
Appeal Decision

Site visit made on 16 July 2019

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2019

Appeal Ref: APP/G5180/W/18/3219157

Allum House, 92 Plaistow Lane, Bromley BR1 3HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Sirca Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/03790/FULL1, dated 17 August 2018, was refused by notice dated 16 November 2018.
 - The development proposed is demolition of the existing building and the erection of a replacement building to accommodate 9 no. flats with associated private and communal amenity space, car and cycle parking provision and refuse storage.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing building and the erection of a replacement building to accommodate 9 no. flats with associated private and communal amenity space, car and cycle parking provision and refuse storage in accordance with the terms of the application, Ref DC/18/03790/FULL1, dated 17 August 2018, subject to the conditions listed in the schedule at the end of this decision.

Procedural Matters

2. Following the Council's decision on the application that led to this appeal there have been revisions to the Framework contained in the new version published in February 2019. No changes have been made to the content directly relevant to the main issues of this appeal. Consequently, I consider that no prejudice would occur to any parties as a result of me taking the revised Framework into account in my assessment of the appeal's merits.
3. From the evidence submitted I see that during the course of this appeal the London Borough of Bromley formally adopted the Local Development Framework Local Plan London Borough of Bromley Planning Division January 2019 (the Local Plan). Both main parties have had the opportunity to submit comments on the relevance of the Local Plan to this case. I have taken the Local Plan into account in my reasoning and for the reasons above, I do not consider the main parties would be prejudiced as a result of me doing so.

Main Issue

4. The main issue is the effect of the proposed development on highway safety with particular reference to the proposed on site car parking.

Reasons

5. Based on the evidence before me, this site has a PTAL rating of 2. Policy 30 of the Local Plan provides two separate parking standards, one for site with a PTAL 0-2 and one for sites with a PTAL 2-6a. The supporting text to this policy explains that the higher standards in the PTAL 0-2 bracket would be justified in relation to the particular characteristics of the development and the actual level of public transport accessibility and provision.
6. The proposed development would be for open market flats and I am provided with evidence that car and van ownership levels in flats would be lower than those across the ward (which are at 1 car per household). I am also provided with evidence that there is a bus stop with a regular service approximately 10m from the site with the closest train station, Sundridge Park, around 500m away. Furthermore I understand that Bromley Town Centre is located around 1.5km from the site, therefore there are shops and services reasonably close by. Therefore I am satisfied that the particular characteristics of this development means that the lower levels of parking suitable for sites with PTAL 2-6 would be suitable at this site. This would require a minimum of 6.9 spaces and maximum of 10 spaces for this development. Notwithstanding this, the Council state that the proposed development is likely to generate a requirement for 9 car parking spaces (using the parking standards for a PTAL 0-2 site), which falls within this bracket.
7. The proposed development would provide 6 car parking spaces and would not therefore be in accordance with the residential parking standards in this development plan policy. I now turn to assess whether there are any circumstances which indicate that the proposed development should be otherwise approved.
8. The appellant has submitted a parking survey which was conducted in line with the Lambeth parking methodology. I note that the surveys were conducted overnight when most residents are likely to be parked, which would be suitable for the mainly residential area of the appeal site. This survey shows that there are a number of available car parking spaces within 200m walk of the site, and that the likely maximum of 4 additional cars which would park on street as a result of the proposed development could be accommodated. Consequently, based on the evidence before me, any on street parking generated from this proposed development could be accommodated within the surrounding roads. As such it would be unlikely to lead to unsafe or illegal parking.
9. I have been provided with some evidence in relation to accidents along Plaistow Lane for the 5 years prior to March 2017. However, I am not provided with evidence that the accidents listed are related to the use of on street parking.
10. Consequently the limited number of additional cars parking on street would not lead to an unacceptable impact on highway safety, nor would these movements result in severe residual cumulative impacts on the road network. Therefore the development would be in accordance with Policy 32 of the local plan which seeks to ensure that road safety is not significantly adversely affected.
11. Whilst some future occupiers may have a short walk to access their vehicles, this would not be so harmful as to represent unacceptably poor living conditions for these future occupiers.

12. I have been provided with appeal decisions¹ where the Inspector did not consider the submitted parking surveys were sufficient to grant planning permission for a development, amongst other things. As can be seen above, that is not the case in this appeal and therefore the decisions provided relate to a markedly different set of circumstances to that before me now. I have also been provided with an appeal decision relating to the appeal site², however I understand that this was for a scheme for 12 affordable housing units and therefore the development proposed is notably distinct to that before me now.
13. Whilst there is some conflict with Policy 30 of the Local Plan, I conclude that the proposed development is in accordance with Policy 32. Regarding parking, whilst there is conflict with Policy 30 the circumstances set out above in relation to the availability of on-street parking indicate that development should in any case be approved. Furthermore, due to the nature of the harm that would arise I give great weight to the effect of the proposed development on road safety as covered by Policy 32 and, as set out above, there would not be a significant adverse affect in this regard.
14. For the reasons above, the proposed development would not have a harmful effect on highway safety with particular reference to the proposed on site car parking. As such, in this respect, it would not be contrary to the Local Plan policy I find to be most relevant to this main issue: Policy 32 (Road Safety).

Conditions and Conclusion

15. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, including ensuring that the conditions would not unnecessarily delay the delivery of development.
16. I am attaching the standard implementation condition, and in the interests of certainty a condition to define the plans with which the scheme should accord. Conditions requiring details of the materials, and hard and soft landscaping to be approved are necessary in the interests of the character and appearance of the area. I have amended this condition to ensure that works are carried out in accordance with the submitted Arboricultural report. However, I have not been provided with evidence as to why a requirement to have native plant species of home grown stock would be necessary or relevant so I have removed this wording.
17. A condition requiring details of surface water drainage to be approved is required to reduce the risk of flooding. For reasons of brevity I have combined the two surface water drainage conditions into one. This condition is required to be pre-commencement as it would involve works below ground level.
18. The site is relatively constrained with parking restrictions close by, therefore a construction management plan is required in the interests of highway safety. This condition is required to be pre commencement as it relates to the entire construction period. For similar reasons, a condition to prevent the accumulation of mud on the highway is also required. A condition relating to the provision and permanent retention of car parking is required in the interests of highway safety, although this condition has been amended from

¹ APP/G5180/W/18/3202245, APP/G5180/W/18/3202258

² APP/G5180/A/13/2194423

the Council's suggested wording to avoid repetition. Also in the interests of highway safety a condition is required in relation to visibility splays, however I have amended the size of the visibility splay to be provided to ensure that it is in accordance with the details on which the Council made their decision.

19. Conditions requiring the provision of a refuse and recycling store and cycle storage are required in the interests of the living conditions of future occupiers and with respect to the latter in the interests of reducing reliance on the private car. Plans and elevations of the refuse and recycling store have already been provided and therefore I have omitted this part of the condition.
20. Finally, I am not provided with evidence that a condition requiring that the development is in accordance with Building Regulations M4(2) would be necessary for the proposed development and therefore I have not included it.
21. For the reasons above, and subject to the conditions listed, this appeal should be allowed.

H Miles

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P001, P004, P005, P007, P400, P401, P402, P403, P404, P500, P501, P502, P503, P504, P505, P506, P507, P509, P601, P602, P603, P604, P700, PL/TPP/1407-03
- 3) Details of the materials to be used for the external surfaces of the buildings shall be submitted to and approved in writing by the Local Planning Authority before any above ground work is commenced. The works shall be carried out in accordance with the approved details.
- 4) Prior to commencement of above ground works details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
 - i) A scaled plan showing all existing vegetation to be retained and trees and plants to be planted which shall not include invasive species;
 - ii) Proposed hardstanding and boundary treatment;
 - iii) A schedule detailing sizes and numbers of all proposed trees/plants;
 - iv) Sufficient specification to ensure successful establishment and survival of new planting.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority and works shall be carried out in accordance with the submitted Arboricultural Report by Sylvan Arb dated 14 August 2018.

Any new trees or planting that die, are removed or become severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details

- 5)
 - i) Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) a scheme for the provision of surface water drainage shall be submitted and approved in writing by the local planning authority. The scheme shall include details to avoid the discharge of surface water from private land on to the highway
 - ii) Before the details required to satisfy Part (i) are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.
 - iii) 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 (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (8l/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water
- iv) The drainage scheme approved under Parts i, ii and iii shall be implemented in full prior to first occupation of the development hereby approved
- 6) 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, how potential traffic conflicts can be minimised, the route construction traffic shall follow for arriving at and leaving the site, hours of operation and a timescale for the implementation of the Plan. The Construction Management Plan shall be implemented in accordance with the approved timescale and details.
- 7) While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud on the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.
- 8) Before commencement of the use of the building hereby permitted parking spaces and turning space shall be completed in accordance with the approved details and thereafter shall be kept permanently available for such use.
- 9) Before any part of the development hereby permitted is first occupied that part of a sight line of 43m x 2.0m x 43m which can be accommodated within the site shall be provided in both directions at Plaistow Lane and with the exception of trees selected by the Local Planning Authority no obstruction to visibility shall exceed 1m in height in advance of this sight line, which shall be permanently retained as such.
- 10) Before commencement of the use of the building hereby permitted refuse and recycling storage shall be completed in accordance with the approved details and thereafter shall be kept permanently available for such use.
- 11) Details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of above ground works. The approved arrangements shall be completed in accordance with the approved details before commencement of the use of the building hereby permitted, and thereafter shall be kept permanently available for such use.