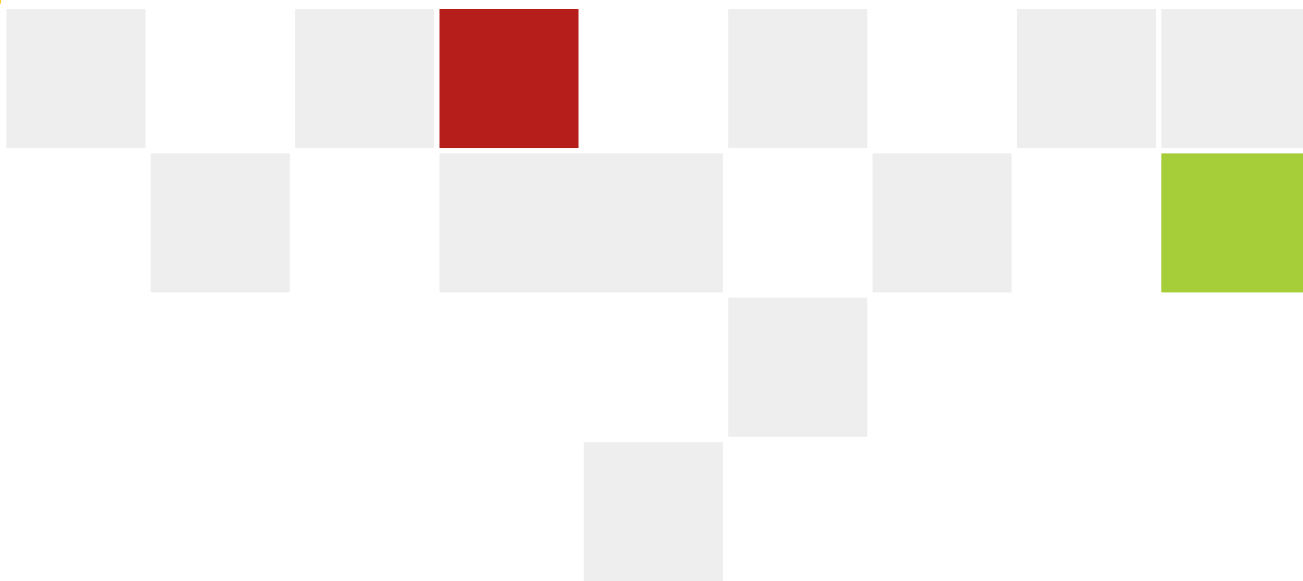


2-8 Danson Road, Bexleyheath

Statement of Case



Boyer

Report Control

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1. INTRODUCTION AND BACKGROUND

Introduction

- 1.1 An application for planning permission, dated 20 December 2019 and made by Carebase Limited (“the appellant”) was submitted to the London Borough of Bexley (“the Council”) proposing the redevelopment of 2-8 Danson Road, Bexleyheath, Kent, DA6 8HB (“the appeal site”).
- 1.2 The development proposed in the application is described as: *“Demolition of the existing dwellings and erection of a part 1/2/3 storey building to provide a 70 bedroom nursing home, with associated access alterations, car and cycle parking, landscaping and amenity space.”*
- 1.3 The application was validated and assigned reference number 19/03072/FULM. The application was subject of detailed positive discussion and negotiation with officers at the Council and was reported to committee on 18 November 2021. The officer’s report is comprehensive in its assessment of the main planning considerations and confidently recommends that the development would be policy compliant and that planning permission should be granted subject to the completion of a s.106 agreement and a series of 18 planning conditions.
- 1.4 Prior to debating the merits of the case and making a decision, the planning officers presented the scheme and reinforced their recommendation that planning permission should be granted. The Committee then heard from 2 speakers who objected to the proposed development as well as the planning agent (Mark Batchelor, Director at Boyer) who spoke in support. Following the debate, the Committee voted to refuse planning permission and in doing so identified the following 6 reasons for refusal:
 1. ***The proposed development, by reason of layout, height bulk and scale would result in a form and scale of development which would be harmful to the character and appearance of the area, contrary to policies D1, D3 and D4 of the London Plan (2021), policies CS01 and CS03 of the Bexley Core Strategy (2012), saved policies ENV39 and H3 of the Bexley Council Unitary Development Plan (2004) and Paragraph 130 and 134 of the National Planning Policy Framework (2021).***
 2. ***The proposed development by reason of the intensity of vehicular movements and its location would have a detrimental impact on highway safety and congestion, contrary to policy T4 of the London Plan (2021), CS15 of the Bexley Core Strategy (2012), saved policy T6 of the Bexley Council Unitary Development Plan (2004) and Paragraph 110 and 111 of the National Planning Policy Framework (2021).***

3. ***The proposed development provides insufficient parking for the use in this location. This would cause increased on-street parking stress, detrimental to the amenities of local residents, contrary to saved policy T17 of the Bexley Council Unitary Development Plan (2004).***
4. ***The proposed development, by reason of the position, height, bulk and scale would harm the setting of and result in less than substantial harm to, Danson Park, a Grade II Registered Park and Garden and designated heritage asset. It is not considered that this harm would be outweighed by the public benefits required by paragraph 202 of the National Planning Policy Framework (2021). The proposed development is therefore contrary to policy HC1 of the London Plan (2021), CS07 and CS19 of the Bexley Core Strategy (2012), saved policies ENV39 and H3 Bexley Council Unitary Development Plan (2004) and Paragraph 199 and 202 of the National Planning Policy Framework (2021).***
5. ***The proposed development results in the loss of the four family dwelling houses which is not outweighed by the benefits of the scheme, including the provision of 70 care homes beds, contrary to Policies H8 of the London Plan (2021) and policies CS01 and CS03 of the Bexley Core Strategy (2012).***
6. ***The proposed development by reason of its position and built form would result in loss of sunlight an overbearing impact on 1 Danson Mead, detrimental to the amenities of the occupiers of this property and contrary to saved policy ENV39 Bexley Council Unitary Development Plan (2004) and Paragraph 130 of the National Planning Policy Framework (2021).***

1.5 It will be the appellant's case that these reasons for refusal are without serious foundation, unsupported by the conclusions of the Council's expert planning and highways officers and, in some respects, little more than spurious and unreasonable objections. The Council's decision is unsupported and unsupportable by cogent evidence and accordingly the appellant will be making an application for an award of costs against the London Borough of Bexley in this case on the basis of unreasonable refusal.

1.6 The Planning Inspectorate has published guidance titled Procedural Guide: Planning appeals – England (updated 13 October 2021). At Annexe K the Inspectorate publishes guidance on appeal procedures and having reviewed these in detail, it is the appellant's firm opinion that due to the complexity of the matters, the need for cross examination of witnesses and for submissions by their advocate, the Inquiry procedure is the only appropriate mode for the determination of this appeal.

1.7 The guidance sets out that an Inquiry is the appropriate procedure if any of the following 5 criteria are met:

- **There is a need for evidence to be tested:** In this case, the Council's second (highways impact), third (car parking provision), fourth (heritage impacts), fifth (loss of family housing) and sixth (light impacts) reasons for refusal relate to detailed technical matters where the Inspector's full understanding of the case would be greatly assisted by the hearing of evidence from expert witnesses with advocates having the opportunity to undertake cross examination in order that the evidence can be fully tested.
- **Complexity of issues:** The issues identified in the reasons for refusal 2, 3, 4, 5 and 6 all relate to complex technical matters which cannot fully and properly be understood and interrogated through an exchange of written submissions, or through roundtable discussions at a hearing session. To sustain its reasons for refusal, the Council will need to call technical experts and likewise the appellant's technical team will want to present evidence to demonstrate that the reasons for refusal are very poorly founded and are unsupported by adopted development plan policy.
- **Extent of local interest:** There is considerable local interest in this proposal. The Committee Report sets out that 34 letters of objection were submitted to the Council during the initial consultation process with a further 16 letters submitted following the 14 day re-consultation (including 6 from households which had not previously objected). The extent of local interest was reflected at the committee meeting, with a large number of local residents being present to witness and/or participate in the meeting.

1.8 Unless the Inquiry procedure is adopted in this case, the Inspector's full understanding of the main planning considerations will be hampered to the extent that they will not be able to properly discharge their obligations. The appellant is concerned that if the written representations or hearing modes are awarded, the Inspector could at a late stage request a procedural change, resulting in unnecessary delays to an important development that is needed now and could be delivered quickly.

Background

1.9 The starting point for the determination of this appeal is that the officers' report to committee raised no objection and recommended that planning permission should be granted, subject to conditions and a section 106 obligation to secure certain contributions. No professional evidence or information was before the Committee that could justify the refusal and the 6 stated reasons given by the Committee were not supported by evidence or by the professional opinions of the Council's planning officers.

1.10 No serious professional attempt has been made to either explain why the Council's planning and highways officers' advice and recommendations were rejected or to set out the justification for the reasons given. Accordingly, the appellant would wish to reserve its position to enable it to respond to any such justification that may be provided in the Council's Statement of Case.

- 1.11 Prior to the submission of the application, the appellants engaged in pre-application discussions with the Council. Those discussions are summarised at paragraphs 3.5 to 3.8 (inclusive) of the Planning Statement. No formal written response was received, instead email comments with a bullet point list of observations was received from the case officer.
- 1.12 Alongside the pre-application enquiry, the appellant undertook an extensive public engagement exercise, which is explained in the Statement of Community Involvement. That exercise highlighted both local concerns to the proposed development as well as quite considerable support. From this it is fair to say that there is an overall balanced view of the proposed development among the local community.
- 1.13 The highways authority withdrew its original objection to the proposal and recommended conditions to be imposed on any decision to grant planning permission. So far as the appellant is aware, “no objection” continues to be the formal stated position of the highway authority and the professional view of the planning officers of the Council.
- 1.14 In March 2021 a new London Plan was adopted, which sets out new policy objectives specifically in respect of fire safety (Policy D12) and Sustainable Urban Drainage Systems (Policy SI 13). The appellant commissioned the necessary technical information, which was submitted to the Council for consideration ahead of the case being reported to committee.
- 1.15 The application was ultimately reported to committee in October 2021 with a favourable assessment of each of the issues and the officer’s recommendation that planning permission should be granted subject to completion of the s.106 agreement and 18 planning conditions.
- 1.16 A complete document list is provided at **APPENDIX 1** for the Inspector’s information. This shows the documents originally submitted with the application (with those in red having been superseded) and those updates submitted.

2. PLANNING POLICY CONTEXT

- 2.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 2.2 In this instance the relevant Development Plan for the area comprises the:
- London Plan (2021);
 - Bexley Core Strategy (2012); and
 - Bexley Unitary Development Plan (2004)
- 2.3 Other policy documents that are material considerations in the determination of planning applications include the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG).
- 2.4 In refusing planning permission for the development, the Council alleged that the proposal would be in conflict with the following development plan policies and paragraphs of the NPPF:
- **London Plan:** D1, D3, D4, T4, HC1 and H8
 - **Core Strategy:** CS01, CS03, CS07, CS15 and CS19
 - **UDP:** H3, T6, T17 and ENV39
 - **NPPF:** 110, 111, 130, 134, 199 and 202
- 2.5 First, it can be observed that the Council's decision directly contradicts the conclusions of relevant planning and technical officers, as expressed in the officers' report and the responses to consultation, who unanimously found there to be no conflict with the above listed policies and NPPF paragraphs.
- 2.6 The objectives of these policies are set out in the discussion of the appellant's Grounds of Appeal, below and will be supplemented in evidence in due course.

3. GROUNDS OF APPEAL

3.1 The Council's 6 reasons for refusal identify the following 5 broad issues with which the future Inquiry will be concerned:

- The development's impact on the area's character and appearance (refusal ground no.1);
- The impact of the development on highway safety (refusal ground no.2);
- The development's impact on residential amenity, specifically arising from increased parking stress (refusal ground no.3) and daylight and sunlight amenity at no.1 Danson Mead (refusal ground no.6);
- Whether the development would cause less than substantial harm to the setting of the Grade II listed Danson Park and if so, whether the public benefits would outweigh that harm (refusal ground no.4);
- Whether the development plan seeks to resist the loss of family housing and if so, whether the benefits arising from the development would outweigh any harm.

3.2 The appellant's response to each of these matters is introduced below but will be supplemented with further evidence in due course.

3.3 In addition to the above, the appellant is also in the process of revisiting and updating the evidence in respect of biodiversity impacts and energy strategy and these items are also discussed below.

Impact on the area's character and appearance

3.4 The Council's first reason for refusal alleges conflict with London Plan Policies D1, D3 and D4; Core Strategy Policies CS01 and CS03 and UDP Policies ENV39 and H3.

3.5 London Plan Policy D1 concerns London's form, character and capacity and growth and is essentially a tool for directing policy drafting in Local Plan documents rather than necessarily a policy against which development proposals should be tested. The policy requires that Councils develop a detailed understanding of an area's character and capacity for growth, adopting policies which address matters such as urban form, housing requirements and environmental improvements.

3.6 Policy D3 relates to the optimisation of site capacity through a design-led approach, setting out that all development "*must make the best use of land*". Part B explains that in areas of good public transport access (such as the appeal site), higher density development should be promoted. Part D relates to development proposals, requiring that they demonstrate a good understanding of the local character and context and provide a high quality experience for future users and residents.

- 3.7 Policy D4 deals with the delivery of good design and explains that applications should be supported by evidence to demonstrate that the proposed design meets the aims of the London Plan. The policy requires that designs are scrutinised by Borough planning, design and conservation officers. The policy further sets out that design quality should be maintained through to the completion of a development.
- 3.8 Core Strategy Policy CS01 concerns achieving sustainable development and sets out a range of general policy objectives which the Council will expect to be addressed through new developments, including ensuring that housing development meets the current and future needs of the population through providing a complementary mix of land uses in order to positively contribute towards meeting community needs. The policy further sets out that development should help the Borough play a key role in contributing to London's economic growth and that developments should reflect and enhance the unique characteristics of the Borough.
- 3.9 UDP Policy ENV39 seeks to ensure that developments are of a high standard of design and layout, being compatible with the character of the surrounding area and not adversely affecting the street scene.
- 3.10 UDP Policy H3 requires that developments in primarily residential areas are compatible with the character and appearance of their surroundings, having regard to layout, scale, elevational treatment and use of materials.
- 3.11 Section 12 of the NPPF deals with design and sets out that good design is a key aspect of sustainable development, creating better places in which to live and work (para. 126). At para. 134, it is explained that significant weight should be given to development which reflects local design policies with 134b) explaining that outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design locally should also be given significant weight so long as they fit in with the overall form and layout of the surroundings.
- 3.12 The Design and Access Statement ("DAS") sets out a detailed assessment of the character of the surrounding area and provides an in-depth design narrative, explaining how the development would respect and complement the character of the area.
- 3.13 The concept of the proposal originates from an analysis of the local character. Due to the nature of the scheme and its residents the layout, height, bulk and scale is designed to be a continuation of the residential street scene in order to move away from any institutional connotations. The bulk and scale are informed by the dwellings it is replacing and the buildings it neighbours. The layout is formed to enable the height of the proposal to sit within the zone of roofscapes along Danson Road.
- 3.14 The following can also reasonably be observed:
- The building is a high quality bespoke design, using high quality traditional materials, which will contribute positively to the street scene. The quality of the existing buildings on the site in terms of design and materials is not high, so there would be some benefits in that respect;

- In terms of height and bulk, there are other buildings of similar or greater height within the local area, including the leisure centre to the north (which is equivalent to three storeys or greater), the four storey block of flats to the east along the A207;
- Since the junction is quite broad, and the access to the park also provides separation to the properties to the NW, the proposed building would be generally well separated from the buildings around it; and
- The northern and western frontages of the existing site onto the park access and body of the park provide a ramshackle and neglected visual boundary and are unattractive; giving scope for some enhancement through higher quality design and materials.

3.15 The Council's internal design officer reviewed the proposed development and initially requested some minor alterations to the elevational design and treatments, which were implemented. At pgs.18-20 of the Committee Report, officers deal with design matters and conclude that the proposed nursing home would be suitably placed on the site. They also conclude that the building would be well articulated, reflecting the domestic character of the road with appropriate roof forms and setbacks to provide visual interest. Specifically, the officers concluded that the rear wing has been "*...carefully designed to minimise visual impact between hedges and trees that currently exist. The proposed wing would be set away from the 2m high hedge line ... to reduce its prominence*". Officers noted the additional screen planting which is proposed and concluded that although the wing would be visible, the visual impact would be acceptable.

3.16 In concluding on design matters, the officer's report states "...it is considered that the proposal would deliver a high quality contemporary design which would provide a meaningful contribution to the street scene without harming the existing character and appearance of the locality."

Impact on highway safety

3.17 The Council's second reason for refusal alleges conflict with London Plan Policy T4, Core Strategy Policy CS15, UDP Policy T6 and paragraphs 110 and 111 of the NPPF.

3.18 London Plan Policy T4 relates to the assessment and mitigation of transport impacts. It sets out at part C that where appropriate, adverse transport impacts will be required to be mitigated through measures including highway improvements.

3.19 Policy CS15 of the Core Strategy sets out the Council's objective to achieve an integrated and sustainable transport system. The policy primarily sets out the Council's plans for the improvement and expansion of public transport in the Borough. At part K, the policy explains the Borough's objective to maintain and manage the existing highway network to ensure the free flow of traffic and improving the environment. The policy justification at paragraph 4.7.9 explains the purpose of part K. It explains "*...the car will continue to play an important role in Bexley and increased traffic flows will result in growing congestion, especially on the main radial routes (A2 and A20) and on the local road network where it meets these radial routes.*" It is evident, therefore, that the policy's principal focus is on maintaining the efficiency of the strategic road network.

- 3.20 UDP Policy T6 relates to the optimisation of the existing transport network and sets out that planning permission would usually be refused for development which would either cause traffic flows to rise above the design flow for the road, or would generate additional traffic on a road on which flows already exceed design flows. The justification for the policy at paragraph 8.16 makes clear that when considering the impact of a development, the Council will have regard to the availability of public transport locally and the potential for this to meet some of the development's demands.
- 3.21 NPPF paragraph 111 sets a relatively high bar for the refusal of development proposals on highway grounds. It explains development should only be prevented where there would be *"an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*
- 3.22 Throughout the course of the application, the applicant maintained a very close working relationship with the Highway Authority and took seriously concerns raised in respect of accident data and the need to resolve the no right turn strategy. In addition, a Road Safety Audit was prepared and submitted to the Council on 06 January 2021, recommending that "KEEP CLEAR" road markings were painted onto the road at the egress point and the scheme drawings were updated accordingly. The appellant would also be willing to provide such markings at the entrance to ensure that traffic turning right into the site from Danson Road is not prevented from doing so due to any traffic queuing at the lights.
- 3.23 Throughout the course of the application, the applicant went to great lengths to address and resolve highways concerns. These endeavours are reflected in the positive commentary provided by the Highway Authority in the Committee Report.
- 3.24 Although it is the appellant's position that the refusal of permission by the Council on highways grounds, at the same time as the Highway Authority was satisfied with the highway and access arrangements was unreasonable, the appellant is willing to work with the Council and submit updated evidence during the appeal to resolve the Committee's highways concerns such that this objection can hopefully be resolved.

Impact on residents' amenities

- 3.25 The Council's allegation of harm to residents' amenities is set out at reasons for refusal 3 (where it is suggested that overspill parking would harm amenity) and 6 (where it is suggested that the development would unacceptably impact on the daylight and residential amenities of no. 1 Danson Mead). These points are addressed separately below.

- 3.26 The Council's third reason for refusal alleges that insufficient car parking is provided within the development and that the overspill parking arising from the development would increase parking stress locally to the detriment of residents' amenities. It is notable that the Council does not allege in the reason that parking stress would be increased to an unacceptable level, such that it would adversely impact on highway safety. Rather the allegation is that the level of (unevidenced) parking stress arising from the proposed development would somehow give rise to unacceptable amenity impacts. The reason for refusal alleges a conflict only with UDP Policy T17.
- 3.27 UDP Policy T17 sets out that developments should make provision for off-street car parking and explains "In the case of smaller developments, the applicant may be required to demonstrate how the travel needs arising from the development will be met in circumstances where there are concerns about the impact of on-street parking on amenity..." Nowhere in the policy or in the supporting text is it explained what constitutes a "smaller development" so it is unclear whether this policy is properly engaged in the context of a substantial redevelopment proposal for a 70 bed nursing home. It is contended that the appeal proposal cannot reasonably be considered to be a small scheme and therefore the Council's reference to this policy in the decision is erroneous.
- 3.28 Even if the policy were to apply to the appeal proposal, paragraphs 8.48 and 8.49 make clear that excessive on site car parking can be unsightly and that a balance needs to be struck between providing adequate levels of parking to meet economic and regeneration objectives and encouraging people to walk, cycle or use public transport. Paragraph 8.49 goes on to acknowledge that Government policy encourages a reduction in the provision of car parking in new developments as part of a package of measure to promote sustainable travel choices.
- 3.29 At pg.23 of the Committee Report, the Highway Authority notes that the site benefits from a "higher PTAL" which will offset the use of cars and further emphasises the appellant's proposal to agree a Travel Plan which will promote sustainable travel to and from the site.
- 3.30 The London Plan does not prescribe a parking standard for C2 nursing homes but it is considered that the development includes sufficient car parking to meet future operational needs. There is no evidence to suggest that there are unacceptable levels of parking stress locally which would be exacerbated by the proposed development. The Council's objection on this ground is, therefore, considered to be entirely unreasonable and unsustainable.
- 3.31 The Council's final reason for refusal alleges harm to the occupants of no.1 Danson Mead arising from a loss of sunlight and an overbearing impact. This objection is unsupported by any evidence to indicate that there would be a loss of light and given the substantial separation provided between the proposed nursing home and the house and garden of no.1 Danson Mead, the Council is invited to withdraw this objection, which lacks any credibility.

3.32 If the Council does not withdraw this objection then to further underscore its unreasonable nature, the appellant will consider the submission of shadow diagrams and a daylight and sunlight impact assessment to demonstrate conclusively that the development will not have any impact on the residents at no.1 Danson Mead. The appellant will then seek to reclaim this unnecessary and wasted expense as part of a future costs claim against the Council.

Impact on the setting of Danson Park

3.33 The Council's fourth reason for refusal alleges that the development, due to the position, height, bulk and scale would harm the setting of and would cause "less than substantial harm" to the setting of Danson Park, a Grade II Registered Park and Garden. The Council further sets out in the reason that the (unquantified¹) harm would not be outweighed by the public benefits arising from the proposed development.

3.34 Policy HC1 of the London Plan refers to heritage conservation and growth. Part C explains that developments affecting assets and their settings should conserve their significance by being sympathetic to their significance and appreciation in their surroundings. The policy explains that developments should seek to avoid harm.

3.35 Policy CS07 refers to the Welling geographic region, the vision for which is set out immediately before the policy. The Council's vision is described across 3 broad bullet points and includes making Welling play a role in delivering sustainable growth with new development contributing to the preservation of local character. The policy explains that the vision for Welling will be realised by ensuring that development is sympathetic to the area's character and heritage. At part g the policy specifically states an objective to protect and enhance the heritage assets at Danson Mansion and Danson Park.

3.36 Policy CS19 concerns heritage and archaeology and at part c explains the Council will aim to conserve and enhance the significance of assets and their setting. At part d the policy explains that the Council will aim to protect assets from development which would adversely impact on their setting.

3.37 UDP Policy ENV39 concerns the built environment and is a general policy, against which most applications for development in the Borough will be tested. The policy seeks to ensure that developments are designed to a high standard, being compatible with the surrounding area with appropriate landscaping.

3.38 UDP Policy H3 deals with character, requiring that development in primarily residential areas should be compatible, having regard to matter such as layout, scale and massing and the treatment of spaces around buildings.

¹ Unquantified in that the extent of harm (within the category of less than substantial harm) is not stated, as is required by Paragraph 18a-018-20190723 of National Planning Practice Guidance.

- 3.39 Paragraph 199 of the NPPF explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 then explains that where a development would lead to less than substantial harm then that harm should be weighed against the public benefits of the proposal.
- 3.40 In the Committee Report (pg.17), officers set out that the bulk, scale and mass of the proposed development would increase over the current houses but that this would be mitigated by the tree and hedge lined nature of the access to the park, helping to screen the development. Officers further note that the development would be set back from all boundaries fronting the park which would reduce the development's visual impact. The officers concluded that the development would not result in an overbearing visual impact to the entrance or the wider park. Officers concluded that the development would cause less than substantial harm but set out that the benefit of a 70 bedroom nursing home for end of life care and dementia care would outweigh this harm.
- 3.41 The appellant's position in this appeal will be to agree with the Council's assessment that the development would result in less than substantial harm and in evidence it will be set out that the amount of harm is at the lower end of the spectrum of "less than substantial". The concept of the proposal is to be sympathetic to and not conflict with the suburban housing which characterises the area. Danson Road is characterised by a patchwork of architectural styles and the development of the appeal site presents an opportunity to add to this while preserving local distinctiveness.
- 3.42 There are a range of significant benefits arising from the proposed development, which will be demonstrated to heavily outweigh the low level of less than substantial harm, meaning the proposal meets the Government's tests at paragraph 202 of the NPPF.

Impact on family housing

- 3.43 The Council's fifth reason for refusal alleges that the proposed development would be unacceptable due to the loss of four family houses, which would not be outweighed by the benefits of the development. The Council alleges conflict with London Plan Policy H8 and Core Strategy Policies CS01 and CS03.
- 3.44 Policy H8 of the London Plan deals with loss of existing housing and estate redevelopment. At part A, the policy explains that the loss of existing housing should be pleased by new housing at existing or higher densities and at least the equivalent overall floorspace. The policy does not set out to protect family housing.

- 3.45 Core Strategy Policy CS01 refers to achieving sustainable development and sets out to meet the housing targets set by the London Plan². At part b the policy sets out to encourage development which maximises the effective and efficient use of land to contribute to the health and wellbeing of the community. Part c requires that housing provision meets the needs of Bexley's current and future populations, including those who are unsuitably housed. The policy does not set out to resist development resulting in the loss of family housing.
- 3.46 Core Strategy Policy CS03 relates to the Belvedere geographic region and as such is not relevant to the appeal site and appears to have been included erroneously in the reason for refusal.
- 3.47 What can immediately and reasonably be observed is that there is no policy in the development plan which specifically and categorically sets out to resist the loss of family housing in the Borough. Accordingly, there is no policy basis for the Council's fifth reason for refusal and it cannot be sustained. The Council is invited to withdraw its plainly unreasonable objection to the development on this ground.
- 3.48 Indeed, the net effect of the proposal is likely to be the increased availability of family housing in the Borough. Paragraph 7.28 of the London Borough of Bexley Strategic Housing Market Assessment Update 2020 confirms that (in the next 5 years) 46.8% of older households across the Borough aspire to downsize. The provision of specialist accommodation as proposed for 70 elderly persons will assist in facilitating a healthy local housing market and 'free up' under-occupied family housing.

Other matters addressed through the appeal

- 3.49 Although planning permission was not refused in relation to the proposed Energy Strategy, biodiversity net gain and urban greening, the appellant plans to revisit the scheme in respect of these matters to see if the development can further be enhanced. Any additional or updated information produced will be provided to the Council for discussion at an early stage in the process and ahead of Proofs of Evidence being written.
- 3.50 It is the appellant's case that the matter of need for further care home development has not been fully considered during the application process. The PPG 'Housing for Older and Disabled People' identifies a national need for specialist accommodation as being 'critical'. The most elderly amongst the Bexley population is disproportionately high and we will utilise established methodology to illustrate how the Strategic Housing Market Assessment Update 2020 fails to adequately reflect the existing (and growing) shortfall in appropriate accommodation.

Benefits of the scheme:

² At LP Policy H1, LB Bexley's 10 year housing target is confirmed as 6,850 net additional dwelling (an annual requirement of 685 additional homes)

- 3.51 As noted above at paragraph 3.42, the proposed development gives rise to a wide range of benefits which weigh in favour of the scheme. These benefits have been identified in the planning application submitted to LB Bexley and will be further amplified in evidence for the Inspector's consideration.
- 3.52 The appeal site is in a highly sustainable and accessible location, close to shops, cafes and services as well as expansive, attractive parkland. The site's accessible location means it can be reached easily by transport modes other than by private car. The site's public transport connections mean its catchment extends from the outer edges of London to more central areas.
- 3.53 There is very strong evidence which demonstrates that the need for the type of accommodation proposed in the development is increasing and with an ageing population, that need is only going to grow. The development will make a significant and important contribution to meeting evidenced local care needs and providing increased choice in Bexley.
- 3.54 There is strong evidence showing that the development of nursing homes such as that proposed in this appeal facilitates the recycling of family housing elsewhere and this is a benefit of the scheme which will be further evidenced in due course.
- 3.55 The current arrangement on the site provides 4 domestic driveways, each of which provides capability for right hand turns (both on access and egress). The proposed development will establish a simplified and safer highway access arrangement with single access and egress points and no capability for right hand turning when joining Danson Road.
- 3.56 The development will result in the demolition of 4 unremarkable and heavily extended and altered 1930s houses, being replaced by a building of very high quality design, built from high quality materials. The building has been designed by Ryder Architecture, a multi award winning practice first established in 1953 with acknowledged expertise in the healthcare sector.
- 3.57 In addition, the development will give rise to significant economic benefits across its construction and operational phases, including through job creation and increased contribution to Bexley's economy.
- 3.58 Subject to the evidence being commissioned by the appellants, it will also be demonstrated that the development is of a highly energy efficient design and will deliver a bio-diversity net gain.

4. CONCLUSION

- 4.1 This planning appeal is made by Carebase Limited against the decision taken by the London Borough of Bexley to refuse planning permission for the redevelopment of the appeal site, contrary to the clear and robust advice from their planning, design, conservation and highways officers, who recommended that planning permission should be granted subject to conditions and completion of a s.106 agreement.
- 4.2 The Council's decision sets out 6 reasons for refusal, which distil to 5 key matters for assessment in this appeal, comprising the development's impact on the area's character and appearance; the impact of the proposal on highway safety; the impact of the development on residential amenity; the impact of the development on the setting of the Grade II listed Danson Park; and whether the development would involve the loss of family housing and if so whether this is acceptable in the circumstances.
- 4.3 It is the appellant's case that the Council's decision to refuse planning permission was an unreasonable one. The decision ignored the advice of the Borough's expert technical officers and raised objections on matters not supported by policy in the adopted development plan. Accordingly, the appellant will seek an award of costs against the Council through this appeal.
- 4.4 It is the appellant's case that the proposed development is of a very high standard of design, respectful of the area's character and appearance. The development will replace 4 unremarkable houses with a new care home, designed by a multi award winning architect. The new home will be of a scale, design and layout which respects the pattern of development along Danson Road and which will raise the standard of design locally.
- 4.5 The development will not give rise to any unacceptable highway impacts. The development will consolidate the 4 entrances onto Danson Road into a logical in – out arrangement with single access and egress points while ensuring that vehicles will turn left when joining Danson Road. It is therefore considered that highway safety will be improved as a result of the development.
- 4.6 The Council's objection on residential amenity impact grounds is a purely speculative one. There is no evidence to suggest that there would be any adverse light impact on no.1 Danson Mead and no evidence to suggest that parking stress locally will be exacerbated by the development to such an extent that amenity will be harmed.
- 4.7 The appellant agrees with the Council's assessment that the development would cause less than substantial harm to the setting of the listed Danson Park. However, the Council's decision fails to quantify the scale of harm. The appellant has undertaken the necessary exercise to demonstrate that the amount of harm is at the lower end of less than substantial and therefore the countervailing public benefits need only be of commensurately greater weight in order for the test at paragraph 202 of the NPPF to be met.

- 4.8 It is the appellant's case that there are substantial public benefits arising from this development which will heavily outweigh the low level of less than substantial harm to the setting of Danson Park. Accordingly, the development is acceptable in heritage impact terms.
- 4.9 There is no policy in the development plan which resists the loss of family housing in the Borough. The Council's objection on this ground is, therefore, without foundation in policy and it should not be contested. Notwithstanding this fact, the appellant's evidence will demonstrate that the development will give rise to significant housing delivery in the Borough, will provide specialist housing and end of life care for Borough residents in greatest need of such accommodation and will greatly assist in the recycling of family housing across the Borough.
- 4.10 The substantial benefits of the development are not outweighed by the adverse impacts of the scheme.
- 4.11 For the reasons set out within this Statement, the proposals thereby comply with and are indeed supported by policy at all levels. We therefore respectfully ask that the appeal is allowed.

APPENDIX 1 – DOCUMENT LIST

Documents submitted with the application

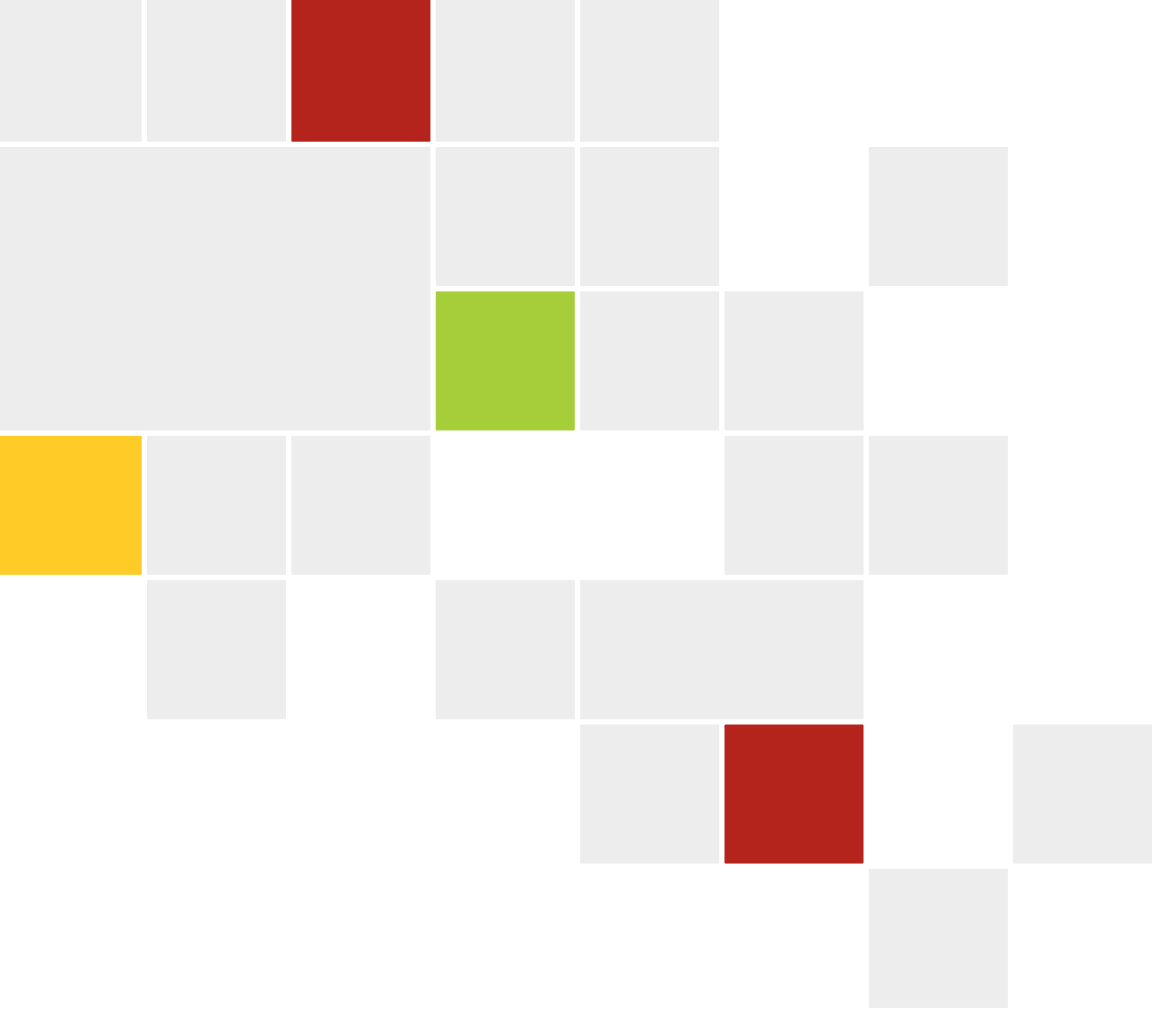
The documents below shown with a strikethrough have been superseded.

- Air Quality Assessment (October 2019)
- Arboricultural Report (June 2019)
- Archaeological Desk Based Assessment (December 2019)
- Demographic Needs Analysis (May 2019);
- ~~Design and Access Statement (December 2019);~~
- Economic Benefits Statement (December 2019);
- Flood Risk / Foul and Surface Water Management Statement (December 2019);
- Heritage Statement Draft 2 (August 2019);
- Landscape and Visual Appraisal (October 2019);
- Noise Assessment (September 2019);
- Nursing Home Proposal (undated);
- Planning Statement (December 2019);
- Preliminary Ecological Appraisal (September 2019);
- Statement of Community Involvement (September 2019);
- Sustainability Statement and Renewable Energy Statement (September 2019);
- Transport Statement (September 2019);
- 12395_TG_P_001 – Illustrative Landscape Plan;
- 12395_TG_P_100 – Landscape General Arrangement Plan;
- 12395_TG_P_300 – Landscape Planting Plan;
- 0401/P3 – Existing Site Plan;
- 0402/P3 – Site Location Plan;
- 0403/P4 – Existing Elevations;
- ~~1003/P5 – Proposed Site Plan;~~
- ~~3000/P7 – GA Ground Floor Plan;~~
- ~~3001/P7 – GA First Floor Plan;~~
- ~~3002/P7 – GA Second Floor Plan;~~
- ~~3003/P6 – GA Lower Ground Floor Plan;~~
- ~~3004/P2 – GA Roof Plan;~~
- ~~3601/P4 – GA Elevations;~~
- 3801/P2 – GA Sections;

Amended documents submitted during the consideration of the application

The table below lists the new and/or updated documents submitted during the course of the application with the submission date provided for ease of reference.

Date Submitted	Documents / Drawings Submitted
25 February 2020	Heathfield Court Parking Survey
01 December 2020	Energy Statement (November 2020); Overheating Assessment (October 2020); Design and Access Statement (September 2020); Cushman & Wakefield letter re: demographic analysis (13 October 2020); 1003/P7 – Proposed Site Plan 3000/P10 – GA Ground Floor Plan; 3001/P8 – GA First Floor Plan; 3002/P8 – GA Second Floor Plan; 3003/P7 – GA Lower Ground Floor Plan; 3004/P3 – GA Roof Plan; 3601/P5 – Proposed Elevations; 3602/P1 – Refuse Store Plan and Elevation; 12395/P09 – Boundary Treatment Plan;
07 January 2021	Designers' Response – Stage 1 Road Safety Audit
12 March 2021	Right Turn Mitigation Strategy (undated); Technical Note (highways) (March 2021) 190320-004/B – Proposed Internal Arrangements;
11 June 2021	Fire Statement (May 2021); Fire Statement Form (June 2021);
21 August 2021	190320-005 - Proposed Refuse Collection Strategy (August 2021) Drainage Strategy (August 2021)



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