

DRAFT STATEMENT OF COMMON GROUND

APPEAL BY SOUTH EAST LIVING GROUP

**4 AND 4A OAKLANDS ROAD
BROMLEY BR1 3SL**

Appeal Reference: tba

LPA: London Borough of Bromley

Date of Hearing: 17 or 19 November 2015 (proposed)

Outline application for the demolition of Nos 4 and 4A Oaklands Road and the erection of a new three and a half storey building comprising of 7 one-bedroom apartments and 4 two-bedroom apartments with 11 off-road parking spaces.

This statement addresses the following areas of common ground:-

1. Description of the site (including agreed dimensions);
2. Description of the area;
3. Planning history of the site;
4. Development Plan (including relevant policies) and any draft Development Plan (including state reached and weight to be attached);
5. Relevance of any supplementary planning guidance published by LPA (and/or of supplementary planning guidance published under previous provisions and still in place);
6. Others [e.g. where applicable, agree traffic (and/or other) data and circumstances.

1.0 DESCRIPTION OF THE SITE

- 1.1 The existing building is a substantial two/three storey Edwardian house with a single storey attached garage on the eastern side and detached garage adjacent to the eastern side. It has been divided into 2 apartments (4/4a).
- 1.2 There is a blanket Tree Preservation Order (TPO) which covers the entire site. The site is not within a designated conservation area and there are no listed buildings adjoining the site, however, No.8 Oaklands Road is locally listed.
- 1.3 To the west of the site is a large four-storey flatted building and to the east is a series of three storey low-level townhouses known as Garden Court.
- 1.4 The appeal site has a site area of 0.15 ha.

2.0 DESCRIPTION OF THE AREA

- 2.1 The surrounding area is residential in character consisting of a mix of older detached dwellings either in use as single family homes or divided into separate apartments and more contemporary terraced houses and blocks of flats, as well as a three/four storey residential care/nursing home granted planning permission in 2001.
- 2.2 The buildings in this part of Oaklands Road are generally fairly well-separated from the highway with parking or landscaping to the front, however, the residential care home at No.5 is significantly closer to the highway boundary.
- 2.3 The existing building resides on a generous plot with a large rear garden however the surrounding gardens vary significantly in length and width.
- 2.4 There are a number of mature trees on and around the perimeter of the site.
- 2.5 The site is located less than 1km from and to the north-west of Bromley town centre. The A21 is immediately to the east of Oaklands Road connecting with Bromley town centre to the south and Lewisham High Street to the north. An excellent bus service runs along the A21 and the nearest bus stop is only a short walk away.

3.0 PLANNING HISTORY OF THE SITE

3.1 The site does not have any relevant planning history.

4.0 DEVELOPMENT PLAN

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the Development Plan, unless material considerations indicate otherwise.

4.2 The Development Plan in Bromley consists of the following:-

- The London Plan (adopted 2015);
- London Borough of Bromley Unitary Development Plan (adopted 2006);

Material considerations include the National Planning Policy Framework (2012).

4.3 In strategic terms, the application falls to be determined in accordance with the following policies of the London Plan (March 2015):

- 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
- 3.7 Large residential developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 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 assessment
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 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

- 7.13 Safety, security and resilience to emergency
- 7.14 Improving Air Quality
- 7.21 Trees and woodlands
- 8.2 Planning obligations
- 8.3 Community infrastructure levy.

4.4 The key policies of the Bromley UDP (2006) considered relevant to this case are:-

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- H1 Housing Supply
- H2 and H3 Affordable Housing
- H7 Housing Density and Design
- H9 Side Space
- IMP1 Planning Obligations
- NE7 Development and Trees
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T7 Cyclists
- T8 Other Road Users
- T9 and T10 Public Transport
- T11 New Accesses
- T12 Residential Roads
- T15 Traffic Management
- T16 Traffic Management and Sensitive Environments
- T18 Road safety.

4.5 Relevant policies and guidance in the form of the 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:

- 14: achieving sustainable development
- 17: principles of planning
- 47-50: housing supply
- 56 to 66: design of development
- 173: ensuring viability and deliverability.

4.6 National Planning Policy Guidance (NPPG) is also relevant, particularly in relation to Planning Obligations (ID 23b) and Viability (ID 10).

5.0 SUPPLEMENTARY PLANNING GUIDANCE

5.1 Relevant supplementary guidance published by the G.L.A. includes:-

Draft Interim Housing SPG (May 2015);

Shaping Neighbourhoods: Character and Context (June 2014);

Housing (November 2012).

Accessible London: Achieving an Inclusive Environment (2014)

Providing for Children and Young People's Play and Informal Recreation (2012).

5.2 Supplementary planning guidance published by London Borough of Bromley includes:-

Affordable Housing Supplementary Planning Document (SPD)

Planning Obligations Supplementary Planning Document (SPD)

Supplementary Planning Guidance 1: General Design Principles

Supplementary Planning Guidance 2: Residential Design Guidance.

6.0 OTHER MATTERS AGREED AND DISAGREED

Principle of Development

- 6.1 The National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. New development should reflect the identity of local surroundings and add to the overall quality of an area, whilst not discouraging appropriate innovation. The NPPF also encourages the effective use of land and states developments should optimise the potential of the site to accommodate development.
- 6.2 In accordance with London Plan policy 3.5, the design of all new housing developments should enhance the quality of local places, taking into account, amongst other things local character and land use mix. Oaklands Road and the surrounding area is characterised by a combination of single dwellings, residential conversions and purpose-built flats. As such, the principle of the re-development of the site for a flatted development is acceptable.

Density

- 6.3 Development should comply with the density ranges set out in table 4.2 of the UDP and table 3.2 of the London Plan and in the interests of creating mixed and balanced communities development should provide a mix of housing types and sizes.
- 6.4 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 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). This site is considered to be in an 'urban' setting and has a PTAL rating of 1b giving an indicative density range of 50-95 units / 150-250 habitable rooms per hectare (dependent on the unit size mix). The London Plan states that residential density figures should be based on net residential area, which includes internal roads and ancillary open spaces.
- 6.5 UDP Policy H7 also includes a density/location matrix which supports a density of 50-80 units / 200-250 habitable rooms per hectare for locations such as this, provided the site is well designed, providing a high quality living environment for future occupier's, whilst respecting the spatial characteristics of the surrounding area.

- 6.6 The residential density of the development would equate to 173 habitable rooms per hectare and 73 units per hectare which is within the density guidelines set out in both the London Plan and the UDP.

Layout and Indicative Scale

- 6.7 Policies H7 and BE1 of the UDP require new developments to complement the scale, form, layout and materials of adjacent dwellings. Development should not detract from the existing street scene and the space about buildings should provide opportunities to create attractive settings. While the current proposal is in outline form with scale and design reserved, it is necessary to assess the proposed layout of the development as well as the height parameters as indicated in the application.
- 6.8 The proposed flatted development would retain a similar building line to that of the existing building, however, it would be stepped back on the eastern side allowing for more landscaping to the front of the site. Generous separation would be retained between the eastern side of the proposed building and the flank boundary of the site and a minimum side space of approximately 1.7m would be retained to the western flank boundary. While the development would project further back than the existing building, the layout proposed would provide adequate separation to neighbouring properties and there would be enough space retained about the building to ensure that the development would not appear cramped. Furthermore, a high quality scheme of landscaping could be provided.
- 6.9 The rear parking area would be accessed via a new driveway positioned along the eastern side of the site which is laid out in an informal configuration which takes into account the positions of existing mature trees. While the impact on neighbouring amenities is a material consideration that needs to be carefully considered, there are examples of other rear parking areas at nearby properties, including at Charmaine Court to the north of the application site, and, as such, the layout proposed is, in principle, considered acceptable.
- 6.10 It will be necessary for all units to be provided with cycle, refuse and recycling storage facilities that are secure, covered and well located in relation to the dwelling. There is adequate space within the site for such facilities to be provided and this can be secured by condition.
- 6.11 The drawings submitted indicate the proposed building to be three storeys in height with accommodation within the roof. It is considered that this would accord with the scale and height of surrounding development including the adjacent No.6 (Oaklands Court) and the residential care home at No.5.

Furthermore, the proposed hipped roof design and staggered ridge height would reflect the character of nearby Edwardian properties and, overall, the development would not appear unduly dominant within the street scene.

Access

- 6.12 The proposed vehicular access would be in a similar position to the existing access to the detached garage but would be increased in width to allow two vehicles to pass each other within the site as well as being wide enough for vehicles, pedestrians and cyclists to pass safely. The proposed access is considered acceptable from a highways safety perspective.
- 6.13 Pedestrian access is proposed via a separate access at the front of the site leading to the side entrance to the building located on the eastern elevation. This enables convenient access from the rear amenity area, car park and the road frontage and is considered acceptable.

Unit Size Mix

- 6.14 London Plan policy requires new housing development to offer a range of housing choices in terms of the mix of housing sizes and types taking into account the housing requirements of different groups. Policies within the Bromley UDP do not set a prescriptive breakdown in terms of unit sizes. Each application should be assessed on its merits in this respect. The development proposes a scheme that is all market housing comprising 7 x one bedroom and 4 x two bedroom flats. The mix of the units is considered appropriate given the scale of the development and its proximity to Bromley town centre and the A21.
- 6.15 A two bedroom/three person wheelchair unit is proposed at ground floor meeting the requirements of London Plan Policy 3.8 which requires 10% of housing units to be designed to be wheelchair accessible and all housing units to be built to Lifetime Homes standards.

Tenure

The development is considered liable for the provision of affordable housing on site as set out in the Policy H2 of the UDP. Policy H2 seeks 35% affordable housing (on a habitable room basis) to be provided. A lower provision of affordable housing can be accepted where it is demonstrated that the viability of the scheme cannot support policy compliant provision.

- 6.17 The applicant has submitted a Financial Viability Appraisal and affordable housing report that advises that the development cannot viably provide any affordable housing on site.

The assessment has been independently reviewed by an expert consultant appointed by the Council. The Council and the Appellant do not agree whether the Appellant has adequately demonstrated that the scheme cannot viably support any affordable housing.

Standard of Residential Accommodation

- 6.18 The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. Table 3.3 of the London Plan and Standard 4.1.1 of the SPG sets out minimum space standards for new development. The unit sizes proposed are larger than the minimum dwelling space standards as set out in the London Plan.
- 6.19 All units must benefit from private amenity space which must comply with the minimum space requirements taking into account the number of occupants set out in the Mayor's Housing SPG. Dwellings on upper floors should all have access to a terrace, roof garden, winter garden, courtyard garden or balcony. The proposed units all have access to private balconies/terraces or gardens which meet the minimum space standards and a communal amenity area is also proposed to the rear.
- 6.20 Based on the expected child occupancy of the development, the London Plan requires a minimum 4.8 square metres of communal play space for the development which the rear amenity area far exceeds. The proposal would therefore provide adequate amenity space for occupiers of the proposed flats

Impact on Neighbouring Amenities

- 6.21 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.
- 6.22 While the proposed development would project further back than the existing building, it would be well-separated from the boundary with the adjacent two storey properties to the east, Garden Court, by around 8.5m at the narrowest point widening to around 14m towards the rear of the site. Concerns have been raised by adjacent occupiers regarding overlooking from the proposed balconies at the rear, however, given the substantial separation along with the existing mature tree screening along the eastern boundary there is unlikely to be any significant opportunities for overlooking into Garden Court, nor would the development have a significant visual impact from or result in significant overshadowing to Garden Court.

- 6.23 With regard to the impact on adjacent occupiers at No.6 Oaklands Road, to the west, balconies/terraces are proposed in close proximity to the boundary with this site, as such, a form of screen on the western side of the balconies sited at the front of the building is considered necessary in order to minimise overlooking to neighbouring windows. This can be secured by condition. Furthermore, the windows situated in the eastern flank wall at No.6 Oaklands Road (facing the application site) are proposed to be obscure glass so, overall, no undue loss of privacy would occur for occupiers of this adjacent building. The proposed development would share a similar rear building line to that of No.6 and given its size and orientation is unlikely to result in any significant overshadowing to No.6.
- 6.24 While the proposed car parking area and side access would increase the level of noise and activity toward the rear of the site and adjacent to neighbouring rear gardens (in particular, that of Garden Court), similar arrangements exist in adjoining sites, including Charmaine Court to the north, and, given the relatively small nature of the development with only 10 car parking spaces proposed at the rear, it is unlikely to result in significant levels of noise and disturbance to adjacent occupiers.
- 6.25 Overall, the impact of the development on the amenities of occupiers of nearby buildings is considered acceptable.

Highways Impacts

- 6.26 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. All developments that generate significant amounts of movement should be supported by a Transport Statement or 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 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.27 London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Parking should be in accordance with London Plan policy 6.13 and the maximum standards set out in Table 6.2. Eleven car parking spaces are to be provided, including 1 disabled space which accords with London Plan standards.

Local residents have raised concerns over additional on-street parking in Oaklands Road as a result of the development, however, the level of parking proposed is considered acceptable in that it would not lead to a significant increase in on-street parking.

- 6.28 The Transport Assessment accompanying the application estimates that the development will generate a net total of 10 vehicular movements occurring at the site access during the network peak hours. This is considered immaterial when assessed in isolation or against the existing background traffic flows on Oaklands Road and the A21 and, overall, the development would not impact on road safety or existing parking conditions in the local area to a significant degree.

Trees

- 6.29 The application site is subject to a blanket TPO, and any works carried out should therefore ensure their appropriate management and maintenance in a healthy condition. A tree protection plan and arboricultural report has been received which is shown to retain the majority of trees on and adjoining the site. Nine individual trees will be removed but this is considered unlikely to impact upon the wider streetscape. Subject to the tree protection measures proposed in the report, the development is unlikely to have severely detrimental impact on protected trees. Appropriate conditions can be added to any planning consent to ensure the future health and protection of retained trees.

Sustainability and Site Wide Energy Requirements

- 6.30 All new development should address climate change and reduce carbon emissions. London Plan Policies 5.1 - 5.7 refer to energy requirements to achieve climate change mitigation including reduction in carbon emissions and renewable energy. Major developments are expected to prepare an energy strategy which shows how the need for energy is to be minimised, and how it will be supplied to the particular development proposed. In accordance with the energy hierarchy in policy 5.2 of the London Plan, developments should provide a reduction in expected carbon dioxide (CO₂) emissions through the use of on-site renewable energy generation, where feasible. The strategy shall include measures to allow the development to achieve a reduction in CO₂ emissions of 35% above that required by the 2013 Building Regulations. The development should also aim to achieve a reduction in CO₂ emissions of at least 20% from on-site renewable energy generation, where feasible.
- 6.31 Information was submitted in the DAS in respect of sustainability and renewable energy in relation to the development proposal, but no energy assessment was submitted at the application stage. The applicant states that various energy efficient measures will be incorporated into the design and construction, such

as high standards of insulation and low energy glazing to windows, and that the contribution to renewable energy will be achieved through solar sources. However, the Council consider that the information submitted is insufficient to demonstrate that the development can achieve the required CO₂ reductions as set out in Chapter 5 of the London Plan. The Appellant disagrees and considers that this matter can be adequately secured by condition at the outline stage.