the original submission, with the applicant being advised to have regard to the Housing Act 1985's statutory space standards, contained within Part X of the Act and the Housing Act 2004's housing standards, contained within the Housing Health and Safety Rating System under Part 1 of the Act.

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
NE3 Wildlife Features
NE7 Development and Trees
NE8 Conservation and Management of Trees and Woodland
ER10 Light pollution
T3 Parking
T7 Cyclists
T18 Road Safety

The Council is preparing a Local Plan. A period of consultation on the proposed draft Local Plan (under the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended) ran from November 2016 and closed on December 31st 2016. It is anticipated that the draft Local Plan will be submitted to the Secretary of State in 2017.

Draft Policies of relevance to the application comprise:

Policy 37 General Design of Development
Policy 1 Housing Supply
Policy 4 Housing Design
Policy 8 Side Space
Policy 70 Wildlife Features
Policy 73 Development and Trees
Policy 74 Conservation and Management of Trees and Woodlands
Policy 30 Parking
Policy 32 Road Safety
Policy 122 Light Pollution
Policy 119 Noise Pollution

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 (July 2011)

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 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

Housing: Supplementary Planning Guidance. (November 2012)

Planning History

14/01561/OUT - Planning permission was refused and a subsequent appeal against the refusal of outline planning permission was dismissed for the introduction of access road and erection of 6 dwellings comprising 3 pairs of semi-detached houses, parking and landscaping.

The ground for refusal was:

"The proposed development by reason of the restricted plot size and amenity space would be an overdevelopment of the site which would not accord with the spatial standards prevailing in the locality, and the proposal would therefore not be sensitive to the character of the surrounding residential area. Traffic accessing the site will harm the amenities of adjoining residential properties by reason of fumes, noise and disturbance. The proposal is therefore contrary to Policies BE1 and H7 of the Unitary Development Plan."

The Inspector commented that in terms of the relationship with the surrounding properties that there would be no significant overshadowing of the adjoining houses and gardens. It was also commented that the outlook of surrounding residents would evidently change from the view over the existing extensive garden area and orchard, but there would be sufficient separation for the proposed houses not to be overbearing in views from the neighbouring dwellings.

In terms of traffic accessing the site it was not considered that there would be likely to be excessive noise and disturbance for existing occupiers. Similarly with regard to drainage with implementation of a suitable SUDS scheme there was no evidence that a satisfactory drainage scheme could not be devised.

15/00357/OUT - Outline planning permission was refused for the construction of 5 dwellinghouses comprising 2 pairs of semi-detached and 1 detached property, access road, parking and associated landscaping. A subsequent appeal against the refusal of planning permission was dismissed.

The reason for refusal of outline planning permission was:

"The proposed development by reason of the restricted plot size and amenity space would be an overdevelopment of the site which would not accord with the spatial standards prevailing in the locality, and the proposal would therefore not be sensitive to the character

of the surrounding residential area. The proposal is therefore contrary to Policies BE1 and H7 of the Unitary Development Plan."

In dismissing the appeal the Inspector concluded that the proposal would appear cramped and out of keeping with the area. The Inspector also commented that at present there are open views above the extension and garage between Nos 215 and 217 Kings Hall Road to mature landscaping within the existing garden area and to the land beyond which contains a number of large mature trees which add to the verdant and open character of the area. The Inspector was not convinced that the indicative landscaping proposal would be capable of screening the proposal to such an extent that the impact on the open character and appearance of the area would be acceptable.

15/04458/OUT - Outline planning permission was refused for the access and layout of a development comprising the introduction of an access road and the erection of three detached dwellings, each with a double garage, parking and associated landscaping. The application was in outline, with details of the scale, appearance and landscaping of the development being reserved matters. Outline permission was refused on the ground:

"The revised proposals constitute an overdevelopment of the site which would have a detrimental impact on the spacious and open character and appearance of the surrounding area, and would therefore be contrary to Policies BE1 and H7 of the Unitary Development Plan."

A subsequent appeal against the Council's refusal of planning permission was allowed. The Inspector considered that the main issue in the case was the effect of the development on the character and appearance of the area. The Inspector considered that the orientation of the dwelling on Plot 1 (which corresponds to the current Plot 3) was such that the garage would be closest to the northern boundary, reducing the height of the development in direct views down the access road. The landscaping in front and behind the dwelling would soften views of the dwelling and allow retained views over and beyond the plot to the area of woodland behind. Landscaping to the southern and eastern site boundaries would also provide landscaped views between existing dwellings and would assist in screening the development from the rear of neighbouring properties. In respect of the concern that the development would result in an overdevelopment of the site, it was considered that the density of development would be appropriate in the location and that the proposal would not form overdevelopment. Having regard to the spacious size of the plots, the footprint of the dwellings and the retention and enhancement of the landscaping, it was not considered that the proposal would be out of keeping with the character and appearance of the area.

The Inspector considered the impact of the proposal on the living conditions of neighbouring dwellings, highways matters, drainage, flood risk, ecology and sustainable design and construction and in all these matters agreed with the Council that there were no concerns in respect of these matters. With regards to the concerns expressed by neighbouring residents regarding impact on visual amenity, security and light and noise pollution the Inspector concluded that there was no evidence to suggest that the proposal would result in security issues or pollution such that would cause material harm to the amenity of nearby residents and that the landscaping proposed would soften the visual impact of the development.

The Inspector allowed the appeal and granted outline planning permission subject to a number of conditions, including Condition 10 which stated that the dwellings should not be more than 10m in height, with this condition considered necessary in order to protect the character and appearance of the surrounding area and the amenity of neighbouring residents.

At outline stage the applicant provided indicative elevations although the appearance and scale of development were reserved matter, as was landscaping. The indicative elevations which formed part of the application considered at appeal showed the dwelling at Plot 1 (now Plot 3) having a pitched roof approx. 9.8m high to the ridgeline and 5.6m high to the eaves, with the attached garage 4.8m to the ridge and approx. 2.5m to eaves height.

17/03050/RECON - Following consideration of the inclusion of the indicative sketch street scene elevation in the list of plans referred to under condition 4 of permission 15/04458/OUT (allowed on appeal) the applicant submitted an application under reference 17/03050/RECON, seeking to remove the reference to the illustrative street scene from the list of conditioned plans.

The application was reported to the Plans Sub-Committee meeting held on the 31st August 2017 on List 3 with a recommendation that the application be approved. It was determined however that the application should be refused on the ground:

"The inclusion of Condition 4 on appeal ref APP/G5180/W/16/3149502 was considered reasonable and necessary in order to protect the character and appearance of the surrounding area and the amenity of neighbouring residents. Accordingly, the variation of the condition would be contrary to Policy BE1 of the Unitary Development Plan."

The application was refused by decision notice dated 5th September 2017. An appeal has not, to date, been lodged in respect of this refusal. The time limit for the submission on an appeal against the refusal of permission is 6 months from the date of the decision.

Conclusions

The principle of the redevelopment of this site for three detached dwellings with double garages has already been established through the granting of the outline permission on appeal through reference: APP/G5180/W/16/3149502 (Council ref:15/05584/OUT). Access and layout were also approved under the outline permission. The applicant now seeks approval for the following reserved matters: appearance, landscaping and scale.

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 surrounding residential properties.

Design, appearance and scale

The current scheme has reverted to the more traditional design detailing of the sketch street scene drawing 13121/C402C referred to in condition 4 of the outline planning permission. Members are advised that in that outline application consideration of the design and appearance of the dwellings was a reserved matter and this is illustrated by the submission within that application of a street scene and no other elevational drawings i.e. flank and rear elevations.

The appearance of the dwellings would be substantially similar to the scheme considered under 15/04458/OUT, with particular reference to the general appearance of the individual houses and the roof design which now includes apex roofs rather than the 'flattened' crown roof design originally proposed in the scheme deferred from Committee. Members will recall that as originally proposed under this current planning details pursuant application the design and appearance of the dwellings was more contemporary than the indicative front elevations considered by the appeal Inspector, and that the dwellings included crown roofs.

The height of the dwellings complies with condition 10 regarding the maximum height of the dwellings, with the apex and eaves levels being commensurate with those indicated in the proposed sketch elevations used as an illustrative reference by the planning Inspector in allowing the appeal.

The proposed front elevations shown in the submitted street elevation are substantially similar to those shown in the appeal application, with particular reference to the window proportions and positions. It is acknowledged that the relationship between the gable ridgelines and the main roof apexes do not tally precisely with the proposed sketch elevations drawing (13121/C402C). Members are advised however that these sketch elevations do not themselves tally with the roof design shown on the coloured site layout drawing (13121/C401B) also referenced by the Inspector in condition 4 of permission 15/04458/OUT. As such, the Inspectors condition included a list of plans which were not capable of precise and exact compliance in view of their disagreement with each other.

The appearance of the dwellings, in terms of design and materials, is considered to follow the spirit of the sketch elevation while tallying precisely with the site layout. The fundamental decision in the determination of the appeal was to grant outline permission. It is considered that the refusal of detailed planning permission on the basis of the slight variation in the street scene elevation, which the Inspector noted was submitted for illustration, could amount to unreasonable behaviour on the part of the Local Planning Authority.

If the details of the appearance/scale of the dwellings are approved it may be appropriate in view of the proportions of the buildings and in the interest of visual and residential amenity to impose a condition restricting the permitted development rights associated with development in the roof to afford the Council the opportunity to consider the merits of such development should it be proposed in the future.

It is noted that concern has been expressed regarding the proportions of the chimneys and the side and rear elevations lacking the traditional detailing of the front elevations. It is not considered on balance that this would represent grounds for refusal, taking into account the siting of the development in a formed estate setting rather than within an established street scene and the physical distance and contextual separation between the dwellings and adjacent houses.

Impact on Neighbouring Amenity

In terms of impact on neighbouring amenity, representations have been received from neighbouring residents. When allowing the appeal the Inspector stated that she was satisfied that the proposal would not be detrimental to the residential amenities of the locality.

It is not considered that the alterations to the scheme proposed as part of this detailed application materially alter the comments of the Inspector as the dwellings are located in a position replicating that considered by the Inspector, adequate separation is retained to the boundaries of the site and the landscaping proposed will soften the visual impact of the development.

The flank elevations of the proposed dwellings would incorporate first floor windows which are annotated on the submitted drawings to be obscure glazed. It is appropriate in the interest of the residential amenities of both existing and prospective residents to impose a condition to ensure that these windows would be obscure glazed in accordance with the submitted details.

On balance and in light of the Inspectors comments, the proposed dwellings are not considered to impact upon neighbouring residential amenity to a detrimental degree.

Layout

Policy 3.5 of the London Plan and the Housing SPG (2016) 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 should comply with Nationally Described Housing Standards (2015).

With regard to the above it appears that the size of the dwellings would exceed the minimum standards. The internal layout of the proposed dwellings and the size and orientation of the rear gardens/patios would provide a good standard of amenity for prospective occupants

Landscaping

Concerns have been expressed by neighbouring residents regarding the retained strip of land behind 211 - 215 Kings Hall Road and its future retention, the limitations of the landscaping in terms of the screening of views to Lennard Road and the retention of protected trees. With regards to the planting plan, it has been noted that the schedule refers to the planting of container grown trees and that these could take a considerable time to establish. It is also of concern to residents that the proposed planting would be generally deciduous. These concerns are acknowledged. However no objections have been raised to the proposals by the Council's Trees Officer.

It is considered that the landscaping proposed would be acceptable. The gardens at the rear of the dwellings fronting Kings Hall Road are generally in excess of 40m deep and the existing/proposed landscaping and planting would in conjunction with the separation between existing and proposed dwellings be satisfactory.

With regards to the hard landscaping proposed upon the site, the tarmac access road and manoeuvring space would be of a width and extent that allows the provision of soft landscaping around the road to enhance the appearance of the development. Paving at the rear/side of the proposed dwellings would not be disproportionate in relation to the overall extent of the gardens provided around the houses and it is considered that the landscaping proposed would provide a satisfactory level of amenity for prospective occupants as well as presenting a suitable balance between hard and soft surfaces as perceived from outside the application site.

Conditions relating to the health and long term retention of trees during and after construction were imposed by the Inspector and would fall to be complied with prior to the commencement of development. This includes condition 7 which stipulated that the design of the foundations of the dwellings should allow the trees within the woodland order (W1) to remain and that the ownership and control of the trees within the woodland order W1 should be placed into a management company to reduce post-development pressure on the trees from the proposed new dwellings. This and other conditions imposed by the Inspector remain applicable and will fall to be complied with in addition to any conditions imposed if this detailed planning application is granted.

Overall the proposed hard and soft landscaping would provide adequate amenity space for occupiers of the development and as well as a suitably attractive setting for the development.

Highways and Traffic Issues

Whilst access and layout have already been approved as part of the outline Permission it is appropriate to consider any highways impacts arising from the detailed submission.

In this instance there are no changes that would affect the assessment made of highways impact at outline stage. No technical highways objections are raised to the details submitted.

Other matters

It is noted that concerns have been expressed regarding the siting of the proposed access gates and the impact that these might have in terms of security to the rear of the dwellings fronting Kings Hall Road. In allowing the appeal the Inspector assessed that there was no evidence to suggest that the outline proposal would have an adverse impact on security. Moving the gates closer to the opening onto Kings Hall Road would not comply with the highways recommended distance between the adjacent highway and the gates, intended to enable a vehicle to stand clear of the highway and to prevent obstruction to the access to No. 215

It has also been suggested that the acoustic fencing along the northern boundary of the site be extended for the full length of the boundary with dwellings fronting Lennard Road. The application has been amended to increase the depth of the acoustic fencing in relation to the northern boundary of the site, and that fencing now terminates in a position t broadly aligning with the front elevation of the garage of Plot 3. This is considered to be a reasonable position for the end of the acoustic fencing since the purpose of the fencing would be particularly to soften vehicle noises associated with the access and parking spaces. In drawing this conclusion, regard has been had for the generous length of the adjacent rear gardens and the limited intensity of the use of Plot 3 as a single dwellinghouse with a substantially wide rear garden.

Residents have expressed concern regarding the future protection of trees within the site. It is noted that the western boundary of the site is subject to an area TPO and that condition 7 of the outline permission referred to the woodland order W1, requiring that "The ownership and control of the trees within the woodland order W1 should be placed into a management company to reduce post development pressure on the trees from the proposed new dwellings.

Summary

The principle of the development, including layout and access has already been deemed acceptable through the granting of the outline permission. The assessment above considers the reserved matters relating to scale, appearance and landscaping and the impacts associated with the development in terms of amenity for future occupiers, the amenity of the occupants of nearby buildings, and trees.

The design and appearance of the proposed dwellings has reverted to the general style shown in the illustrative elevations submitted as part of the application granted outline planning permission under reference 15/04458.

It is considered that the development would not be detrimental to the character and appearance of the area, with the scale and form of the development being appropriate for the location and size of the site and a residential density appropriate for the area. The proposed accommodation would provide a good standard of amenity for future occupiers of the development.

The proposed landscaping has also been considered and would provide an attractive setting for the development as well as softening the appearance of the development and screening views of the site from surrounding curtilages.

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

as amended by documents received on 13.10.2017 05.10.2017 18.09.2017 27.03.2017 15.09.2017 07.03.2017

RECOMMENDATION: APPROVAL

subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 2 years, beginning with the date of this decision notice.**

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

- 2 Details and samples 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 above ground works are 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

- 3 The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and listed:**

**Tree Protection Plan 14013-BT5
13121 P504 Proposed Plans (Plot 1)
13121 P505 Proposed Plans (Plot 2)
13121 P506 Proposed Plans (Plot 3)
13121 C501G Coloured Site Layout
13121 C502G Coloured street elevation
Arboricultural Impact Appraisal and Method Statement 15/9/17
Planting Plan PP 01**

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.

- 4 Before the development hereby permitted is first occupied the proposed first floor window(s) in the flank elevations 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 dwellings and neighbouring properties and to accord with Policies BE1 and H7 of the Unitary Development Plan.

- 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 B or C of Part 1 of Schedule 2 of the 2015 Order (as amended) 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 the interest of the visual residential amenities of the area and the appearance of the host dwellings, to accord with Policies BE1 and H7 of the Unitary Development Plan.

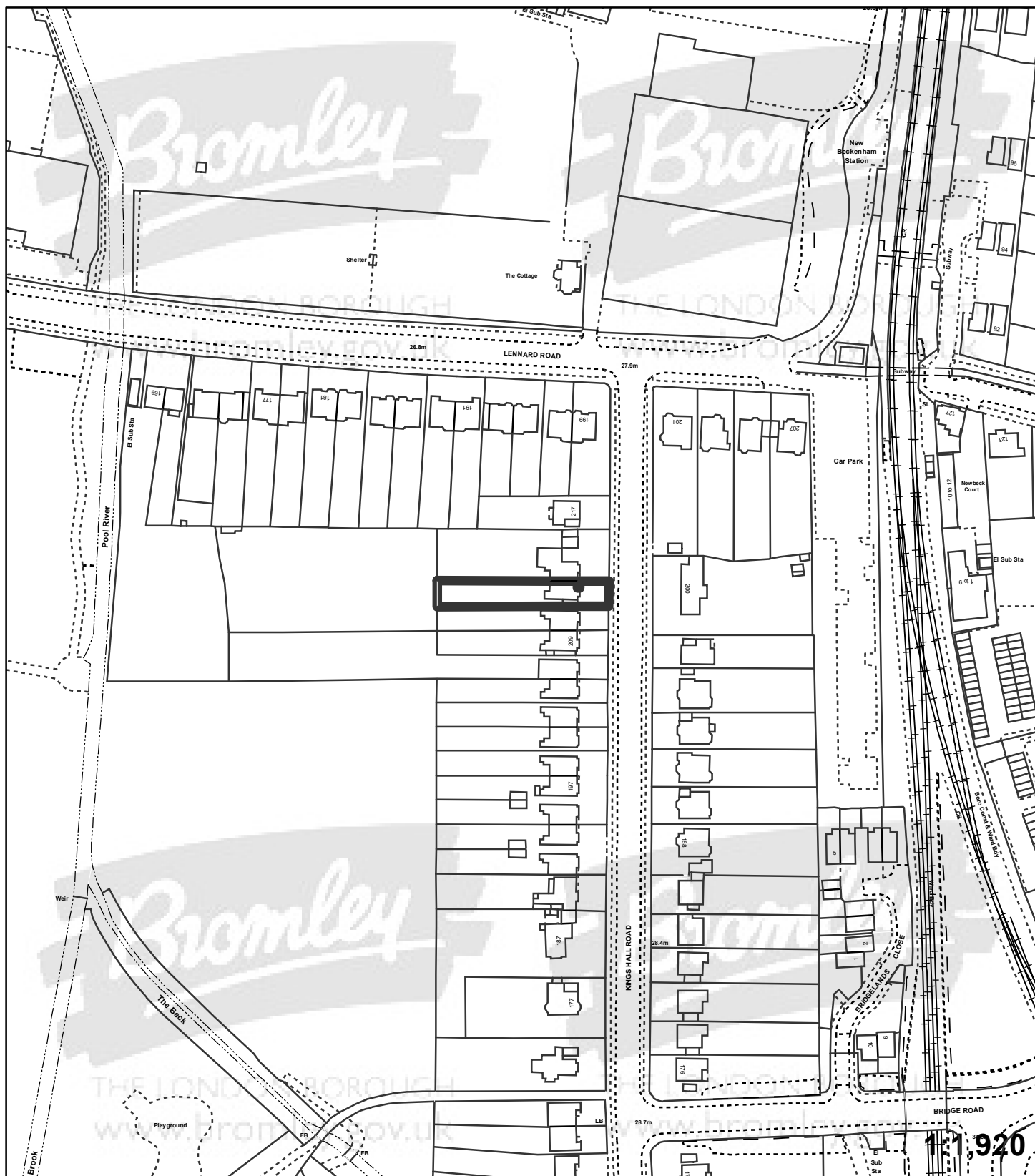
You are further informed that :

- 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
- 2** You should consult the Street Naming and 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
- 3** You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.
- 4** Any repositioning, alteration and/or adjustment to street furniture or Statutory Undertaker's apparatus considered necessary and practical to help with the modification of the vehicular crossover hereby permitted shall be undertaken at the cost of the applicant.
- 5** You are reminded that the conditions of the outline permission still apply and must be complied with.

Application:17/00398/DET

Address: 213 Kings Hall Road Beckenham BR3 1LL

Proposal: Details of scale, appearance and landscaping of development granted planning permission on appeal (LBB ref. 15/04458/OUT) for the introduction of an access road and erection of three detached dwellings, each with a double garage, parking and associated 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 : 17/02279/FULL3

Ward:
Cray Valley East

Address : Sun Chemical Cray Avenue Orpington
BR5 3PP

OS Grid Ref: E: 546879 N: 167967

Applicant : Bilsdale Properties / Goya
Developments

Objections : YES

Description of Development:

The redevelopment of an existing 2.38 hectare site for 13,975sqm of B1b (research and laboratory), B1c (light industrial), B2 (general industrial) and B8 (storage and distribution) use, with associated parking, service area and landscape. (Including adjacent plot on corner of Cray Valley Road and Faraday Way - Car Park Cray Valley Road Orpington BR5 2EY)

Key designations:

Areas of Archeological Significance
Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding
Smoke Control SCA 23

Proposal

Permission is sought for the demolition of the existing buildings, and the erection of 7 buildings divided into 14 units totalling 13,839m² GEA within use classes; B1(b), B1(c), B2 & B8.

The units are shown predominantly around the edge of the site with inward facing servicing areas. Units 1-5 face onto Cray Avenue at approx 8.5m in height with active frontages set behind landscaping and parking. The length of the frontage onto Cray Avenue is set back from the pavement. Units 6-10 back onto Cray Valley Road and are split into two blocks with servicing and access from within the site, and contrasting materials facing onto the road frontage. Unit 11 backs onto Stanley Way and is accessed and serviced from within the site. Units 12 and 13 back onto Lynton Avenue and are set in from the boundary with access and servicing from within the site. Unit 14 is sited on the separate parcel of land on the northern side of Cray Valley Road.

A variety of materials are utilised across the proposal including larch cladding throughout each public facing elevation.

Supporting Documents

Along with the submitted plans, the following supporting documents have been submitted with the application. Where appropriate, they are examined in greater depth throughout the body of this report:

- Remediation Strategy (UK20-24096) Sept 2017
- Phase 1 Environmental Assessment (UK-20 237052) Feb 2017
- Phase 2 Environmental Assessment (UK20-24096) September 2017
- Detailed Quantitative Risk Assessment (UK20-24096) September 2017
- Planning Statement (PRC Ref: 10646. Revision A) May 2017
- Waste Management Strategy
- Drainage Information
- Archaeological Desk Based Assessment (RM/22993) Feb 2017
- Noise Impact Assessment ref PJB8005/16479/V1.0
- Transport Assessment (Doc Ref: EF/17034/TA/2) March 2017
- Arboricultural report (DEV170105-175) Feb 2017
- Flood Risk Assessment (16-081R_001) April 2017
- Breeam Assessment (1542 Rev A) Feb 2017
- External Lighting Assessment April 2017
- Energy Strategy Report April 2017
- Statement of Community Involvement
- Preliminary Ecological Appraisal Feb 2017
- Daylight and Sunlight Study April 2017

Location

The application site is split into two parts and is located to the west of Cray Avenue either side of Cray Valley Road. The application area is circa 2.38 hectares in total and consists of two sites, plot 1 the Sun Chemical site to the south of Cray Valley Road circa 2.28ha and plot 2 which is the associated car parking on the northern side of the road circa 0.1ha. Both plots are slightly irregular in shape and have slight falls across them.

Both sites are occupied by Sun Chemicals who are currently in the process of decommissioning the sites with a view to fully vacating and demolishing the existing buildings during the course of the year.

The area surrounding the site has a wide range of uses including retail, industrial and residential. Of particular note, to the west of plot 1 is Lynton Avenue which consists mainly of post war semi-detached residential properties of one and two storey in height.

Plot 2 which is currently a car park on the northern side of Cray Valley Road is open and fully hard surfaced with some small areas of self-seeded scrub to the perimeter.

There are currently five main access/ egress points connecting plot 1 to the highways, and two connecting plot 2. The main pedestrian entrances are off of Cray Avenue and Cray Valley Road.

Site Constraints:

Area of Archaeological Significance
Allocated Business Area within UDP
Strategic Industrial Location (SIL) in London Plan

Consultations

Comments from Local Residents:

- There is not enough staff car parking on site. This will make the existing parking situation worse.
- The additional traffic will make congested roads even worse
- No more retail units are needed in the area.
- Non retail job opportunities are required
- The proposal will result in more rubbish in the area
- The site contains asbestos in several forms - control measures will be needed when this is removed
- Noise controls and restrictions will be needed to prevent disruption to local residents
- Construction traffic will need to be managed to avoid local school and surrounding roads
- Construction personnel should be restricted to parking on site only.
- Welcomes the possibility of new jobs

Comments from Consultees:

Highways:

Bromley Highways Officer has commented:

'Cray Avenue is a classified road, a Strategic Route, and part of the A224. TfL will need to be consulted on the application. The site has a moderate (3/4) PTAL assessment. A Transport Assessment (TA) was provided with the application.

The site is split into 2, the main area is bordered by Cray Avenue, Stanley Way, Lynton Avenue and Cray Valley Road and there is a smaller section at the corner of Cray Valley Road and Faraday Way. The existing buildings have a GFA of approximately 15,015m². The proposal is to provide 15 commercial units of various sizes (total 13,975m²) with an internal service road and associated parking areas.

Access

There currently appear to be 10 accesses to the sites, 2 more than shown on the plans. There are 5 in Cray Valley Road, 3 in Stanley Way and one each from Cray

Avenue and Faraday Way. Four in Cray Valley Road and 2 in Stanley Way will be closed and a new access provided in Cray Valley Road. The access in Cray Avenue is indicated as "modified" on the site plan. There are no details provided but it appears the radius on the northern side is being increased. The works would need to be agreed with the Highways section.

Gates are proposed at the remaining access points. They are not set back and so vehicles would have to wait in the highway while the gates are opened. I assume the gates will remain open during the day but it would be helpful to have confirmation as to how they will operate.

Trip generation and parking

It would have been helpful to get the existing trip generation of the site but it is currently being boarded up. The trip generation estimates are taken from TRICS which are based on the GFA of the buildings and as the GFA will be reduced the trip generation will also reduce.

There are currently 128 spaces on the site. The proposal will result in 127 spaces and 21 lorry bays. The maximum standard for B1 and B2 uses is one space per 100m² GFA which would give 140 spaces. The provision is close to this and equates to one space per 110m² GFA. Looking at the site plan there appears little scope to provide more spaces.

Units 1 - 5, those fronting Cray Avenue, are indicated to potentially have trade counters. These are among the smallest units with fewest parking spaces. Customers are likely to have to park in the areas shown for lorry unloading.

Cycle parking

Cycle parking will be aimed at staff so the stands should be secure and undercover. Some could be located within the units.

The TA indicates a Travel Plan has been submitted with application but I could not find one.

I am not sure whether we can ask about the policy on the operation of the gates now or if it should be conditioned.

Please include the following conditions in any permission

H03 parking

H16 hardstanding for wash-down facilities

H22 cycle parking

H23 lighting

H29 construction management plan

H32 highway drainage

Non-standard conditions

Details of new / amended access junctions shall be submitted to and approved in writing by or on behalf of the Local Planning Authority (LPA) prior to commencement of the works and the access shall be completed to the LPA's satisfaction before the first occupation of the development hereby permitted.

Reason: In the interest of pedestrian and highway safety.

Before any work is commenced on the access/highway works a Stage 1 and where appropriate a Stage 2 Road Safety Audit (these may be combined with the prior agreement of the local Planning Authority) shall be submitted to and approved in writing by the local Planning Authority. The works shall be implemented strictly in accordance with the approved details to the satisfaction of the local Planning Authority before any part of the development hereby permitted is first occupied. A Stage 3 Audit shall be submitted to and approved in writing by the local Planning Authority following satisfactory completion of the works and before they are opened to road users.

Informative

DI16'

In response to revisions, the following comments were made:

'The proposal has been amended from the initial application. There are now 14 rather than 15 commercial units proposed although the GFA has only been slightly reduced, from 13,975m² to 13,839m². The number of parking spaces has been increased from 127 to 132 and the lorry bays reduced from 22 to 19. Given the relatively small changes the Transport Assessment has not been updated.

The parking provision is getting nearer to the maximum UDP standard of 138 parking spaces (one space per 100m²) and in that sense is an improvement over the first proposal. The road layout and access points have remained the same.

Gates are proposed at the remaining access points. They are not set back and so vehicles would have to wait in the highway while the gates are opened. There were initial comments back from the applicant regarding the operation of the gates but they did not seem practical. My main concern is with lorries arriving and finding the gates closed. Can there be a condition about the operation of the gates? Is there likely to be any time limits imposed on the operation or deliveries to the site to which a condition can be linked?

Apart from that, the previous comments and suggested conditions would remain applicable.'

Transport for London have made the following comments:

'1. The site of the proposed development is on the A224 Cray Avenue, which forms part of the Strategic Road Network (SRN). TfL has a duty under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on the SRN.

2. It is understood that the proposed development seeks to provide 15 commercial units totalling an area of 13,975sqm.

3. It is understood that the proposed development seeks to provide 127 parking spaces. Considering the site's PTAL of 4, TfL requests the number of spaces are significantly reduced. The Blue Badge spaces are welcomed; however any other provision should be fully justified. The London Plan promotes sustainable travel and developments coming forwards should help to achieve this by providing limited parking, especially in accessible areas like this.

4. TfL welcomes that 12% of all parking will be for blue badge use, in line with the standards of the London Plan.

5. The London Plan policy 6.13 also requests that 20% active and a further 10% passive Electric Vehicle Charging Points (EVCP) is provided for all spaces.

6. TfL welcomes the 40 cycle parking spaces in line with the standards of the London Plan. All cycle parking should be located in a secure, accessible and well-lit area.

7. It should be noted that there is an existing bus stop located adjacent to the site on Cray Avenue. This should be considered within the CLP.

8. TfL welcomes the submitted Travel plan identifying a daily net of 226 fewer vehicle movements.

9. No information has been submitted with the application on the arrangements for construction. In accordance with London Plan policy 6.14, a framework Construction Logistics Plan (CLP) should be provided to allow TfL to agree the approach and secured by condition. The Construction Logistics Plan (CLP) should be delivered in line with TfL's guidance available at <https://tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guide/guidance-by-transport-type/freight>. The CLP should include details of construction phasing, trips generated and site access arrangements.

10. No information has been submitted with the application on the arrangements for delivery and servicing. In accordance with London Plan policy 6.14, a framework Delivery and Servicing Plan (DSP) should be provided to allow TfL to agree the approach and secured by condition. The DSP should also reflect the need for robust safety standards from freight operators. The requirements for providers of goods transport services to offer Fleet Operator Recognition Scheme (FORS) - or FORS bronze-equivalent or better safety accreditation, should be included.

11. The footway and carriageway on the A224 Cray Avenue should not be blocked during the development. Temporary obstructions during the conversion should be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the A224 Cray Avenue. All vehicles should only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.

Subject to the above conditions being met, the proposal as it stands would not result in an unacceptable impact to the SRN.'

Environment Agency:

'We have reviewed the following two documents by Ramboll: 'Phase 1 Environmental Assessment (reference UK20-23705-03 dated 3rd February 2017) and 'Phase 2 Environmental Assessment' (reference UK20-23705-01 dated 20th December 2016). From the Phase 1 report the site is noted to have a long history of inks manufacture using a variety of solvents and other hydrocarbons. There was a petrol filling station on site until at least 1986. Numerous historic and extant underground and above ground hydrocarbon storage tanks have been noted. Previous ground investigations revealed elevated concentrations of various hydrocarbons in the soil and groundwater. There is a groundwater abstraction well on site. The Phase 2 investigation comprised the installation of five boundary monitoring wells and soils and groundwater analyses from these, along with water analyses from the existing abstraction well. No significantly elevated contamination concentrations were reported. It is noted that additional investigations are proposed. Such a scheme of additional investigation (letter reference UKP20-22242_03 dated 13th March 2017) was provided to the Agency for review in April 2017 and accepted in principle.

Environment Agency position We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed as set out below.

Condition 1 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority: 1) An additional site investigation scheme, based on the letter proposal, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason

For the protection of Controlled Waters. The site is located over a Principal Aquifer and it is understood that the site has yet to be fully investigated for the assessment of historic contamination.

Condition 2 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in

writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason

There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

Condition 3 Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason

Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

Condition 4 Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason

Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

Condition 5 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.'

Thames Water:

Waste Comments

Surface Water Drainage - 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. The contact number is 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.

A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at <http://www.thameswater.co.uk/business/9993.htm> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments

Thames Water recommend the following informative be attached to this planning permission. 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.

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application'

Drainage:

Bromley Drainage officer initially commented:

'Reviewing the submitted FRA carried out by Bradbrook with Ref No. 16-081R_001 Dated April 2017. I note the applicant is proposing to use permeable paving as well as tanks to reduce surface water run-off to 50% of the existing rate, he has also acknowledged the fact that soakage test must be carried out to ascertain the suitability for infiltration.

Our position at this stage is that part of the site is at high risk from surface water run-off and part of the reason is the under capacity of the public sewers along Cray Valley Road and Cray avenue, so this is an opportunity to increase storage capacity to aim for greenfield run-off which we think is achievable. Please ask the applicant to amend his surface water strategy to reflect our above requirements.

Finally could the applicant give us more information about the two public sewers crossing the site and how he intends to divert them.'

In response to the submission of additional information, the following comments were made:

'Reviewing the submitted FRA carried out by Bradbrook with Reference No. 16-081R_001 dated April 2017 and the email received from Roque Menezes dated 28/06/2017 to store surface water run-off in cellular tanks and permeable paving to a restricted rate of 52l/s for all events including the 1 in 100 year plus climate change are acceptable.

CONDITION, The surface water drainage scheme hereby permitted shall be implemented in full accordance with the approved details unless otherwise agreed in writing by the Local Authority.

The following approved plans/report shall be complied with:

- Flood Risk Assessment carried out by Bradbrook with Reference No. 16-081R-001 dated April 2017.*
- Drainage Layout Plan Drawing No. 16/081/300 Rev P1 dated 27/04/2017.*
- Microdrainage Calculations carried out by Bradbrook Consulting dated 27/04/2017.*

REASON, In order to comply with Policy 5.13 of the London Plan and to reduce the impact of flooding both to and from the proposed development and third parties.'

Environmental Health:

I have looked at the details of this application and have a general concern about the replacement of one large industrial development with a number of smaller uses, each with different requirements for external plant, deliveries etc. In particular I have the following comments:

Contamination:

I have seen the Phase 2 Environmental Assessment carried out by Ramboll Environ (Project no UK20-23705, Dec 2016) and concur with the Conclusions. I do not consider that a Condition is necessary but would recommend that the following Informative be attached:

If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

Noise:

I have seen the Spectrum Acoustics Report (Project PJB8005/16479/V1.0). Firstly, in Sec 4, it is stated that we are normally satisfied with a noise level difference of 0-5 dB(A) for assessments under BS4142:2014. I have checked with Dr Pugh and understand that we have always tried to achieve a 10dB(A) level difference however this can be relaxed to 5dB(A) where background levels are very low or it is considered unreasonable. The background noise levels around this site are not very low and therefore a 10dB difference should be regarded as the goal.

The Report makes no reference to piling during the construction phase, however should this method of construction be adopted then a Piling Method Statement should be submitted.

I have no other specific comments on the report but please see my general comments in the last paragraph below.

Lighting:

I would have no objections to the proposals as detailed in the Shepherd Bromley Partnership Report of 13 April 2017.

Air Quality:

I have no specific comments regarding air quality as the application is for speculative purposes. However, when end-users are known if they lead to a change of use application then further assessments may be necessary.

In conclusion, I would have serious reservations about all units on the site being granted permission to operate 24 hours/day. Although this is the case at present, large parts of the site do not generate noise at night and so such a permission could have serious detrimental impacts on neighbouring residents. I would therefore recommend that those units which are in noise sensitive locations should be subject to hours of use Conditions or more stringent noise controls.

I would also recommend that the following Informative be attached:

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.'

Archaeology - Historic England:

'The planning application lies in an area of archaeological interest (Archaeological Priority Area) identified for the Local Plan: Upper Cray Valley and an archaeological desk based assessment has been submitted as part of the planning application (CgMs 2017). The DBA has demonstrated that 'the study site can be considered likely to have a modest archaeological potential for the Mesolithic and Roman periods, and a generally low archaeological potential for other periods of human activity.' (CgMs 2017, para 6.5). *The British Geological Survey indicates that the western part of the site is located above an area of Crayford Silts whilst the northern block of land is potentially located above an area of higher ground adjacent to a valley.*

Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates the need for field evaluation to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that I consider a condition could provide an acceptable safeguard.

A condition is therefore recommended to require a two- stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. The archaeological interest should therefore be conserved by attaching a condition as follows:

No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall

include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Informative Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

It is envisaged that the archaeological fieldwork would comprise the following:

Evaluation

An archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches. A field evaluation report will usually be used to inform a planning decision (pre-determination evaluation) but can also be required by condition to refine a mitigation strategy after permission has been granted. The evaluation should cover both the main part of the planning application and the separate northern block of land.'

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) and the London Plan (March 2015). Relevant policies and guidance in the form of the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) as well as other guidance and relevant legislation must also be taken into account.

Unitary Development Plan (2006)

BE1 Design of New Development
BE7 Railings, Boundary Walls and Other Means of Enclosure
BE9 Demolition of Listed Buildings
EMP4 Business Areas
NE7 Development and Trees
ER7 Contaminated Land
ER10 Light Pollution

- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T7 Cyclists
- T10 Public Transport
- T11 New Accesses
- T15 Traffic Management
- T17 Servicing of Premises
- T18 Road safety

Supplementary Planning Guidance 1: General Design Principles

Bromley's Proposed Submission Draft Local Plan:

It is expected the emerging Local plan Examination in Public will commence in 2017. The weight attached to the draft policies increases as the Local Plan process advances. These documents are a material consideration. Updated Policies relevant to this application include:

- 13 Renewal Areas
- 17 Cray Valley Renewal Area
- 30 Parking
- 31 Relieving congestion
- 33 Access to services for all
- 34 Highway infrastructure provision
- 37 General design of development
- 73 Development and trees
- 46 Archaeology
- 80 Strategic Economic Growth
- 81 Strategic Industrial Locations (SIL)
- 84 Business Improvement Areas
- 115 Reducing flood Risk
- 116 Sustainable Urban Drainage Systems
- 118 Contaminated Land
- 122 Light Pollution
- 120 Air Quality
- 119 Noise Pollution
- 123 Sustainable design and construction
- 124 Carbon reduction, decentralised energy networks and renewable energy
- 125 Delivery and implementation of the Local Plan

London Plan (March 2015)

- 2.6 Outer London: vision and strategy
- 2.7 Outer London: Economy
- 2.8 Outer London: Transport
- 2.17 Strategic Industrial Locations
- 4.1 Developing London's Economy
- 4.4 Managing Industrial Land and Premises

4.8 Supporting a successful and diverse retail sector and related facilities and services
5.2 Minimising carbon dioxide emissions
5.3 Sustainable design and construction
5.6 Decentralised energy in development proposals
5.7 Renewable energy
5.8 Innovative energy technologies
5.9 Overheating and cooling
5.10 Urban Greening
5.11 Green roofs and development site environs
5.12 Flood Risk Management
5.13 Sustainable drainage
5.21 Contaminated Land
6.3 Assessing effects of Development on Transport Capacity
6.9 Cycling
6.10 Walking
6.12 Road Network Capacity
6.13 Parking
6.14 Freight
7.2 An Inclusive Environment
7.3 Designing Out Crime
7.4 Local character
7.5 Public Realm
8.2 Planning Obligations
8.3 Community Infrastructure Levy

SPG: "Accessible London: Achieving an Inclusive Environment" (2014)
SPG - Sustainable Design and Construction

National Planning Policy Framework (NPPF) (2012) and National Planning Practice Guidance (NPPG) must also be taken into account.

The most relevant paragraphs of the NPPF include:

Para 14: Achieving sustainable development
Para 17: Core planning principles
Paras 18-22: Building a strong competitive economy
Paras 29 - 41: Promoting sustainable transport
Paras 56 - 66: Requiring Good Design
Paras 93-103: Meeting the challenge of climate change & flooding
Paras 109-125: Conserving and enhancing the natural environment
Paras 126-141: Conserving and enhancing the historic environment
Paras 188-195: Pre-application engagement
Paras 196-197: Determining applications
Paras 203-206: Planning conditions and obligations

Planning History

01/00710/FULL1 - Elevational alterations at front including replacement windows and extension to provide new entrance. Permitted

01/01132/FULL1 - Replacement detached warehouse building and alterations to access. Permitted

02/03194/FULL1 - Single storey extension (fronting Cray Valley Road). Permitted

10/03237/FULL1 - Installation of new sprinkler tank and pump house and demolition of existing workshops. Permitted

Conclusions

It is considered that the main planning issues relating to the proposed scheme are as follows:

- Principle of Development
- Layout, Scale, Massing, Design and Appearance
- Highways and Parking
- Amenity Impact
- Flooding
- Sustainability and Energy
- Contaminated land
- Trees / Ecology
- Archaeology
- CIL

Principle of Development

The NPPF states that significant weight should be placed on the need to support economic growth through the planning system and identify strategic sites for local and inward investment.

The London Plan identifies St Mary Cray as a SIL (Industrial Business Park). The application site is located within this identified area. Paragraph B of policy 2.17 states that 'development proposals should be refused unless they fall within the broad industrial type activities outlined in paragraph 2.79.'

Paragraph 2.79 states that: London's strategic industrial locations (SILs) are London's main reservoir of industrial land comprising approximately 50 per cent of London's total supply. They have been identified following an assessment of future need

In addition, the Majors SPG: Land for Industry and Transport 2012, puts Bromley in the category of 'restricted transfer' commenting that this applies to Boroughs with typically low levels of industrial land relative to demand. Boroughs in this category are encouraged to adopt a more restrictive approach to the transfer of industrial land to other uses. This approach is reflected in Policy 4.4 of the London Plan.

The site is designated within the UDP as a Business Area. Policy EMP4 sets out the criteria for evaluating proposals in designated business areas stating that only proposals for uses within Use Classes B1, B2 and B8 will normally be permitted.

The site is identified in draft policy 80 as the Cray Business Corridor - a strategic priority area for economic growth. The policy states that the focus within this area will be on bringing forward adequate development capacity, the co-ordination of public and private investment and the delivery of enabling infrastructure.

The Site is designated as a Strategic Industrial Location (SIL) in Draft Policy 81, which states that within these areas, uses falling within Class B1(b) and B1(c), B2 and B8 will be permitted and safeguarded. The supporting text to the policy states that the Council will restrict further expansion of retail floorspace within the SIL to instances where the use is demonstrated to be ancillary to a primary B use.

In respect of the proposed mix of uses, the units are to be B1(b and c) / B2 and B8 units which all comply with planning policies. Mention is made in the Design and Access statement about the installation of trade counters in units 1-5. The provision of trade counters could change the nature of the use from storage and distribution to retail based business. The Draft Local Plan Policy in relation to SIL's clearly states that "Proposals involving a portion of floorspace to be used for display and sales should demonstrate that the use is clearly ancillary to a primary Class B use." This form of development would be discouraged on site. Therefore, it would be appropriate to restrict the installation of ancillary trade counters throughout the scheme through condition to protect the industrial character of the site. A condition can require details of the extent and scale of any trade counters to be submitted for approval prior to their installation.

Subject to condition, the principle of development is policy compliant and appropriate in this designated employment area. In addition, the proposal would bring an under-utilised site into an industrial/commercial use in accordance with NPPF, London Plan and local policy aspirations.

Layout, Scale, Massing, Design and Appearance

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history,

reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. UDP Policy BE1 sets out a list of criteria which proposals will be expected to meet, the criteria is clearly aligned with the principles of the NPPF as set out above. Policy EMP4 is also applicable. These policies seek to ensure the highest standard of design in all new development and require proposals for new business development to provide a high standard of landscaping which makes appropriate provision for biodiversity as well as space for vehicle circulation and parking. In addition, policy BE7 seeks to ensure that railings, walls, plantings and hedgerows are retained where they form an important feature of the streetscape.

The scheme is situated in an area which has a variety of building types and sizes. The buildings immediately adjacent to the site vary in size with the smallest being the residential properties on Lynton Avenue and the largest buildings adjacent being within the Nugent shopping park on the opposite side of Cray Avenue.

The proposal also includes a variety of sizes of building which are similar to many buildings in the immediate vicinity and as such will be of a scale and massing that will be in keeping with the context of the site. The proposed scheme addresses the topography and locality of the site, whilst successfully connecting the site to adjacent land. The open green frontage along the road is maintained, and the siting of unit 6 respects the front building line of the adjacent building on the opposite corner of Cray Valley Road.

Appropriate landscaping is shown across the full frontage of the site, which would soften the site within the streetscene and improve the quality of the local environment.

It is considered that the buildings will sit well within the industrial area with many of the existing buildings being of a similar scale and massing, and that the use of reduced ground levels and additional landscape will further reduce any impact that may be perceived from the properties to the west.

The proposed buildings have been orientated in a fashion so that units 1 - 6 face onto Cray Avenue offering a visible link from the site onto the neighbouring properties and create a visible and improved street scene along the road.

The elevations along Cray Valley Road, Lynton Avenue and Stanley Way feature contrasting materials which help to break the façades down and make the elevations more appealing for the surrounding users and passers-by. The proposal creates a consistent identity for the development as well as a high quality, well designed working environment. The buildings utilise a limited number of different cladding materials which provide contrast and variation to the expanse of elevation.

The elevations of each building are treated in a consistent way throughout the development to create coherent scheme.

Doors and windows are located at the front of buildings, and this, along with the hard and soft landscaping scheme, would provide an appealing and active frontage.

The existing structured landscape on the main site is limited primarily to the west and south western corner of the site and consists of an existing tree line with some formal tree planting and some self-sown trees/hedges. A coherent and improved landscaping scheme is proposed throughout the site, which would enhance the area and soften the character of the site without losing its industrial character. It is considered that the proposed landscaping will increase the quality of the development.

In summary, the proposal would result in a high quality development that responds to the character of the area, and provides a functional, non-invasive wider provision to accommodate a policy compliant use of the site.

In accordance with NPPF policy, the proposed site would function well, add to the overall quality of the area, and establish a strong sense of place through the use of sensitive landscaping and appropriate design features. The proposal would optimise the potential of the site to accommodate development, and create an appropriate provision of use.

Highways and Parking

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability objectives. All developments that generate significant amounts of movement should be supported by a Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, safe and suitable access to the site can be achieved for all people. It should be demonstrated that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. The NPPF clearly states in Paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the UDP and the London Plan should be used as a basis for assessment

The site has a moderate (3/4) PTAL assessment. A Transport Assessment (TA) was provided with the application which shows that trip generation to the site would be reduced.

There are currently 128 spaces on the site. The proposal will result in 132 spaces and 19 lorry bays. The maximum standard for B1 and B2 uses is one space per 100m² GFA which would give 138 spaces. The provision is close to this. Although

a number of objections have been received about lack of parking, the provision is only marginally short of the maximum level required by policy, and is therefore not objectionable in this case.

Bromley Highways Engineer has advised that as cycle parking will be aimed at staff, the stands should be secure and undercover and some could be located within the units.

Conditions relating to parking, hardstanding for wash-down facilities, cycle parking, lighting, a construction management plan and highway drainage are necessary.

In addition, conditions have been requested regarding details of new / amended access junctions, and requiring a Stage 1 and, where appropriate, a Stage 2 Road Safety Audit.

There is concern about the operation of the gates shown at the access points. They are not set back and so vehicles would have to wait in the highway while the gates are opened. A condition can be imposed requiring further detail about deliveries and the operation of the gates. This would sufficiently address any impact from the access points.

Bromley Highways Engineer, has raised no objections to the highways impact and parking provision on the site, subject to the imposition of appropriate conditions.

Transport for London have also assessed the application given that Cray Avenue forms part of the Strategic Road Network. TfL have raised no objections to the proposal but have requested that the level of parking provision be reduced. Given that the current provision is policy compliant, and the existing pressure on the surrounding road network for parking, it is not considered that this would be achievable without negatively compromising the impact of the proposal on surrounding roads.

TfL have requested that 20% active and 10% passive Electric vehicle Charging Points should be provided for the parking spaces. This can be required by condition.

TfL have also requested a condition to address the logistics of construction. This has been included with the condition requesting a Construction Management Plan. Their comments regarding servicing and delivery have been accommodated in a condition requiring details prior to commencement of the use.

Comments regarding the footway and carriageway on the A224 Cray Avenue can be addressed through an informative.

Amenity Impact

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light,

overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The application site is set within an established Business Area/SIL. The nearest residential properties are located adjacent to the site in Lynton Avenue.

With regard to the physical impact of the proposal on these adjacent dwellings, during the course of the application, the units which back onto these dwellings (units 12 and 13) have been amended so that they sit further back from the boundary with Lynton Avenue and so that they have a lower eaves and ridge height. The buildings are now shown as sitting 6m back from the boundary with an eaves height of approx. 9.7m, and an overall height of approx. 11.6m. Owing to the drop in land levels of the site compared with the road (approx. 1.3m), the eaves level would sit approx. 8.4m high from the level of Lynton Avenue. At a set-back of 6m from the edge of the grass verge on the opposite side of the road, this is considered an acceptable distance back from the front of the existing dwellings in Lynton Avenue. The proposal, in its revised form, would have an acceptable relationship with the neighbouring dwellings in terms of appearance and impact. There would be no loss of daylight / sunlight, and no overshadowing would be caused by the proposal.

The applicant has submitted an acoustic report and a lighting assessment with the submission. Bromley Environmental Health have considered these and advised that they have no objection to the lighting proposal. However, they have advised that they would have serious reservations about all units on the site being granted permission to operate 24 hours/day. Although this is the case at present, large parts of the site do not generate noise at night and so such a permission could have serious detrimental impacts on neighbouring residents. It is therefore recommended that those units which are in noise sensitive locations should be subject to hours of use Conditions or more stringent noise controls.

Bromley Environmental Health have requested a condition to control noise levels within the site. In addition, given the proximity of units 12 and 13 to the residential dwellings on Lynton Avenue, these units will be subject to a condition restricting their hours of operation. In reaching this conclusion, it is appreciated that the site, as it currently exists, benefits from an unrestricted use. However, the majority of development currently on site is not focussed on the most sensitive boundary with Lynton Avenue. In fact, this is currently a relatively undeveloped part of the site. Although units 12 and 13 face away from the neighbouring occupiers, there is no evidence to suggest that their 24 hour use wouldn't introduce unacceptable disturbance to facing occupiers. As such, in accordance with policy BE1 of the UDP, it would be reasonable and proportionate to condition the hours of operation of these two units in order to protect neighbouring amenity from noise and disturbance.

A number of consultation responses from local neighbours have raised concern about the impact of construction works including construction workers parking. The potential for adverse noise impacts from construction vehicles and plant during the works can be minimised through a range of measures which can form part of a site specific Construction Management Plan within which all contractor activities would

be undertaken. This could be required by condition and agreed prior to any works taking place on site.

Flooding

The site is at a high risk of surface water runoff. A Flood Risk Assessment has been submitted with the application. The proposed measures to mitigate against risk (to store surface water run-off in cellular tanks and the use of permeable paving) are considered to be acceptable, along with the submitted drainage scheme. Compliance with the surface water drainage scheme can be required by condition, and the application is therefore considered to be acceptable in this respect.

Sustainability and Energy

The London Plan provides the policy framework in respect of sustainable construction and renewable energy, and in particular Chapter 5 of the London Plan and the Supplementary Planning Guidance entitled Sustainable Design and Construction. In addition, Policy BE1(vi) of the UDP, regarding sustainable design, construction and renewable energy is also relevant.

Policy 5.2 states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

Compliance with Policy 5.2 is achieved by demonstrating that the Building Emission Rate (BER) is at least a 35% improvement on the Target Emission Rate (TER) calculated in accordance with Building Regulations Approved Document Part L2A 2013

Policy 5.7 states that major development proposals should provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation, where feasible.

There is a presumption stated within the policy that in achieving the targets of policy 5.2 carbon dioxide emissions would be reduced by at least 20% through the use of on-site renewable energy generation.

An Energy Strategy Report has been submitted with the application, which demonstrates the use of a range of measures which result in a 35% improvement on the TER thus demonstrating compliance with Policy 5.2 of The London Plan 2016.

The results also show a range of measures to reduce CO₂ and demonstrate which of these are appropriate for the development. The strategy shows a 13% CO₂ reduction using on-site renewable energy generation across the development

which is considered to demonstrate compliance with Policy 5.7 of The London Plan 2016.

Contaminated land

The Environment Agency have noted that the site has a long history of inks manufacture using a variety of solvents and other hydrocarbons. There was a petrol filling station on site until at least 1986. Numerous historic and extant underground and above ground hydrocarbon storage tanks have been noted. Previous ground investigations revealed elevated concentrations of various hydrocarbons in the soil and groundwater. There is a groundwater abstraction well on site. The Phase 2 investigation reports no significantly elevated contamination concentrations. It is recommended that conditions be imposed on any permission which requires further assessment work and verification be undertaken in relation to contamination and invasive works.

Subject to the imposition of condition, the development would accord with the requirements of Policy ER7 of the UDP.

Trees / Ecology

Policy NE7 requires proposals for new development to take particular account of existing trees and landscape features on the site and adjoining land and Policy BE1 requires proposals to respect existing landscape features.

An Arboricultural Survey, has been submitted with the application. It concludes that all surveyed trees can be retained along with their contribution to the character and appearance of the locality. It advises that the impact of the proposed development on the trees can be managed through planning condition.

Subject to implementation of the recommendations of the survey, the proposed development would not have a significant impact upon the existing arboricultural amenity of the area and therefore complies with UDP Policy NE7.

The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes; minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF addresses ecology in paragraph 109 which states, the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitments, which include establishing ecological networks that are more resilient to current and future pressures. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

UDP Policies NE2, NE3 and NE5 seek to protect wildlife features and protected species requiring development proposals to incorporate appropriate mitigation where damage may occur.

A preliminary ecological survey has been submitted which concludes that habitats

within the site are considered to be of low ecological value within the local area. The site provides suitable habitat to potentially support low numbers of breeding birds and bats. However, populations of these are unlikely to be significant at a district level.

The survey recommends that prior to any works taking place, a pre-works check by an ecologist of any features considered suitable for sheltering bats and, following the precautionary principle, work to remove potentially suitable features should take place outside of the hibernation period when bats are considered least vulnerable.

The hibernation period is taken to run between mid to late November and mid-March, weather dependant. This can be required by condition.

Archaeology

Historic England have advised that the planning application lies in an area of archaeological interest (Archaeological Priority Area) identified for the Local Plan: Upper Cray Valley. An archaeological desk based assessment has been submitted as part of the planning application (CgMs 2017). The DBA has demonstrated that 'the study site can be considered likely to have a modest archaeological potential for the Mesolithic and Roman periods, and a generally low archaeological potential for other periods of human activity.' (CgMs 2017, para 6.5). The British Geological Survey indicates that the western part of the site is located above an area of Crayford Silts whilst the northern block of land is potentially located above an area of higher ground adjacent to a valley.

Appraisal of the application using the Greater London Historic Environment Record and information submitted with the application indicates the need for field evaluation to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that a condition could provide an acceptable safeguard.

CIL

The development would be liable for the payment of Mayoral CIL.

Summary

The proposed use of the site complies with planning policy and is acceptable in principle.

The proposal would result in a high quality development that would function well, add to the overall quality of the area, and establish a strong sense of place through the use of appropriate design, materials and improved landscaping. The proposal would optimise the potential of the site to accommodate development.

The proposals are supported by comprehensive set of technical reports which demonstrate that the proposals do not result in any significant impacts.

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 approved shall be carried out strictly in accordance with the application plans, drawings and documents as detailed below:**

PL001, PL002, PL003B, PL004A, PL005A, PL006A, PL007A, PL008A, PL009A, PL010A, PL011, PL012, PL012A, PL014A, PL015A, PL016B, PL017B, PL018A, PL019A, PL020A, PL021A, PL022B, PL023B, PL024B, PL025B, PL026B, PL027B

**Design and Access Statement Feb 2017
Remediation Strategy (UK20-24096) Sept 2017
Phase 1 Environmental Assessment (UK-20 237052) Feb 2017
Phase 2 Environmental Assessment (UK20-24096) September 2017
Detailed Quantitative Risk Assessment (UK20-24096) September 2017
Drainage Information
Archaeological Desk Based Assessment (RM/22993) Feb 2017
Noise Impact Assessment ref PJB8005/16479/V1.0
Transport Assessment (Doc Ref: EF/17034/TA/2) March 2017
Arboricultural report (DEV170105-175) Feb 2017
Flood Risk Assessment (16-081R_001) April 2017
Breeam Assessment (1542 Rev A) Feb 2017
External Lighting Assessment April 2017
Energy Strategy Report April 2017
Waste Management Strategy Rev A
Statement of Community Involvement
Preliminary Ecological Appraisal Feb 2017
Daylight and Sunlight Study April 2017**

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority when judged against the policies in the London Plan 2015 and the Bromley UDP 2006

- 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 No trade counter shall be installed in any of the units hereby approved without the prior written approval from the Local Planning Authority. Proposals to install a counter shall include details of its extent and scale, and demonstrate to the satisfaction of the Council that the counter is ancillary to the primary use of the unit.**

Reason: To prevent the erosion of the permitted use of the site and ensure consistence with the NPPF, Policy 2.17 and 4.4 of the London Plan, UDP Policy EMP4, and draft UDP Policies 80, 81 and 82.

- 5 The landscaping scheme as shown on the approved landscaping 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, and shall be retained as such thereafter. 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 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 Sustainability measures as detailed in the approved Energy Strategy Report shall be incorporated into the development prior to its occupation.**

Reason: To achieve a sustainable development in accordance with London Plan Policies 5.7 to 5.11, the Mayor's SPG and UDP policy BE1

- 8 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.

- 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 Prior to occupation of the development, the lighting scheme as shown in the submitted External Lighting Proposals report shall be implemented in full and shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.**

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 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 details of phasing, 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, 6.14 of the London Plan and in the interest of the amenities of the adjacent properties.

- 12 Details of new / amended access junctions shall be submitted to and approved in writing by or on behalf of the Local Planning Authority (LPA) prior to commencement of the works and the access shall be completed to the LPA's satisfaction before the first occupation of the development hereby permitted.**

Reason: In the interest of pedestrian and highway safety.

- 13 Before any work is commenced on the access/highway works a Stage 1 and where appropriate a Stage 2 Road Safety Audit (these may be combined with the prior agreement of the local Planning Authority) shall be submitted to and approved in writing by the local Planning Authority. The works shall be implemented strictly in accordance with the approved details to the satisfaction of the local Planning Authority before any part of the development hereby permitted is first occupied. A Stage 3 Audit shall be submitted to and approved in writing by the local Planning Authority following satisfactory completion of the works and before they are opened to road users.**

Reason: In the interests of highway safety

- 14 Prior to the occupation of the development, a Delivery and Servicing Plan shall be submitted and approved by the Local Planning Authority. This shall detail how deliveries will be managed to the site to ensure that they will not have a detrimental impact on the local highway network, and should also reflect the need for robust safety standards from freight operators. The requirements for providers of goods transport services to offer Fleet Operator Recognition Scheme (FORS) - or FORS bronze-equivalent or better safety accreditation, should be included. The approved scheme shall be implemented and adhered to throughout the operation of the site unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of highway safety and traffic management and in accordance with Policy 6.14 of the London Plan.

- 15 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority: 1) An additional site investigation scheme, based on the letter proposal, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 2) The results of the site**

investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: For the protection of Controlled Waters as the site is located over a Principal Aquifer.

- 16 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: To address the potential for unexpected contamination to be identified during development groundworks.

- 17 Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure the management of environmental risk to that the site is suitable for use.

- 18 Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning

Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

- 19 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.**

Reason: To prevent an unacceptable risk of contamination to controlled water.

- 20 The surface water drainage scheme hereby permitted shall be implemented in full accordance with the approved details unless otherwise agreed in writing by the Local Authority.
The following approved plans/report shall be complied with:
- Flood Risk Assessment carried out by Bradbrook with Reference No. 16-081R-001 dated April 2017.
- Drainage Layout Plan Drawing No. 16/081/300 Rev P1 dated 27/04/2017.
- Microdrainage Calculations carried out by Bradbrook Consulting dated 27/04/2017.**

Reason: In order to comply with Policy 5.13 of the London Plan and to reduce the impact of flooding both to and from the proposed development and third parties.'

- 21 No demolition or development shall take place until a stage 1 written scheme of archaeological investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.**

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: To protect any archaeological value of the site

22 No use shall take place within Units 12 and 13 outside of the hours of 7:00am and 22:00pm on any day.

Reason: To protect neighbouring residential amenity in accordance with Policy BE1 of the UDP

23 Works shall only take place in accordance with the method statement specified in the approved Arboricultural Appraisal Report (DEV170105-175)

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

24 Prior to the commencement of any development, a pre-works check by an ecologist of any features considered suitable for sheltering bats shall be carried out. Following the precautionary principal, work to remove potentially suitable features should take place outside of the hibernation period when bats are considered least vulnerable. The hibernation period is taken to run between mid to late November and mid-March, weather dependant.

Reason: In the interests of ecological biodiversity

25 Noise control for machinery at each Unit which is audible beyond the boundary of the site to be designed to satisfy an acoustic standard, not exceeding LFNR 35 Leq,5mins 1900 - 0700 hrs on Mondays to Fridays, LFNR 40 Leq,5mins 0700-1900 hrs Mondays to Fridays, and LFNR 35 Leq,5mins for any time period on Saturdays, Sundays and Bank Holidays, measured or calculated at 1m from the nearest facade of the nearest affected noise sensitive premises with all items of plant operating together and at full power, and a 5dBA penalty added for tonal noise content.

Reason: To protect the amenity of neighbouring occupiers in accordance with policy BE1 of the UDP.

- 26 Prior to occupation of any unit, 20% active and 10% passive Electric Vehicle Charging Points (EVCP) should be provided in the parking areas in accordance with details submitted to and approved by the local planning Authority. The EVCP shall be retained as such therefater and maintained in full working order.

Reason: In accordance with Policy 6.13 of the London Plan.

You are further informed that :

- 1 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.
- 2 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
- 3 You are advised to contact the following address regarding alignment of, connection to or diversion of a public sewer, or adoption of a sewer -

Thames Water
1 Kew Bridge
Brentford, Middlesex
TW8 0EF
0845 850 2777
Email: developer.services@thameswater.co.uk

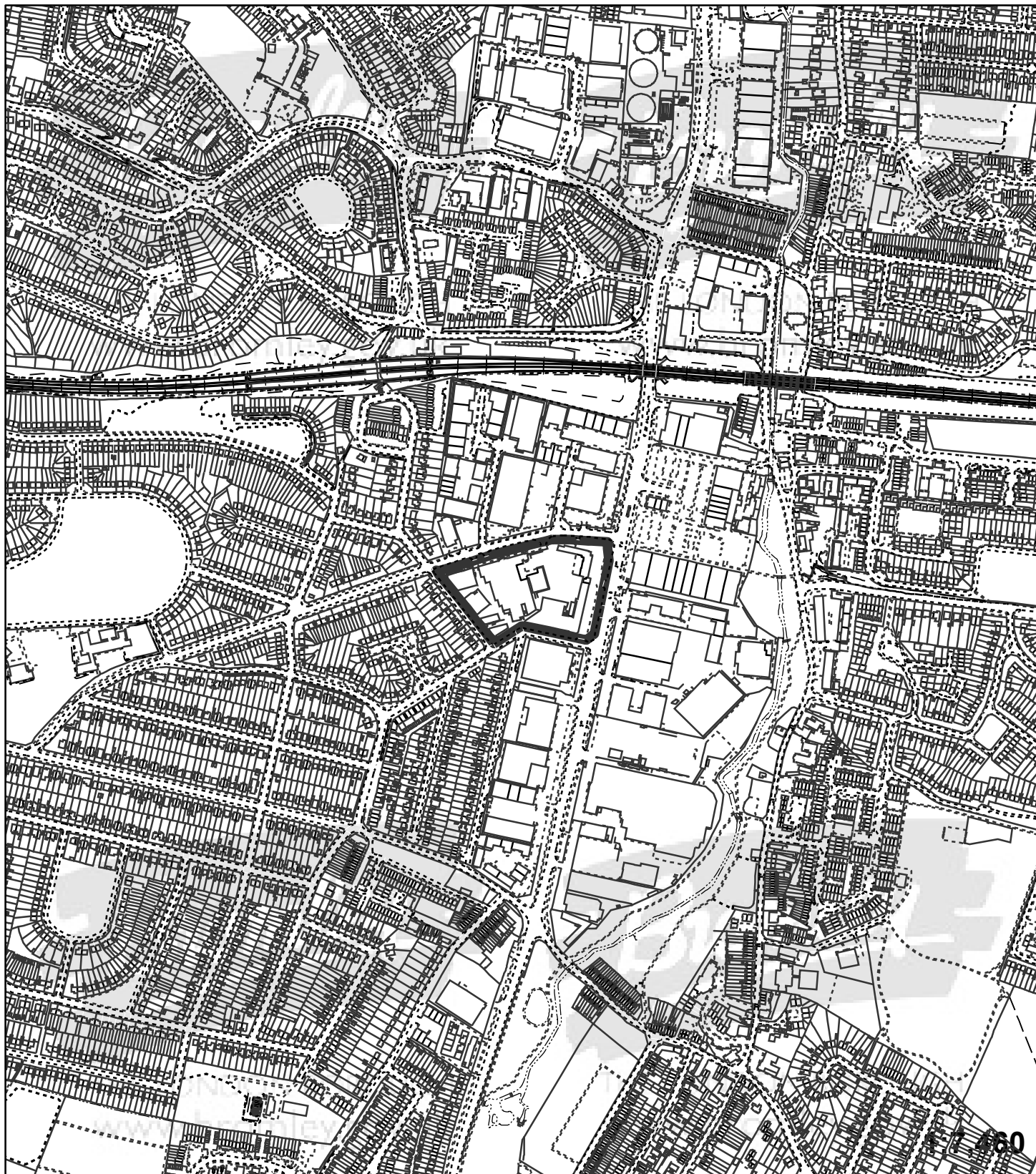
- 4** A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at <http://www.thameswater.co.uk/business/9993.htm> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.
- 5** 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.
- 6** 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.'
- 7** Written schemes of archaeological investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 8** The footway and carriageway on the A224 Cray Avenue should not be blocked during the development. Temporary obstructions during the conversion should be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the A224 Cray Avenue. All vehicles should only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.

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Application:17/02279/FULL3

Address: Sun Chemical Cray Avenue Orpington BR5 3PP

Proposal: The redevelopment of an existing 2.38 hectare site for 13,975sqm of B1b (research and laboratory), B1c (light industrial), B2 (general industrial) and B8 (storage and distribution) use, with associated parking, service area and landscape. (Including adjacent plot on corner of



"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 : 17/03002/FULL6

Ward:
Chislehurst

Address : 5 Greenway Chislehurst BR7 6JQ

OS Grid Ref: E: 543427 N: 171370

Applicant : Ms J Sayer

Objections : YES

Description of Development:

Single storey rear extension

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 16

Proposal

Members will recall that this application was submitted to Plans Sub Committee 3 on 26th October 2017 where Members resolved to defer the application, without prejudice, to seek a clarification of the height of the proposed extension.

Permission is sought for a single storey rear extension that is 3m deep and 5.4m wide. It will have a flat roof and will contain two roof lanterns. The extension will have a height of 3.1m high when measured from the existing decking (4.2m from ground level).

Revised plans were received 20/09/2017 which removed the extension of the raised decking.

The application site is a two storey mid-terraced property located on the north-western side of Greenway, close to the junction with White Horse Hill.

Consultations

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

- o Extension is of an excessive height
- o Loss of daylight to decked area and habitable rooms
- o Loss of outlook
- o These properties have small gardens therefore this is an overdevelopment of an already extended house
- o Overlooking and loss of privacy from extended decking

Following the submission of revised plans on 20/09/17, neighbours were re notified. The additional comments received can be summarised as follows:

- o Pleased that the decking area has been reduced but unhappy with the height of the proposed extension
- o Original objections still stand

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

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances

Draft Policy 6 Residential Extensions
Draft Policy 37 General Design of Development

There is no planning history on this 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.

Design, Siting and Layout.

Policy BE1 of the Bromley Unitary Development Plan 2006 (UDP) sets out criteria which proposals for new development will be expected to meet. Policy BE1 of the UDP requires new buildings to complement the scale, form, layout and materials of adjacent buildings and areas. Importantly Policy BE1 states that development should respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure their amenities are not harmed by noise or disturbance.

The proposed single storey rear extension will be 3m deep and 5.4m wide. It will have a flat roof and will contain two roof lanterns. The extension will have a height of 3.1m high when measured from the existing decking (4.2m from ground level). The rear elevation will contain folding/sliding doors, both flank elevations will be blank.

The extension is located at the rear of the property therefore will not be visible from the street. Furthermore, the size and design proposed is considered to be in keeping with the host dwelling with the materials shown to match the existing property. It is therefore considered that the proposed extension will not impact significantly on the character or appearance of the area.

Impact on Adjoining Occupiers

Policy BE1 in the Adopted UDP states that the development should respect the amenity of occupiers of future occupants and should also respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.

This row of properties is raised significantly compared to the rear gardens. As such, this property benefits from raised decking that is approximately 4m deep, with steps down to the rear garden. The proposed extension will project 3m to the rear. The revised plan (received 20/09/17) indicates that the decking will remain as existing, projecting 1m beyond the proposed extension.

From visiting the site it was noted that the adjoining property, No.3, has an existing conservatory that is approximately 3m deep. It is therefore considered that the proposal

will not impact unduly on the amenities of this adjoining property with regards to loss of light, outlook or visual amenities.

With regards to the adjoining property to the north-east, No.7, concerns have been raised regarding the impact on light, outlook and privacy. Following the revised plans, the existing decking will not be extended. It is therefore considered that the proposal will not result in overlooking or loss of privacy, over and above that already existing. From visiting the site it was noted that the shared boundary consists of a high fence for the full depth of the existing decking area. The proposed extension will increase the height to 3.1m, when measured from the existing decking. The impact on this adjoining semi would be increased due to the increase in height but not to such a degree that would warrant refusal of the application.

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) 17/03002/FULL6 and any other applications on the site set out in the Planning History section above, excluding exempt information.

as amended by documents received on 20.09.2017

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.

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Application:17/03002/FULL6

Address: 5 Greenway Chislehurst BR7 6JQ

Proposal: Single storey 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 '3' – Applications recommended for permission, approval or consent

Application No : 17/04144/FULL1

Ward:
Hayes And Coney Hall

Address : 14 Kechill Gardens Hayes Bromley BR2
7NQ

OS Grid Ref: E: 540375 N: 166607

Applicant : Guy Pleasance

Objections : YES

Description of Development:

Rear basement extension

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 51

Proposal

Planning permission is sought for a proposed rear basement extension. The proposed basement will have a total length of approximately 7.7m (including the element under the existing house), extending beyond the house by 4.9m, a width of 8.9m; 2.5m below floor level. According to the submitted plans the basement will not be visible above ground level. The applicant has provided a short supporting statement outlining that the proposal will provide additional accommodation for music equipment for the family (this is on the file to view).

The application site is a two storey semi-detached property located on the south side of Kechill Gardens, Hayes. The application site does not fall within a Flood Zone 2 or 3, nor is it situated close to a river culvert.

Consultations

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

- o We have concerns at how far the extension will stretch towards our garden and what possible effects it could cause with regards to flooding and subsidence
- o We understand that water runs underneath properties in Chatham Avenue
- o Due to the fact that the ground in my rear garden is sodden or under water for extended periods every winter I am concerned that the proposed basement will cause subsidence or some other adverse effect on my property
- o The proposed basement might increase the current flood risk and thus pose a risk to the neighbouring properties
- o I believe a formal flood risk assessment is carried out by an appropriate professional
- o My concern is that the proposed basement and subsequent foundations might affect the underground running water which is known to be present in the vicinity of the properties, this in turn might compromise the existing foundations of both properties
- o I request a construction method statement is prepared by an appropriate professional to ensure that identified risks are addressed

- o The applicant's drawing shows that the top of the basement structure would be at the same level as the existing ground floor level of the property
- o This existing ground floor level is significantly higher than the existing level of the land at the rear of the property and thus the proposed basement would be visible above the ground

Consultee Comments

Environmental Health Pollution: No Objection

Drainage: No Objection

Planning Considerations

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

National Planning Policy Framework:

Chapter 7- Requiring Good Design

London Plan:

Policy 7.4 Local character

Policy 7.6 Architecture

Unitary Development Plan:

BE1 Design of New Development

H8 Residential Extensions

SPG1 General Design Guidance

SPG2 Residential Design Guidance

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to: The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process.

The following emerging plans are relevant to this application.

Draft Local Plan:

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policy 6 Residential Extensions

Draft Policy 37 General Design of Development

Planning History

00/02425/FULL1-Two storey side extension- Application Permitted- Date issued- 04.10.2000

04/01796/FULL6-Gable end and rear dormers incorporating rear balcony- Application Refused- Date issued-12.07.2004

15/02151/FULL6-Roof alterations to incorporate rear dormers with juliet balcony and single storey rear extension- Application Permitted- Date issued-02.09.2015

17/00472/FULL1-Single storey rear extension.-Application Refused- Date issued- 18.04.2017

17/03938/FULL1-Single storey rear extension.- Application Refused- Date issued- 31.10.2017

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.

Design

Both national and local planning policies recognise the importance of local distinctiveness in ensuring an effective planning system which achieves favourable design. Paragraph 60 of the NPPF states that it is proper to seek to promote or reinforce local distinctiveness, whilst paragraph 61 refers to the fact that although visual appearance and architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Similarly, policies BE1 and H8 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. Whilst London Plan Policies 7.4 and 7.6 seek to enhance local context and character, as well as encouraging high quality design in assessing the overall acceptability of a proposal.

As stated above, the submitted plans indicate that the rear basement will not be visible above ground level; as such, the development is not anticipated to have a detrimental impact on the appearance of the host dwelling, street scene or locality. Therefore, Members may agree that the proposal is not considered to be contrary to the policy guidance outlined above.

Impact on Residential Amenity

Policy BE1 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 overshadowing. This is supported by Policy 7.6 of the London Plan.

No loss of amenity by way of visual outlook, prospect or overlooking is foreseen. The rear basement would be constructed below ground floor level, thus there would be no impact to adjoining neighbouring properties.

Other Matters

Objections received from adjoining neighbouring properties raise concern in regards to the construction of the rear basement and possible flood risk issues arising from the development.

Whilst the construction of the development is not a planning matter, if Members are minded to approve the application a 'basement construction management statement' condition will be requested in order to mitigate neighbour concerns.

The development site does not fall within Flood Zone 2 or 3. Therefore, there is no requirement for a flood risk assessment. In addition, the site is not situated close to a culvert of a river. Furthermore, the Council's drainage team raise no objection to the development.

Summary

Taking into account the above, Members may therefore consider that the development in the manner proposed is acceptable, as the development would be constructed below ground floor level; therefore, the development would not result in a 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 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 to prevent overdevelopment of the site.

- 3 Prior to the commencement of the development hereby permitted a Basement Construction Management Statement including details of proposed working hours, the type of piling and relevant noise and vibration control measures that will be applied, should be submitted to and agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interests of neighbouring amenity

Application:17/04144/FULL1

Address: 14 Kechill Gardens Hayes Bromley BR2 7NQ

Proposal: Rear basement 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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Agenda Item 6.1

Application No : 17/04751/TREE

Ward:

Chelsfield And Pratts Bottom

Address : Land Adjacent To Little Lillys Warren Road
Chelsfield Lane Orpington

OS Grid Ref: E: 548084 N: 164319

Objections: YES

Applicant: Mr M Ellis

Description of Development:

Remove all trees situated along the boundary fronting Warren Road.

Proposal

This application has been submitted to the Council as a required notice under section 211 of the Town and Country Planning Act 1990. The Council is therefore given an opportunity to consider applying long term protection by serving a new Tree Preservation Order (TPO).

This application is therefore dissimilar to other planning applications in that it cannot be refused or consented to. It is therefore not assessed in line with any other Council policy or Acts of parliament. If the Council decide to object to the proposals, the only way of preventing the works from proceeding, is to serve a TPO.

Members should be mindful of the considerations of assessing trees with regards to applying a new TPO. This primarily considers the maturity of the subject trees, public visibility, practical retention span and the established threat level.

Location

The application site comprises a field that appears to have been utilised in the past to home horses. The land is bounded to the north by Chelsfield Lane and to the south by Warren Road. The land is neighboured by two residential plots, both to the east and west.

Consultations

Nearby owners/occupiers were notified of the application and 22 representations were received which can be summarised as follows:

- The application is in contravention of Bromley Supplementary Planning Guide. Clauses 3.35, 3.38, 3.39 and 3.40 are referred to.
- The wording around conservation areas stipulates that no hedgerows will be removed under the restriction.
- The hedge forms the boundary of a historic parish boundary and is contained within the conservation area.
- The application is in conflict with the Bromley Council Supplementary Planning Guidance of the Chelsfield Village Conservation Area; items 1.8, 1.10, 1.13 and 1.14.
- The proposals will diminish the character and appearance of the village. The proposals will have an adverse physical and visual impact on the openness of the Green Belt.

- The recent appeal decision in respect of a proposed development at the site drew special attention to the trees and hedges along the boundary of Warren Road.
- Clearing of hedgerows which are important to local wildlife would set a dangerous precedent in this village.
- The ancient character of Chelsfield Village, being a conservation area in an area of outstanding natural beauty, should protect against random development.
- The removal of the hedge would contravene the Hedgerows Regulations 1997.
- The Local Planning Authority should ensure no red book protected species are compromised.
- Compliance with the Wildlife and Countryside Act 1981 is referred to. A survey is recommended prior to any further consideration.
- The hedge is of ecological importance.
- The trees/hedgerows are invaluable to shield noise, dust etc. from housing and leisure facilities.
- An objection covering the above points was made on behalf of the Chelsfield Village Society.

Response to objections

The objections received make a list of arguments, however, this would only be taken into consideration as part of an application for full planning permission. The points made as part of refused planning permission ref. 16/03067/FULL1 and the subsequent appeal decision, have no relevance in the assessment of trees subject of Section 211 notices.

The police are responsible for enforcing breaches of the Wildlife and Countryside Act 1981.

Considerations

Only trees over 7.5cm in diameter are covered by the protective legislation of the conservation area. Hedges, shrubs and other plants are therefore discounted from consideration.

It is clear from the proposals that all vegetation along the southern boundary of the site will be removed. Only trees subject to the conservation area legislation are therefore restricted at this moment in time. The land owner has already been informed that the hedgerow does not meet the criteria of an ancient hedgerow assessment. This assessment has been carried out by Council officers as part of enforcement case 17/00456/GENERA.

The boundary trees here have been maintained at a uniform height in the past at approximately 3m. Site observations reveal that no maintenance has taken place in recent years and some trees have therefore formed within the hedgerow.

Conclusion

This application has clearly been made to avoid a technical breach of the conservation area legislation. It has been established by Council officers that the removal of hedging and shrubs along this part of the application site would not be in breach of protective legislation.

An assessment of any trees with potential to meet the specification of 7.5cm diameter, measured at 1.5m above ground level has taken place.

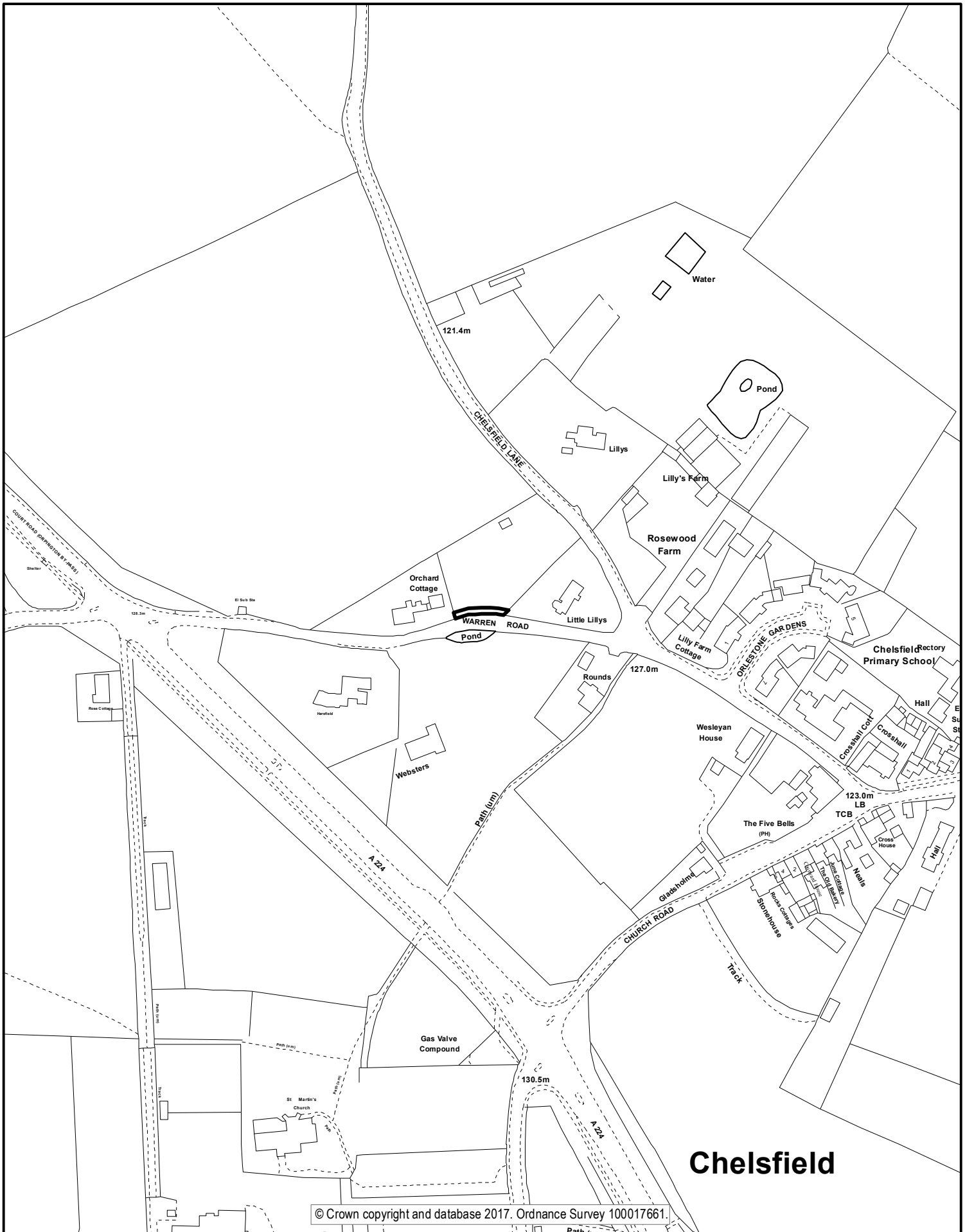
No trees would merit the making of a new TPO and therefore the application of a TPO would not be justified or defensible. A TEMPO (Tree Evaluation Method for Preservation Orders) has been appended to the file. This method applies a numerical value to the assessment criteria. This primarily considers the maturity of the subject trees, public visibility, practical retention span and the established threat level.

It is recommended that no TPO be applied in this instance.

A draft TPO has been provided in the event members decide to make a TPO. The only applicable TPO in this circumstance is an area order covering the trees present within the hedge, situated along the southern boundary. This would have to be served by hand by 24th November 2017 to meet the timescales of the notice period referred to within section 211 of the Town and Country Planning Act 1990.

RECOMMENDATION: NO OBJECTION.

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Chelsfield

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TOWN PLANNING

LOCATION PLAN

**LAND ADJACENT TO LITTLE LILLYS,
WARREN ROAD, CHELSFIELD LANE, ORPINGTON.**



JIM KEHOE
CHIEF PLANNER,
CIVIC CENTRE,
STOCKWELL CLOSE,
BROMLEY, KENT, BR1 3UH.
Tel: 020 8464 3333

Scale 1:2,500



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