

LONDON BOROUGH OF BROMLEY
TOWN PLANNING
RENEWAL AND RECREATION DEPARTMENT

DELEGATED DECISION

21/04617/FULL1

**Land Adjacent To 37 To 45
Oaklands Road
Bromley Hill
Bromley**

**Susanna
Stevenson**

Description of Development

Erection of three storey residential building comprising 3 no. one bedroom residential flats with refuse storage at lower ground floor level and first and second floor balconies, formation of vehicular access and 3 no. car parking spaces, cycle storage and associated hard and soft landscaping.

Proposal

Planning permission is sought for the erection of a three storey residential building comprising 3 no. one bedroom flats.

The building would incorporate bay window features to the front and rear. Three flank facing windows are proposed in the south western flank elevation to serve each kitchen, on ground, first and second floors. Within the north-eastern flank elevation, facing Bromley Hill, the proposal includes stepped access to the lower ground doors leading to the refuse storage area, with windows to the first and second floors serving the stairwell. The rear projection includes flank facing patio doors at first and second floor leading to the projecting balconies.

The building would incorporate a crown roof, which would be tiled in blue/black slate. The external elevations would be faced in red multi stock brickwork with reconstituted stone features above and below the windows on the ground and first floors and surrounding the porch.

The flats would be arranged with a unit per floor:

Flat 1 - Ground Floor

One bedroom/two person. 53sqm

The dwelling would include access from the rear living room to a private patio area. The unit incorporates a combined kitchen/living and dining room. The bedroom would be 14.7sqm and would be sited at the front.

The ground floor also incorporates a shared entrance lobby and refuse storage (which would be accessed from the side).

Flat 2 - First Floor

One bedroom/two person. 53sqm

The first floor flat would include a projecting balcony accessed from the combined kitchen/living/dining room.

The first floor also includes a service cupboard and communal stairwell.

Flat 3 - Second floor

One bedroom/two person. 50sqm

The second floor flat would incorporate a combined kitchen/living/dining room with access to a projecting balcony. The bedroom would be 12.9sqm and would face the front of the site. The second floor also includes a services cupboard and communal stairwell.

It is proposed to construct a timber cycle store within the rear garden area, with a pitched roof and accessed via a path leading to a side access gate which would be fitted with a security padlock. The flank boundary onto Bromley Hill would be marked by a 1.8m high close boarded timber fence. To the south eastern boundary it is proposed to retain the existing 2m high brick wall.

At the front of the site the area would be largely block paved with shallow areas to the side and about the front of the building which are shown to be landscaped. The front car parking area would be accessed via a new 3m wide dropped kerb, leading to three parking bays, each fitted with an electric vehicle charging point.

Site location and key constraints

The application site is located on the western side of Bromley Hill, at the corner of Oaklands Road and the A21 (Bromley Hill).

The site is located on a slope and is elevated relative to Bromley Hill (the A21), which is a strategic road forming part of the Transport for London Road Network.

The site is covered by a Tree Preservation Order dating from 1960 (ref. BB 9).

According to the TfL Planning Information Database the site has a PTAL rating of 2 on a scale of 0 - 6b, where 6 is the most accessible.

The site is located within Flood Zone 1, and is not subject to surface water flooding.

Historically, the pre-application site appears to have formed part of a larger residential site accommodating a single dwelling/lodge building. Subsequently, the former dwelling was demolished and a block of flats was constructed, with the current application site providing side space between the flats and the street corner.

The site lies within one of the five renewal areas in the Borough and is not allocated for any particular use within the Bromley Local Plan (2019).

Comments from Local Residents and Groups

Objections (including from Sedgewick Court Residents' Association and Ravensbourne Valley Residents' Association)

Green space and biodiversity

- o Loss of trees damaging to wild life and green space in an otherwise built up area
- forms part of a strip of green along the rest of Bromley Hill

- o Land is a natural border between residential properties and the main road, providing habitation for birds and animals and the benefit of mature trees in an over built-up environment
- o Would set a precedent for development of the green strip
- o Proposal will not be carbon neutral and will involve destruction of trees
- o Environmental issues - no PV electricity generation anticipated and connection to gas main proposed - inappropriate when all houses should be built to run on electricity using heat pumps

Highways

- o Highways safety - the main road adjacent to the plot is extremely busy and accidents regularly occur at the busy intersection of adjoining roads opposite
- o Bicycle storage not correctly positioned for ease of use
- o Unclear how the car park could be adapted to provide a wider disabled space
- o Concern regarding construction management - lorries accessing the site, congestion and noise
- o Increased parking on Oaklands Road (although fast-charging points welcomed)

Impact on residential amenity

- o Impact on light to neighbouring flats (Sedgewick Court and Linden Court) resulting from the height of the development
- o Loss of light will impact on wellbeing and mental health
- o Light pollution associated with the cycle shed
- o Wind induced discomfort at ground floor level between the flank wall of Sedgewick Court and the proposed development due to proximity

Visual amenity impacts

- o Insufficient space for the development
- o Proposal would be an overdevelopment of the narrow site - which forms an important 'green corridor'
- o Lack of space to the boundary - only 1.3m provided, which is uncharacteristic in this stretch of the A21, and building would be 1.05m from the western boundary which would not reflect the spacious nature of the area
- o No details on screening between the car park and the road (reference made to a dismissed appeal at Oakdene, Oaklands Road - LBB ref. 14/01844/FULL1).
- o The mass of the property as viewed from the front would appear excessive as the plot is narrow
- o No details provided on soft landscaping - concern regarding the appearance of the proposal in the street scene, especially in view of the need to screen the car park
- o Design of side elevations unattractive as limited articulation, variation or features of architectural interest

Standard of accommodation

- o Flats only meet the minimum standards

Other matters

- o Increased demand on water supply

- o Damage and devaluation of neighbouring properties (which are already experiencing subsidence)
- o Design and Access statement refers to two bedroom/one person units rather than one bedroom/two person units as referred to on the application forms and drawings
- o No information on the use of a strip of land between the flank of the development and the redline boundary with the A21

Comments from Consultees

Highways

There is a mature street tree close to the proposed crossover - there are concerns regarding the impact of the proposed crossover on the roots of this tree.

With regards to the siting of the crossover, this is set more than 10m from the junction and is therefore considered satisfactory. The root protection area for the tree could change the layout of the crossover however.

A drawing should be submitted showing 3 x parking spaces and a swept path analysis - i.e. each car turning around and exiting in forward gear in the presence of 2 others on site.

The drawing should also demonstrate that sightlines of 43m x 2.4m x 43m can be provided with no obstruction (tree or street furniture) to visibility in excess of 1m in height, along with pedestrian visibility splays measuring 3.3m x 2.4m x 3.3m.

In the absence of this information no further comments can be provided.

Transport for London

Detailed comments have been received on the proposal from the perspective of Transport for London (copied below):

"The site red line covers TfL highway land, which is a mix of grass and trees. The land is not owned by TfL, however there is an agreement from 1973 that designates the land as part of the highway to allow for road widening, however this agreement doesn't appear to be noted on the title. Thus the land now forms part of the Transport for London Road Network (TLRN) and TfL maintains the area as such. Any development permitted on the site would need to secure a stopping up order prior to commencement, and this is a separate process outside of planning that the Council would need to lead on.

A key concern for TfL is the loss of green infrastructure and trees. The site appears to be protected by a tree preservation order (TPO), which seems at odds to permitting any development. It seems to be an area TPO so the Council will need to scrutinise the proposal to determine the potential impact to the trees in this area. The proposal is to remove six protected trees and a further two trees are recommended to be removed based on arboricultural condition. So eight trees in total are lost, which would clearly have a significant impact on the site and character of the locale.

The mitigation proposed is for seven replacement/new trees to be planted. This would not be sufficient mitigation as Mayors Transport Strategy March 2018 Proposal 43 has

committed TfL, and encourages the boroughs to increase tree cover on the public highway i.e.

'The Mayor, through TfL and the boroughs, will retain existing trees and plant new ones on the Transport for London Road Network (TLRN) and borough roads to protect tree canopy cover. Street tree numbers on the TLRN will be increased by 1 per cent every year between 2016 and 2025' (<https://www.london.gov.uk/sites/default/files/mayors-transport-strategy-2018.pdf>)

The proposal as it stand conflicts with this commitment.

Regarding existing trees which are proposed to be retained, it is key to understanding and correctly determining the root protection area. The applicant's arboriculture consultant has used the simple method which depicts a circle radius around each trees. BS5837:2012 states:

'4.6.2 The RPA for each tree should initially be plotted as a circle centred on the base of the stem. Where pre-existing site conditions or other factors indicate that rooting has occurred asymmetrically, a polygon of equivalent area should be produced. Modifications to the shape of the RPA should reflect a soundly based arboricultural assessment of likely root distribution.'

and

'4.6.3 Any deviation in the RPA from the original circular plot should take account of the following factors whilst still providing adequate protection for the root system:

- a) the morphology and disposition of the roots, when influenced by past or existing site conditions (e.g. the presence of roads, structures and underground apparatus);
- b) topography and drainage;
- c) the soil type and structure;
- d) the likely tolerance of the tree to root disturbance or damage, based on factors such as species, age, condition and past management.'

I would also add that the arboricultural consensus for calculation the RPA of veteran/ancient trees is also based on areas equivalent to 15x instead of the standard 12x which is referenced in BS5837.2012.

Given that the majority of trees would be influenced by the constraints associated with the carriageway adjacent, a polygon or equivalent area should depict the RPA. There are considerable level differences between the carriageway level and that of the proposed parking area. We feel this has not been affective assessed as part of this proposal and is likely to result in significant impact/loss of T1.

We would also describe trees T4, T5 & T6 as ancient/veteran trees; though some may perceive this as below a category A, they would meet the required standard A3 - 'Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture).' (BS5837:2012).

Whilst veteran trees typically provide a range of niche habitats, they are especially valuable if ancient, due to their scarcity and high habitat values for associated species of fungi, lichens and saproxylic invertebrates, including some which are rare or endangered and occur only where such trees have been continuously present for

centuries. These trees will therefore almost always be included in the A3 category. Also under the London Plan policy G7 Trees And Woodlands states:

'C Development proposals should ensure that, wherever possible, existing trees of value are retained'

with a footnote:

Forestry Commission/Natural England (2018): Ancient woodland and veteran trees; protecting them from development
<https://www.gov.uk/guidance/planning-applications-affecting-trees-and-woodland>

Also BS5837:2012 states:

'This (subclause) does not apply to veteran trees, where it is recommended that no construction, including the installation of new hard surfacing, occurs within the RPA.'

The proposal includes an incursion into the RPA and this has not been addressed by the arboriculture consultant.

The conclusion is that we do not believe the designs have been adequately assessed, the proposed RPA of T4 is insufficient. Therefore the applicant has yet to demonstrate this does not impact on important trees and we are concerned about the loss of trees in a TPO area that is not adequately mitigated. On this basis we object to the application.

Other concerns and observations:

- o loss of designated public highway land (assuming the stopping up order is confirmed) which is serving a public amenity function currently and which could be used for improvements to the highway in the future, including for active travel eg provisions of cycle lanes/footway widening on Bromley Hill
- o The footway fronting the site is very narrow and will be much more difficult to widen should the development be permitted
- o The loss of this public open green space is particularly unfortunate given the area is designated by the Council as one of open space deficiency
- o Approval of this development will also very likely lead to the loss of the adjacent amenity area, also designated highway and that similarly designated and laid out across and along the road
- o The loss of street trees and open green space to the public through enclosure into a private garden, screened by a high boundary fence
- o The boundary fence on Bromley Hill is proposed at 1.8m, which is higher than the standard 1m (where no planning permission required)
- o The high fence could attract graffiti, and as it will be private structure the landowner will be responsible for its removal
- o The loss of greenspace to hardstanding for car parking
- o There are no parking controls in Oaklands Road, so there is no restriction on the number of cars the residents can own, contrary to London Plan policy to encourage mode shift to active travel and public transport
- o No enlarged disabled car parking bays are shown
- o The cycle parking is remote from the main building so it not compliant with the London Cycle Design Standards (LCDS), contrary to London Plan policy T5. Remote cycle parking is less secure than within the main building
- o Another new crossover directly adjacent to an existing one is to the detriment of pedestrian safety and comfort, contrary to Healthy Streets policy

- o The crossover will introduce more vehicle movements into the section of westbound carriageway on Oaklands Road that is primarily for cyclist, and result in more vehicle movements between Oaklands Road and Bromley Hill. There have been six collisions in the vicinity of the Oaklands Road junction in the last four years.
- o The proposed vehicular access to/from Oaklands Road should be subject to a Road Safety Audit as its close to the junction with TLRN and the cycle route crosses it. The height of the wall, and boundary treatment on Oaklands Road, is unclear.
- o Is the development capable of delivery and servicing off-street, with enough space for vehicles to turn on-site and not have to reverse into the highway ? No stopping is allowed on Bromley Hill (and adjacent part of Oaklands Road) during red route control hours, and the additional proximity to the junction with Park Avenue means stopping at any time is very undesirable.
- o The Green Chain signpost and street name signs currently within the green space will need to be relocated, possibly onto the footway, which will narrow the footway further and potentially create an obstacle to visual impaired people

As per London Plan policy G7, if planning permission is granted, thereby necessitating the removal of trees, there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by CAVAT or another appropriate valuation system and secured in a s106 agreement, along with a requirement to replace any failed trees within a certain timeframe (usually 5 years). Any permission should have tree protection conditions for roots and above ground. TfL should be consulted on both these elements.

There may need to be separate agreement with TfL for hoardings in the TLRN and other construction arrangements and, potentially, a s278 agreement. The residual highway boundary will need to be agreed, via the stopping up order. TfL would not accept maintenance responsibility of any of the new structures, nor any small residual parcels of land that might be difficult and inefficient to maintain.

Construction will need to be carefully managed due to the limited opportunities for on-street deliveries and accident risk as mentioned above, and maintaining road safety, particularly for pedestrians and cyclists, will be paramount. As the building and retaining wall is close to boundary with the footway, structural approval in principle (AIP) will likely be required from TfL to ensure the integrity of the TLRN is protected."

Trees

Comments provided by the Council's Tree Officer stated that the concerns raised previously with regards to the development of the site remain, but on the basis of the TPP and AMS heads of terms, are not on balance considered to warrant an objection. Should permission be granted, detailed conditions were recommended.

Following the receipt of comments from TfL, which include reference to the impact of the development on trees and on landscaping, further comments were sought and the Council's tree officer responded to confirm that the TfL comments include valid points, and that the comments originally provided were made on the assumption that the applicant owns the land and does not require a 3rd party's permission for tree works. It is unclear whether TfL comments regarding land ownership/agreements change this position.

On the matter of trees impact and by way of background, further comments referred to the previous permission (20/00288/TPO) granted for felling trees in the position of the proposed footprint. The permission did not include a condition requiring the planting of

replacement trees - this may have been because the officer recognised the subject trees were not actually protected by the TPO due to their age in comparison to the 1960-made TPO i.e. the permission was granted by default. The only trees protected by the TPO on this site are T1, T4, T5 and T6.

T4, T5 and T6 are considered by TfL to be ancient/veteran and therefore worthy of increased protection. T5 and T6, from the Council's officer's perspective, are sufficiently far from the proposed footprint to be unaffected. While it may be preferable for them to remain outside of any enclosed garden, it is not considered that an objection based on any impact to them would be clearly warranted.

Whether T4 is an ancient or veteran tree is of some doubt but it is nonetheless a high value tree. It is close to the proposed footprint and stands to be at risk of some degree of impact. On balance it is considered that the information provided sufficiently addresses this impact to reduce the risk to an acceptable level, subject to a suitably worded condition.

How much weight should be given to the TfL comments regarding replacement trees depends on whether the land is still considered to be part of the TLRN. If it is, then the landscaping plan should demonstrate that the proposal would lead to an increase of tree canopy cover. The easiest way to do this is to plant more trees than are proposed for removed. If not part of the TLRN the trees onsite are not 'street trees' and the policy referred to is not directly relevant and the previously suggested condition is sufficient.

Drainage

No objection subject to pre-commencement surface water drainage condition.

Thames Water

The proposed development is located within 15m of underground waste water assets and an informative is requested to be added to any permission. The development could cause the assets to fail if appropriate measures are not taken.

Based on the information provided Thames Water advise that with regards to waste water network and sewage treatment works infrastructure capacities there are no objections to the proposal on the basis of the information provided.

There are public sewers crossing or close to the development - the applicant is advised to read the TW guide on working near or diverting pipes.

With regards to surface water drainage, the developer is advised to follow the sequential approach to the disposal of surface water, following Policy SI 13 of the London Plan. Where it is intended to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

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.

The National Planning Policy Framework was updated in July 2021.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (2021). The NPPF does not change the legal status of the development plan.

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

The London Plan

D1 London's form and characteristics
D3 Optimising site capacity through the design-led approach
D4 Delivering good design
D5 Inclusive design
D6 Housing quality and standards
D7 Accessible housing
D11 Safety, security and resilience to emergency
D12 Fire safety
D13 Agent of change
D14 Noise
H1 Increasing Housing Supply
H2 Small sites
H5 Threshold Approach to application
H10 Housing Size Mix
S4 Play and informal recreation
G1 Green infrastructure
G4 Open space
G5 Urban greening
G6 Biodiversity and access to nature
G7 Trees and woodlands
SI1 Improving air quality
SI4 Managing heat risk
SI5 Water infrastructure
SI7 Reducing waste and supporting the circular economy
SI12 Flood risk management
SI13 Sustainable drainage
T2 Healthy Streets
T3 Transport capacity, connectivity and safeguarding
T4 Assessing and mitigating transport impacts
T5 Cycling
T6 Car parking
T6.1 Residential Parking

Bromley Local Plan

1 Housing supply
3 Backland and Garden Land Development
4 Housing design

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

Supplementary Planning Guidance

Supplementary Planning Guidance 1: General Design Principles
Supplementary Planning Guidance 2: Residential Design Guidance
Housing: Supplementary Planning Guidance. (March 2016)
Technical housing standards - Nationally Described Space Standard (March 2015)
National Design Guide - (September 2019)

Planning History

There is no recent relevant planning history relating to the application site. In the 1970s applications were submitted proposed the residential development on part of the site:

75/2860 - refused on 18/11/75

Outline planning permission for the erection of 4 storey block comprising of 3 x 2 bed and 4 x 1 bed with 9 parking spaces

76/1723 - approved on 29/06/1976

Full planning permission granted for the erection of a 3 storey block comprising 3 x2 bed flats and 2 x 1 bed with 8 parking spaces (adjacent to site).

Under reference 20/00288/TPO consent was granted for the removal of trees within the site which post-dated the making of the TPO in 1959.

Planning Considerations

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

- o Principle
- o Design

- o Standard of residential accommodation
- o Trees and biodiversity
- o Neighbouring amenity
- o Highways
- o Other matters
- o CIL

Principle

In the light of the information provided by Transport for London and the significant concerns that exist regarding the impact of the development upon the visual amenities of the street scene, the green corridor and the erosion of valuable space between the main road and the established residential built environment, consideration of the principle of the development on the land in question is complicated and complex, and integral to the assessment is the scope of the development proposed, the information provided with the application and the extent to which the concerns raised above are capable of being addressed within any development proposal brought forward.

It is considered that the principle of the development in this case is unacceptable as a consequence of the siting of the development in relation to the surrounding area - resulting in the loss of openness of the established green corridor, potential impact on protected trees and insufficient justification to support the development with regards to impact on green space, the buffer with the A21 and the potential biodiversity value of the application site.

Housing land supply

The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on Tuesday 2nd November 2021. The current position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3245 units, or 3.99 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply.

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

According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'. In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

Policy H2 requires Boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size). Policy D3 of the London Plan requires all development to make the best use of land by following a design led approach.

This application includes the provision of 3 additional dwellings. This represents a minor contribution to the supply of housing within the Borough. This will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.

Design and Impact on visual amenity

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 requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. Policy 4 of the Local Plan details that all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places respecting local character, spatial standards, physical context and density.

To summarise, the Council will expect all of the following requirements to be demonstrated:

- o the site layout, buildings and space around buildings be designed to a high quality, recognising as well as complimenting the qualities of the surrounding areas;
- o compliance to minimum internal space standards for dwellings;
- o provision of sufficient external, private amenity space;
- o provision of play space;

- o provision of parking integrated within the overall design of the development;
- o density that has regard to the London Plan density matrix whilst respecting local character;
- o layout giving priority to pedestrians and cyclists over vehicles;
- o safety and security measures included in the design and layout of buildings;
- o be accessible and adaptable dwellings.

Policy 8 of the Local Plan details that when considering applications for new residential development, including extensions, the Council will normally require 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 building or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.

Policy 37 of the Local Plan details that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout.

Developments will be expected to meet all of the following criteria where they are relevant:

- o be imaginative and attractive to look at, of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas;
- o positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features;
- o create attractive settings;
- o allow for adequate daylight and sunlight to penetrate in and between buildings;
- o respect the amenity of occupiers of neighbouring buildings and those of future occupants;
- o be of a sustainable design and construction;
- o accessible to all;
- o secure;
- o include suitable waste and refuse facilities and
- o respect non designated heritage assets.

The design of the proposed building would not, in isolation, appear uncharacteristic of development within the street scene and surroundings. The height would not be excessive in the context of adjacent flatted block and the external materials to be used incorporate design features including stone (reconstituted) and brickwork that would soften the appearance of the building and provide visual interest.

However, the proposed building would appear, in the context of the application site, somewhat cramped in relation to the position of the building relative to the side boundaries of the site. This limited space about the building restricts the width of the building and the overall height of the development in the context of its width leads to a somewhat top-heavy appearance from the front. When viewed from the sides, the building lacks design detailing that would provide visual relief and articulation to the sides. The visual impact is exacerbated by the lack of space to the sides to allow for meaningful landscaping to soften the overall appearance of the dwelling and to make a positive contribution to the visual amenities of the street scene. It is important for any development of the site to address the position of the site relative to the busy main road.

The detrimental impact of the proposal is heightened as a consequence of the siting of the building within the landscaping buffer between residential development in Oaklands Road and the busy A21 road adjacent, along with the elevated position of the site relative to the adjacent pavement and roadway. The application site as existing, as a landscaped strip which appreciably extends along from the site in either direction along Bromley Hill, makes a positive contribution to the character and appearance of the street scene and the area in general.

The proposed building would encroach into an existing open site which contributes significantly to the visual amenities of the area. The site forms part of an established green corridor which is clearly appreciable as running alongside the A21 - a readily perceptible landscaping/green buffer which separates development in a long strip from the main road adjacent. The A21 is a busy road and the contribution of the site and neighbouring sites which provide a green setback from the road is important in softening the impact of the A21 and providing an attractive landscaped setting to the adjacent road.

Concerns have been raised by Transport for London which tally with this assessment, stating that the loss of green infrastructure would be unacceptable, removing land which is serving a public amenity function within an area designated by the Council as being one of open space deficiency.

The elevated verge position of the site results in there being prominence to the greenery on the site and the extent to which it links to other landscaped strips continuing in each direction along the road, including at the rear/side of the flatted development opposite, the rear of Ullswater Close and at the corner of Avondale Road and London Road.

The contribution of the site to the street scene rests not only in the retained TPO trees and greenery, but also in its openness and the way that it provides a visual and clear set back of development from the road, respecting the building line along the busy main route.

It is considered that the prominent siting, height and encroachment of development into the site running alongside the A21 would be detrimental to the visual amenities of the area and the distinctive quality of this side of the London Road serving as a setting and 'entry' point to the town centre.

The bulk, scale and siting of the building would fail to complement the landscaped setting of the application site, appearing incongruous and visually intrusive and lowering the quality and utility of the site as a landscaped buffer between the intensity of the adjacent strategic route and the residential enclave fronting Oaklands Road. The design of the dwelling viewed in isolation would not be uncharacteristic of development in the locality insofar as consideration of the materials and height of the building is concerned, but in its site-specific context, the proposal would appear cramped and visually intrusive.

Impact on trees and biodiversity

Policy G7 of the London Plan relates to trees and woodlands and states that development proposals should ensure that wherever possible, existing trees of value should be retained.

Policy 78 of the Bromley Local Plan relates to Green Corridors and states that in considering development proposals the Council will assess the likely impact on the quality and character of Green Corridors throughout the Borough, seeking and supporting appropriate enhancement and management. The definition of green corridors provided at para. 5.3.19 is consistent with that of the London Plan: "as relatively continuous areas of open space leading through the built environment, which may be linked and may not be publicly accessible and provide an extension to the habitats of the sites they join." It is stated that these areas need not be very wide, but are considered to be essential routes for the movement of both flora and fauna."

Policy 73 of the BLP relates to development and trees, and states inter alia that proposals for new development will be required to take account of existing trees on the site or surrounding land.

Policy 77 relates to landscape quality and character and states that the Council will seek to safeguard the quality and character of the local landscape, and will seek appropriate restoration and enhancement through planning conditions.

The application is not supported by a preliminary ecological appraisal.

Comments from TfL identify the site as covering highway land - referring to the agreement from 1973 (Wimpey/GLC) and stating that the land forms part of the Transport for London road network (TLRN). Comments from TfL state that the mitigation proposed (seven replacement trees to be planted) would not be sufficient mitigation with reference to the Mayor's Transport Strategy of March 2018 (Proposal 43) which committed TfL to increase tree cover on the public highway.

Comments also refer to the submitted arboricultural statement, expressing reservations regarding the methodology adopted whereby a simple circumference around trees has been used to indicate the RPA. BS5837:2012 is referred to in its requirement that pre-existing site conditions or other factors which indicate that rooting may be asymmetrical be accounted for in the assessment. In the case of the application site, it is noted that the land in question is elevated relative to the adjacent pavement/carrageway. Furthermore, the comments identify, from the consultee's perspective, that T4, T5 and T6 are considered ancient/veteran and therefore that the RPA calculation should be consequently increased.

It is noted that the Council's tree officer has commented more neutrally on the scope of the development and the impact of the proposal on trees. The Council does not hold records on land leases and ownership. Consent has been granted for the removal of some trees on the site which were identified as post-dating the TPO, and the Council's tree officer has suggested a suitably worded condition may be appropriate to ensure replacement planting, but this does not go so far as providing the mitigations and enhancements recommended by the TfL statutory consultee.

Taking into account the scope of the information provided, including the lack of information on ecology within the site, as well as the concerns regarding the extent to which the submission adequately addresses the safeguarding, health and long-term retention of existing trees, it is considered that the proposal would not be acceptable in terms of trees and biodiversity, and as has already been stated, would intrude within the Green Corridor, undermining its contribution to visual amenity as well as biodiversity/ecology.

Standard of residential accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

Policy 4 of the Bromley Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. Policy 10 of the BLP relates to non-residential conversions and requires that the resulting accommodation will provide a high quality living environment for intended occupiers.

Policy D6 Housing quality and standards (London Plan) refers at length to the need for housing development to be of a high quality, containing a number of criteria and referring to the Mayor' Housing SPG at paragraph 3.6.11 (with regards to the intention to build upon this pre-existing guidance in the light of the publication of the London Plan in 2021).

The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.

In terms of the internal space for the individual flats the proposal would provide accommodation which would comply with the technical housing standards minimum space requirements. The layout of the flats is not unduly convoluted, rooms are of a reasonable size and shape and adequate external amenity space would be provided. The layout of the refuse store relative to the flats inside the building would tend to complicate refuse disposal, being sited via a stepped access down from the front entrance area. However, in general the proposal would provide residential accommodation of an adequate standard, at or slightly above the minimum space standards provided for units of the intended size/occupation.

The Mayor's housing SPG includes reference to the provision of cycle storage for new residential developments, and this is discussed in greater detail below.

Highways

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. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

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

Transport for London have raised objections to the proposed development, and the Bromley Highways Officer has commented that insufficient information has been provided regarding elements of the proposal to be confident of compliance with local and London transport policies.

The submitted drawings do not clearly show the layout of the proposed parking area, and it is noted that the proximity of the proposed crossover to a large street tree may necessitate amendments to the layout and position of the crossover. The application has not been submitted with a swept path analysis and drawing confirming the capacity of the developer to provide adequate sightlines. It is also noted that limited information has been provided on deliveries and servicing of the flats off-street, and whether these activities are capable of being undertaken on-site and with sufficient space for vehicles to turn so as to avoid reversing movements in the highway. This is of particular importance in view of the no stopping restrictions on Bromley Hill and the adjacent part of Oaklands Road during red route control hours.

TfL comments note that there is no indication that enlarged disabled parking provision is capable of being accommodated within the site, and that the cycle parking does not comply with the London Cycling Design Standards as it is situated remote from the proposed residential building. The proposal in this respect is contrary to Policy T5 of the London Plan.

Comments also refer to the position of the crossover relative to the existing access and the impact of this on pedestrian safety and comfort. No Road Safety Audit has been provided and the proposed vehicular access to/from Oaklands Road necessitates this in view of the close proximity of the access to the TLRN and the cycle route.

Neighbouring amenity

Policy 37 of the Bromley Local Plan 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.

Representations have been received which express concern at the impact of the proposal on the residential amenities of neighbouring properties, with particular reference to impact on light to neighbouring flats (Sedgewick Court and Linden Court) resulting from the height of the development.

The residential development of the site would have an inherently increased visual presence in contrast with the existing/former tree-filled green site. However, the increased visual presence of a residential development would not as a matter of course have an unacceptable impact on neighbouring amenity. Taking into account the siting

and orientation of the proposed building relative to the neighbouring building it is not on balance considered that the proposal would have so significant an impact with regards to loss of light, visual impact and general noise and disturbance as to warrant the refusal of planning permission on this basis. The proposed balconies are positioned adjacent to the projecting rear part of the building which would effectively screen views towards the neighbouring existing block.

It is noted that concerns have been raised regarding the impact of the construction phase should permission be granted, and while it is realistic to predict that the implementation of the development would cause some noise and disturbance, as a finite process, limited to the duration of the building works, this is not a material consideration in the assessment of the proposal.

Other matters

Comments have been received referring to the potential impact that the development may have associated with subsidence, as well as with regards to increased demand on the water supply, property devaluation and the impact of the construction phase generally. These matters do not comprise material planning considerations, in that (with regards to subsidence and water supply) the issues are addressed under separate legislation/service framework, and reduction in property values also does not comprise a material planning consideration.

CIL

The Mayor of London's CIL and the Borough CIL (adopted 15/6/21) is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

Conclusion

Taking into account the above the proposed development would have a detrimental impact on the visual amenities of the street scene, would develop an existing green strip considered to form part of a Green Corridor and is not supported by sufficient information on the biodiversity and ecological value of the site, or with regards to the enhancement of the site through replacement and additional tree planting.

The site has been identified as forming part of the Transport for London road network (TLRN) and as a statutory consultee objections are raised, relating to the siting of the development and the limited information relating to street trees, parking and servicing of/deliveries to the site and road safety, as well as regarding the failure to provide cycle parking to comply with guidance and Policy T5 of the London Plan.

In respect of the Council's 5 year housing land supply and the current position outlined within the 'principle' section above, paragraph 11d (ii) of the Framework would be applicable. In this case, when weighing up benefits of the development and the current undersupply of housing, it is considered that the identified harm arising from the proposal would significantly and demonstrably outweigh the benefits of the development. Therefore, in the planning balance the proposal is not considered to be acceptable.

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.

Decision

Application Refused

For conditions or grounds of refusal please refer to the Decision Notice