
Appeal Decision

Site visit made on 11 April 2017

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12th May 2017

Appeal Ref: APP/G5180/W/16/3164927

Bromley North Clinic, Station Road, Bromley BR1 3LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by NHS Property Services Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/02770/OUT, dated 8 June 2016, was refused by notice dated 18 August 2016.
 - The development proposed was originally described as 'outline planning consent for the demolition of the existing clinic building on the site and the redevelopment with a three storey building comprising of 4 no. one-bedroom properties and 5 no. two-bedroom properties. Developments also include private and communal amenity space, cycle and car parking, refuse area and associated landscaping'.
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Decision

1. The appeal is allowed and outline planning permission is granted for the demolition of the existing clinic building on the site and the redevelopment with a three storey building comprising of 4 no. one-bedroom properties and 5 no. two-bedroom properties, private and communal amenity space, cycle and car parking, refuse area and associated landscaping at Bromley North Clinic, Station Road, Bromley, BR1 3LP in accordance with the terms of the application Ref DC/16/02770/OUT, dated 8 June 2016, and subject to the conditions set out in the attached Schedule.

Preliminary Matter

2. The application is in outline with all matters (access, layout, scale, appearance and landscaping) reserved for future consideration. Drawings have been provided within the application including layout, elevation and floor plans. I have treated these drawings as being only indicative or illustrative given that all matters are reserved.
3. In my formal decision above I have shortened the description originally used in the planning application form in order to more concisely describe the proposed development.

Main Issues

4. The main issues are:
 - i) Whether the proposed development would prejudice the comprehensive redevelopment of the wider area, with particular regard to whether it
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would limit the optimisation of development on the wider site and the opportunities for the reprovision of social infrastructure;

- ii) The effect upon the character and appearance of the area;
- iii) The effect of any increased demand for on-street car parking upon highway safety and visual amenity.

Reasons

Comprehensive Development

5. The site is located at the edge of, though within, the Bromley Opportunity Area as identified by the London Plan 2015. The Opportunity Area as a whole seeks to provide 2,500 new homes and an additional 2,000 employment opportunities, in addition to the promotion of Bromley Town Centre's strategic role as a Metropolitan Town Centre.
6. The appellant states that the site is located just outside of the Proposal Site shown on the Proposals Map of the Unitary Development Plan 2006. It is, however, included as part of a wider site allocated within the emerging Local Plan. However, this draft plan is yet to be examined, is not expected to be adopted until late 2017 and therefore, whilst providing a good indication of the Council's intentions, it carries limited weight at this time.
7. The Council is concerned that the proposal is of a piecemeal nature which would fail to embrace adjoining land in order to support the wider comprehensive regeneration and integration of the site as part of the wider Opportunity Area and which may undermine the future provision of social infrastructure.
8. Policy 2.13 of the London Plan (relating to Opportunity Areas) sets out several criteria for development proposals, including to optimise residential and non-residential output and densities, provide necessary social infrastructure, to contribute towards the minimum guidelines for housing and supporting wider regeneration and to integrate development proposals to the surrounding areas, especially areas of regeneration.
9. The appeal site forms a very small part of the larger Opportunity Area. Being located at a corner of the larger area and adjacent to existing residential development on Station Road, it seems to me that it would be possible that it could be developed in isolation without prejudicing the successful redevelopment of the wider area. The Council has not highlighted any specific reasons why a development of the form shown on the illustrative drawings would necessarily prevent acceptable development on adjacent land.
10. Whilst the Council refers to the need for a comprehensive plan-led development, at this time I can only give limited weight to the emerging Local Plan policies given that this plan is yet to be examined. Given the site's small size and location at the edge of the Opportunity Area, it is unlikely that its development in the manner proposed would have significant implications for the future development of the wider area. There is also no clear evidence of an overriding need for all sites within the Opportunity Area to be comprehensively brought forward at the same time.

11. The Council is concerned that the development could limit the potential scale and optimisation of development on the wider site (although it has also raised objection to the size of the proposed development itself in the context of existing buildings). In response the appellant has sought to demonstrate how the development could take place without hindering adjacent development and the Council has not provided any evidence to the contrary. Whilst I consider that the proposal would inevitably have some implications for future development on adjacent land, it does not appear to me that these would be significant.
12. In respect of the existing use of the site, I note that the services previously provided at the site have been relocated as part of a wider programme of asset disposal and re-provision of NHS services and the property has been made available for 12 months to establish if there is demand for its continued use. The Council accepts the loss of the site for healthcare purposes when considered in isolation.
13. The Council goes on to consider that the piecemeal redevelopment limits the potential scale of social infrastructure that could be sought through a comprehensive redevelopment. Nevertheless, taking account of the modest size of the appeal site located at the edge of the Opportunity Area, I see no reason why the development would prejudice the future provision of appropriate social infrastructure when the wider area is developed. I would expect that this would be provided in accordance with the relevant policy framework in place when development proposals for the wider site come forward and would depend on the nature, mix and extent of such proposals.
14. Notwithstanding the Council's latest Five Year Housing Land Supply paper, I am mindful of the aim of the National Planning Policy Framework ('the Framework') to boost significantly the supply of housing. This proposal would help to achieve that. From the evidence before me, I do not consider that it would unacceptably prejudice the wider comprehensive development of adjacent land, including the optimisation of development or the re-provision of social infrastructure. There is also no evidence that wider development proposals are likely to imminently come forward. An Opportunity Area Planning Framework is proposed but I am not aware of any significant progress being made on it and the emerging Local Plan indicates that it will not be ready for adopted until 2019/20. I therefore do not consider that there is an overriding case in this instance that the proposed development should not take place in advance of any further development proposals.
15. I therefore find that the proposed development would not result in any significant harm in respect of the relevant development and social infrastructure aims of policies H1 and C2 of the Unitary Development Plan, policies 2.13 and 3.7 of the London Plan and the Framework.
16. I have also considered the proposal against the information provided regarding draft policies 'Housing Supply', 'Business Improvement Areas', 'Bromley Town Centre Opportunity Area' and 'Opportunities for Community Facilities' of the emerging Local Plan. Given that this plan is yet to be examined I have only given such policies limited weight and do not find that they alter my overall conclusions on this issue.

Character and Appearance

17. Babbacombe House, adjacent to the north boundary of the site, contains a three storey building (including rooms in the roof) recently converted to flats. Similarly sized residential properties are located on the opposite side of Station Road. Whilst it appears likely that the land to the south and east will be developed there is no detailed information before me of how the layout, massing and scale of such future development is likely to materialise. However, I concur with the statement in the Council's Officer report that the correct balance for the site is a transition between higher density developments in the more central areas and the lower density of the suburban surroundings.
18. Whilst all detailed matters are reserved, the indicative drawings show a three storey building that would only be slightly higher than the front building line of the adjacent building on Station Road. The drawings also show how the building could be set back so its front elevation is behind that of the adjacent building. Whilst being higher than other buildings in the vicinity of the site, it is also close to the town centre where there are much more substantial buildings. Subject to the consideration of reserved matters, I do not consider in principle that a three storey building would appear as being over dominant or overbearing in this location. More detailed design considerations would also be for consideration at the reserved matters stage.
19. The illustrative drawings show a building which occupies a substantial proportion of its plot. However, the gaps between existing properties on Station Road near to the site are generally limited. Taking account of the pattern and layout of existing buildings in the vicinity of the site, including terraced properties, I consider that a development of the general form indicated could take place without appearing as unacceptably cramped or out of scale in the townscape.
20. Whilst Babbacombe House has balconies on its side elevation adjacent to the appeal site, these are near to the front of that property and I consider that sufficient space would be available to provide an appropriate setting for both this adjacent development and the proposed building.
21. I therefore conclude that, subject to the consideration of reserved matters, I am satisfied that the general form of development proposed would not be harmful to the character and appearance of the area. The proposal accords with the design aims of policies BE1, H7 and H9 of the Unitary Development Plan, policies 3.5 and 7.6 of the London Plan 2015 and the Framework.

Parking Provision

22. The Council acknowledges that the proposed one bedroom flats are likely to be attractive to people not owning a car, but considers that the five two-bedroomed properties are likely to be occupied by car owners. On this basis, the Council requires the scheme to provide three car parking spaces in the context of the relevant parking standards, which I note are maximum standards. The illustrative scheme details show one disabled parking space can be accommodated on the site. I note that cycle parking would also be provided on the site to support alternative means of travel to the private car.
23. The site is located within comfortable walking distance of the town centre with its wide range of services, facilities and public transport options. The location

of the site is therefore one where occupiers would not need to be reliant on the private car. I acknowledge that, despite its accessibility, some occupiers may own a car and that the Council is seeking three on-site parking spaces which do not appear able to be provided on the site in this case.

24. The appellant's parking survey demonstrates that sufficient space would be available at night to accommodate any additional parking from this proposal. The Council and interested parties have expressed concern at the space available during the day time. However, whilst daytime parking restrictions would limit the availability of parking space, from the evidence before me there is no indication that the modest increase in demand for parking spaces arising from this proposal would result in any significant highway safety implications. Nor has any detailed evidence been provided by the Council that the number of parking permits issued in this area exceeds the numbers of spaces available. In any case, the limited parking availability during the daytime would be likely to discourage future occupiers of the development from owning a car in this location.
25. The appellant has suggested that the development could be conditioned as being 'car-free' with future occupants being advised that no parking permits would be issued to them. However, neither party has provided a draft of how such a condition would be framed nor have I been made aware of any relevant Development Plan policy which requires such a restriction. This matter is also not raised in the Council's statement. Therefore, taking additional account of the modest increase in parking demand arising from this proposal and my overall conclusions on highway safety, I have not given this suggestion any further consideration in this instance.
26. Each case needs to be considered on its merits and I see no reason to consider that my determination on this proposal would undermine the Council's application of its parking standards and relevant Development Plan policies.
27. From the evidence before me, I do not consider that this proposal, leading to only a small increase in the demand for on-street parking, would result in any significant implications for highway safety or local highway conditions in the vicinity of the site. The proposed development would therefore not result in any material harm when considered against the relevant parking aims of policy T3 of the Unitary Development Plan and 6.13 of the London Plan.

Other Matters

28. The Council has submitted an updated Five Year Housing Land Supply paper and considers that it is able to demonstrate a five year housing land supply. This has not been challenged by the appellant and the relevant evidence has not been tested as part of this appeal. However, in view of my overall finding that the development proposal would not result in any significant harm and accords with the development plan, there is no need for me to give any further consideration to this matter. If I were to find that the Council was unable to demonstrate a five year housing supply, in the context of paragraph 14 of the Framework, this would not affect my overall conclusion on the outcome of this appeal.
29. Whilst the building would be of three storeys, I am satisfied that the separation from the front elevation of the proposed development to the

existing residential properties opposite the site, including 43a Glebe Road, would be sufficient to prevent any unreasonable overlooking.

Conditions

30. I have considered the conditions suggested by the Council against the requirements of the Government's Planning Practice Guidance and the Framework. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the guidance.
31. I have attached conditions limiting the life of the planning permission and setting out requirements for the reserved matters in accordance with the relevant legislation.
32. Approval of details of boundary treatment is necessary in the interests of the visual amenity of the area. A surface water drainage condition is required to reduce the risk of localised flooding and encourage sustainable means of water drainage. I have not included both of the Council's suggested conditions in this respect to avoid duplication. Details of refuse and recycling provision are necessary in order to make appropriate provision for the development and to safeguard the amenities of the area. A cycle storage condition is necessary in order to promote alternative methods of transport to the private car. A Construction Management Plan is required in order to limit the effect of construction including upon the highway and neighbouring living conditions. Details of this need approval prior to commencement as it relates specifically to the construction impacts of the development.
33. The Council's suggested conditions relating to external materials and landscaping are not necessary as such matters would be covered by subsequent reserved matters submissions.

Conclusion

34. From the evidence before me, I find that the proposal would accord with the development plan read as a whole and there are no material considerations which justify making a decision other than in accordance with the development plan.
35. Having regard to all other matters raised, I conclude that the appeal should be allowed.

David Cliff

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Prior to the first occupation of any part of the development hereby permitted, boundary enclosures shall be erected in accordance with details which shall have previously been submitted to and approved in writing by the local planning authority. The boundary enclosures shall thereafter be retained as approved.
- 5) No part of the development hereby permitted shall be first occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, 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) include a timetable for its 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.
- 6) No part of the development hereby permitted shall be first occupied until arrangements for the storage of refuse and recyclable materials (including means of enclosure where necessary) have been provided in accordance with details which shall have been previously submitted to and approved in writing by the local planning authority. Such arrangements as approved shall be retained thereafter.
- 7) No part of the development hereby permitted shall be first occupied until bicycle parking (including covered storage facilities where appropriate) have been provided at the site in accordance with details which shall have been previously submitted to and approved by the local planning authority. The approved bicycle parking shall be retained thereafter.

- 8) 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.