

Committee	PLANNING COMMITTEE A	
Report Title	46 Bromley Road SE6 2TP	
Ward	Rushey Green	
Contributors	Michael Johnson	
Class	PART 1	11 May 2017

Reg. Nos. DC/16/098134

Application dated 31 August 2016

Applicant Mrs Hogman Bay Tree House

Proposal Change of use from residential (C3) TO Day Nursery (D1) at 46 Bromley Road SE6 2TP

PL01; PL02; PL03; PL04; PL05; PL06; PL07; PL08; PL09; PL10; PL11, Child Care Nursery Plan April 2017

Background Papers

(1) Case File LE/472/46/TP
(2) Local Development Framework Documents
(3) The London Plan

Designation

Area of Archaeological Priority
PTAL 5
Flood Risk Zone 2
Area of Archaeological Priority
Culverly Green Article 4 Direction
Culverly Green Conservation Area
Not a listed building

Screening N/A

1.0 Property/Site Description

1.1 The application site is a large 2-storey with roof accommodation detached property located on the west side of Bromley Road. The property has relatively large sized front and rear gardens. The surrounding area provides a mix of residential and care homes.

2.0 Planning History

- 2.1 2015: Pre/16/002318 – Pre application submitted regarding the change of use from residential (Use Class C3) to Nursery (Use Class D1) to provide day care for up to 60 Children. Pre application response stated that no identified demand had been demonstrated nor had alternative accommodation considered. On this basis the principle of the use was unacceptable. Furthermore, highway concerns had been identified given the number of children proposed, the limited space within the site and the likely impact on traffic conditions along Bromley Road and the Bus network. The applicant was advised that the current proposal could not be supported.

3.0 Current Planning Application

- 3.1 Change of use from residential (Use Class C3) to Day Nursery (Use Class D1) to accommodate up to 58 Children and 17 staff members together with use of the frontage for children's drop off/pick up.
- 3.2 The proposal will provide nursery spaces for 58 children together with 17 employees. The opening times for the nursery are proposed to be Monday-Friday 8am-6pm.
- 3.3 There are no proposed changes to the front façade of the building which will retain the character of the property. In addition, the original features of the building will be retained as much as possible to allow for the existing residential use to be reinstated where necessary in the future.
- 3.4 The existing rear garden will be used as an outdoor play area ancillary to the nursery.
- 3.5 A buggy shed and cycle storage will be provided to encourage car-free travel to the nursery.
- 3.6 Vehicular access will be via the two existing dropped kerbs. It is proposed that cars can come through via the entrance to the south and exit via the entrance to the north of the site. One disabled parking bay will also be provided.
- 3.7 According to the information provided in the Design and Access and Heritage Statement, the majority of parents (80%) are expected to arrive by foot with only 20% expected to drop off and pick up their children by car. As such,

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the applicant prior to submission and the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded

the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

- 4.2 Site notices were displayed, Press Notice was advertised on 28 September 2016 and letters were sent to 39 neighbouring properties and the relevant Ward Councillors. The Council's Highways team and Conservation were also consulted together with Culverley Green Residents, the Council's 'Children and Young People' and 'Early Years Improvement' teams.

Council Consultation

Written Responses received from Local Residents and Organisations

- 4.3 Seventeen letters in favour of the application were received. The general comments included the following:

- In support of the application due to increasing demand for nursery spaces
- Argue that the house would not be attractive for single family use owing to its location along a red route (Bromley Road) and instead would be suitable for nursery use
- Experienced provider offering a valuable service of good quality early childcare;

- 4.4 Three objections were received from Culverley Green Residents Association and two neighbouring residents at No. 44 and Flat 4, No 44 Bromley Road.

The following concerns were raised:

- Concerns regarding noise from the outdoor play area arising from number of proposed pupils and staff levels;
- Design and Access statement outlines that noise will be mitigated but does not provide information on who this will be achieved;
- Proposal is reliant on parents using public transport to prevent highways impact, this cannot be guarantee;
- Object to the loss of large residential unit which are in demand;
- Over-concentration of nurseries in the area. The proposal will have a greater negative impact on the character of the area;
- Culverley Green Residents Association do not accept the demand for nursery spaces is sufficiently local to the conservation area;
- Culverley Green Residents Association have also raised concerns regarding the predicted parking impact. They argue that the proposal cannot ensure that staff do not travel to the nursery by car and prevent them parking locally if they do so. In addition they do not accept the outlined predicted impact on the highway

One neutral comment was also received raising concerns regarding the proposed number of children likely to attend and the impact this would have on the normal domestic experience of enjoying the gardens for the adjoining properties

The Council's Early Years Quality and Sufficiency Team responded to advise that the Childcare Sufficiency Assessment advised additional spaces will be required in the Rushey Green Area. In addition, the applicant is a known provide and are judged to be 'good' by Ofsted.

The Council's Education Team responded with no objection to the proposal.

- 4.5 The letter of support stated support for all the plans for the regeneration of Beckenham Place Park, especially the BMX track.

Written Responses received from Statutory Agencies

- 4.6 *Transport for London*

- 4.7 Transport for London were consulted several times on this application. The first consultation comments were based on the applicant not providing a Travel Plan with the proposals. It was argued that given the PTAL rating of the site and that most of the users would arrive by foot, a Travel Plan was unnecessary:

Thank you for your letter dated 11th November 2016 seeking comments from Transport for London (TfL) on the above mentioned application. The proposal is located on the A21, Bromley Road, which forms part of the Transport for London Road Network (TLRN). TfL is the highway authority for the TLRN and therefore concerned about any proposal which may affect the safety or performance of this road. Therefore all vehicles associated with the conversion must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions. No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time.

TfL has reviewed the above mentioned application and has the following comments to make:

Vehicle drop-off

- TfL is concerned with the vehicle activity on the TLRN, especially with vehicles stopping on the red route to drop off children to the nursery despite the restrictions, or queuing on the TLRN.*
- The other concern is the increase in the number of vehicle trips, likely to be created by this proposal, no travel arrangements have been proposed to manage parking or drop off/pick up for this, this should be included in a travel plan. The Transport assessment has highlighted the hours of 7:00-10:00 AM as the morning period when children are dropped off, however this period of drop-off seems very long. The majority of parents will drop children off around the same time, which may then cause queueing or illegal parking on the TLRN. TfL therefore requests the applicant implements staggered drop-off times for children at the nursery, to prevent any impact on the TLRN.*

- Tfl carried out its own TRICS survey data for 8:00-9:00 AM peak and the figure of 25 two-way vehicle trips was highlighted which far surpasses the figure of 17 in the proposals transport assessment. Tfl requests the applicant reevaluates figures and carries out further surveys to demonstrate the proposal will have no impact on the TLRN.
- Tfl also seeks clarification on the total amount of cars the driveway is able to park at any one time, as the transport statement states 4-5?

Travel Plan

- A full travel plan will need to be produced, providing parents and staff with information on the transportation options to and from the nursery. More guidance on what the travel plan should contain can be found at: <https://tfl.gov.uk/info-for/urban-planning-and-construction/travel-plans/travel-plan-content>. The travel plan will need to be secured by condition.

Car Parking

- The transport statement indicates there will be the inclusion of one blue badge, this blue badge space should be secured by condition.

Cycle parking

- Tfl notes that the current cycle parking provision for the proposal (six spaces) meets London plan standards. These six spaces should be secured by condition.

Tfl requests additional information is provided and the above points as outlined above are addressed prior to being supportive of the application.

Additional comments were provided further to the above:

We would be looking for:

- Swept paths- to confirm vehicles are able to manoeuvre within red line boundary.
- Travel plan- justification of not needing one isn't accepted, all schools and Nurseries (D1) are required, even more so now with the mayors ambitions to reduce pollution levels.
- Drop off times- applicant looks at the best case scenario, parents may take longer, due to children not settling in etc.
- After reviewing the parking survey again, I would support your interpretation of the parking survey, it does appear that there is no available space in surrounding roads to accommodate additional parking. Therefore I think it is imperative that the applicant produces travel plan; monitors student drop off and provides swept paths showing vehicles are able to manoeuvre within the red line boundary as stated before, as we do not want to see this taking place on TLRN.

Following the submission of a travel plan, Tfl made the following further observations:

I have reviewed the Travel Plan and additional material contained therein which draws on information from the applicants other nursery located at 32 Bromley Road. Based on this, and previous correspondence from TfL and LB Lewisham's highway officer I make the following comments:

- A plan showing the positioning of parked cars within the front garden has been provided within Appendix I of the Travel Plan demonstrating that the stated 8 cars could be accommodated on site. This plan does not provide vehicle tracking to establish if this is actually feasible and my initial reaction is that it is highly unlikely that the proposed configuration could be achieved in a real world situation. It would constant monitoring and direction of parents into particular spaces and require a high number of different movements as well as reversing back out onto the TLRN. This plan again reinforces the need for a well considered Travel Plan to ensuring issues around vehicle queuing and congestion on Bromley Road is avoided.
- The Travel Plan sets a target to reduce travel via private vehicles by 10% over 5 years, this equates to approximately 1 vehicle during the peak drop-off/ pick-up periods. In light of the issues identified above, TfL would expect a more ambitious target (and more robust measures as discussed below) for reducing trips via private vehicles.
- TfL would expect that the marked parking space on-site is limited to use by blue badge holders only. For the purposes of the Travel Plan this would be considered a relevant measure to help disincentivise private vehicle trips by staff (excluding those with a blue badge permit).
- The majority of the initiatives and measures set out within Section 6 of the Travel Plan are considered weak and in some cases do not commit to actually doing anything that would support even the modest targets that have been set. TfL's guidance on Travel Plans requires that they use definite wording that commits to implement a proposed measure. Measures proposed included phrases like "consider", "could" or "may" which read as if the applicant is actually committing to nothing. Examples of more committed measures to promote mode shifts away from private vehicle use by both staff and parents/students that would be appropriate in this instance include:
 - Holding regular walking events (e.g. once per term) such as led walks at lunchtime or after work, and pedometer challenges;
 - A local recruitment strategy and incentives for staff to relocate closer to work;
 - Public transport travel subsidy (eg season ticket loan, Oyster card top up, pre-loaded Oyster card).

I hope you find these comments useful. Please feel free to contact me if you would like me to explain anything or to discuss these matters further.

Responses from Internal Consultees

Highways and Transportation

4.8 As discussed, I have reviewed the Highways Technical Note submitted in support of the application for a nursery at 46 Bromley Road and based on the information provided with the application the proposal is objectionable for the following reasons:-

- The proposed change of use would result in an increase in parking demand when compared to the existing residential use and the number of car trips associated with the proposed nursery use can't be comfortably accommodated within the site or within the surrounding streets adjacent to the site.
- Section 2.11 of the Highways Technical Note states that 15 car drop off trips will arrive at the site in the morning peak (between 8 – 9) and Section 2.12 states that this will equate to a vehicle arrival every 4 minutes. Section 2.12 also states that a vehicle could dwell in the site for up to 10 minutes. So, the proposed use could result in vehicles queuing back onto Bromley Road or could cause significant congestion within the site during the morning peak, particularly as there is the potential for more than 3 vehicles to arrive at the site at same time.
- The parking survey data provided within the Highways Note (Section 3.5) demonstrates there are no available parking spaces available to accommodate the parking demand generated the proposed use. The Parking survey observed parking stress in excess of 100% in the morning peak (between 8 – 9) in the streets surrounding the site, so car drop off trips wouldn't have anywhere else to park in the vicinity of the site if the drop off area in the front garden was full.
- Section 2.11 of the Highways Note states that the nursery can accommodate 8 cars at any one time but he applicant hasn't demonstrated this in any of the drawings submitted with the planning application.
- The applicant hasn't provided swept path analysis to illustrate the vehicle movements within the site and to demonstrate that a safe pedestrian route will be provided through the front garden while drop off activates take place.
- The applicant hasn't provided details of how the front garden will be managed so it is clear of informal parking. As, informal parking will result in vehicles undertaking reversing movements to access/egress the site, either onto a red route road or within the front garden while pedestrians are accessing the site, which would increase the potential for conflict. Section 3.7 of the Highways Technical Note states that staff will assist the pick-up and drop-off process, exerting an element of control over vehicles arriving and departing the site to

ensure that the potential for risks to pedestrian safety within the site remains negligible. But, the technical note doesn't provide details of how the drop off process will be controlled.

- Given the issues associated with car drop off trips to the site, a Travel Plan should be provided that sets out measures to minimise the number of vehicle trips to the site and s to encourage sustainable travel to the site.. However Section 2.11 of the Highways Note states it is considered that a Travel Plan is unnecessary for this development.
- The impact of Staff car parking hasn't been adequately considered. Section 9 of the Design & Access Statement states that no parking will be available for staff at the application site, but it also dates that staff will be able to park at 32 Bromley Road, how much parking is available at 32 Bromley Road?
- The Planning Statement submitted with the planning application make multiple references to nursery making provision for children with special educational needs and the provision of disabled drop off. This provision would change the nature of the current planning application because it could result in more drop off trips by car, longer dwell times during the drop off process and greater space requirements within the front garden. Yet, the Highways Technical Note makes no reference to this provision.

Environmental Health Officer

4.9 It is a detached premises so there isn't going to be transfer of sound across any party wall. The only aspect where noise impact could happen is in the garden area. They've indicated that this will be used to provide an ecological training environment. They've also indicated that children will always be supervised during their time in the garden area. I don't think there is much more that can be asked for.

5.0 Policy Context

Introduction

- 5.1 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.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Other National Guidance

5.5 The other relevant national guidance is:

On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

London Plan 2015 (as amended)

5.6 The London Plan policies relevant to this application are:

- Policy 3.16 Protection and enhancement of social infrastructure

- Policy 3.18 Education facilities
- Policy 3.3 Increasing housing supply
- Policy 3.9 Mixed and balanced communities
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.13 Parking
- Policy 7.2 An inclusive environment
- Policy 7.4 Local character
- Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.

Lewisham Core Strategy (2011)

The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

- Spatial Policy 1: Lewisham Spatial Strategy
- Spatial Policy 5: Areas of Stability and Managed Change
- Core Strategy Policy 8: Sustainable design and construction and energy efficiency
- Core Strategy Policy 14 Sustainable movement and transport
- Core Strategy Policy 15: High quality design for Lewisham
- Core Strategy Policy 19 Provision and maintenance of community and recreational facilities

Development Management Local Plan (2014)

The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

- DM Policy 1 Presumption in favour of sustainable development
- DM Policy 2 Prevention of loss of existing housing
- DM Policy 22 Sustainable design and construction
- DM Policy 26 Noise and vibration
- DM Policy 29 Car parking
- DM Policy 30 Urban design and local character
- DM Policy 31 Extensions and alterations to existing buildings
- DM Policy 42 Nurseries and childcare

London Plan Supplementary Planning Guidance (SPG)

- 5.7 The London Plan SPG's relevant to this application are:
Shaping Neighbourhoods: Play and Informal Recreation (2012)

6.0 Planning Considerations

- 6.1 The main issues to be considered in respect of this application are:

- a) Principle of Development
- b) Noise and Disturbance
- c) Highways and Traffic Issues

6.2 (a) **Principle of development**

- 6.3 This application involves the loss of the existing single family dwelling house and the change of use to a nursery. The principle of development is established in DM Policy 2 'Prevention of loss of existing housing' and DM Policy 42 'Nurseries and childcare' of the Development Management Local Plan (November 2012). DM Policy 2 states that:

1. The Council will only grant planning permission for the loss of housing by demolition, redevelopment or change of use in the following circumstances:

- a) the proposed redevelopment would result in housing gain which regenerate and replace older housing estates in line with an agreed plan or strategy
- b) the land or premises are allocated for another use in an adopted Local Plan
- c) a change of use to a local community service or facility is proposed that meets an identified need
- d) an economic viability study confirms that the dwelling(s) cannot be rehabilitated to a satisfactory standard at reasonable cost
- e) evidence shows that environmental problems are such that demolition and redevelopment is the only effective option.

DM Policy 42 states that:

1. The Council will require applicants for day nurseries and facilities for the care, recreation and education of children to consider:
- a) the acceptability of the loss of the existing use
 - b) traffic volumes and the effect on congestion
 - c) accessibility by walking, cycling and public transport

- d) access, egress, cross-site movement and parking / drop off areas, including for disabled users
 - e) the impact on local residential amenity, including noise
 - f) the need for suitable space for outside play areas.
- 6.4 In order to assess the acceptability of the principle of development, the principle of the loss of the existing single family dwelling must be addressed and a need for the proposed nursery with the Rushey Green ward identified, in line with DM Policy 2 paragraph (c) and DM Policy 42 paragraph (a).
- 6.5 Lewisham Council 'Childcare Sufficiency Assessment and Plans for Extended Entitlement' (2016) states that *"with plans for an extended early education entitlement for eligible children aged 3 and 4 years from September 2017, Rushey Green, Lewisham Central, Forest Hill, Evelyn, New Cross and Perry Vale wards will have greater total numbers of children eligible for these places."* As a result, there will be greater requirements in these wards for *'more flexible early education to meet the needs of working families.'*
- 6.6 As a result of the above, the principle of the proposed change of use is considered to meet the requirements of DM Policy 2 paragraph (c) which provides that planning permission will only be granted where 'a change of use to a local community service or facility is proposed that meets an identified need' and DM Policy 42 paragraph (a). Furthermore in support of the principle, a recent appeal decision at 59 Daneby Road where an appeal against the Council's refusal of planning permission for a change of use of a dwelling house to a nursery in SE6 was upheld, confirmed that up to date 'Childcare gap analysis' were a material consideration in assessing and understanding demand for additional day nursery provision in the area and therefore supporting such proposals in light of DM Policies 2 and 42.
- 6.7 The principle of the proposed change of use is therefore acceptable.

b) Noise and Disturbance

- 6.8 With regard to noise and disturbance from the use of the premises, the main concern would be through the transmission of noise internally through the building, noise from parents dropping off and picking up of children (and all such associated noise), and noise generated from use of the rear garden for play.
- 6.9 The building is substantial in size and detached from its neighbours therefore there is no issues of internal noise or vibration transmission. With regard to comings and goings, the site is located on a main road with significantly high ambient noise levels, vehicular and pedestrian traffic movement in this area close to the town centre. It is not considered that the movement and activity associated with comings and goings would have a significant impact given the backdrop to the sites location.

- 6.10 With regard to use of the rear garden, the Environmental Health Protection officer is satisfied that the level of supervision during play times would be sufficient to mitigate noise from children's play that could be detrimental to nearby residential amenity. Furthermore, the operation of the applicants other site at 32 Bromley Road has not resulted in any complaints from noise nuisance to the Council. The hours of use of the property, as well as play time and levels of supervision could be conditioned if the application were considered to be acceptable to ensure that the operation of the use was appropriate in its setting. In this respect the use of the premises in terms of noise and activity is considered to be acceptable.

c) Highways and Traffic Issues

- 6.11 The Councils concern with the application is based on the highway issues raised by the proposal and the adequacy or otherwise of the applicants to address those concerns.
- 6.12 In this respect the comments of TfL and the Councils highways officers has been set out in full to address the various highway factors. The concerns are based on three elements:
- Impact on the public transport network (Red route) which runs adjacent to the site along Bromley Road.

The applicant has not demonstrated to the satisfaction of TfL and the Councils highways officer that the proposed off street drop off arrangements (car stacking and queuing within the site) could operate without the potential for vehicles to back up into Bromley Road, cause congestion and as a consequence and impact on the free flow of public transport and vehicular flow in general. The applicant has stated that they have experienced no traffic and parking issues at their current site at 32 Bromley Road which accommodates 50 children on a semidetached property. It should also be noted that the proposal includes for children with special needs who may have varying travel and pick up/ drop off requirements and this has not been accommodated in their proposals

- 6.13 The applicants own parking assessment indicates that there is no parking availability in surrounding streets between 8 and 9.am. TfL and the Councils highways officer detail this as a significant concern with a consequent impact on parking and drop of choices at that time.
- 6.14 The applicants Travel Plan is not considered to be robust enough to mitigate concerns and the TfL officer has concerns of meeting even modest guidance requirements. Significant concerns are therefore raised as to the quality and substance of the report.

7.0 Conclusion

7.1 The principle of the proposal in terms of the change of use of the property from residential to D1 Nursery is considered acceptable. The proposal would meet an identified and demonstrated demand for nursery places in the area. However, the proposal is unsatisfactory in highway terms and fails to provide a satisfactory travel plan. In this respect the proposal is likely to have a detrimental impact on the operation of the Public Transport Network and the free flow of traffic along this side of Bromley Road. Furthermore, due to the lack of parking in the surrounding streets, the scale of the proposal due to the number of children to be accommodated could result in further parking stress, congestion, noise and nuisance from vehicles attempting to find limited parking opportunities in the area. This application has been considered in the light of policies set out in the development plan and other material considerations.

7.2

RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reasons:

1), The proposal fails to demonstrate satisfactory drop off and pick up arrangements within the site to ensure appropriate parking and queuing arrangements, having regard also to pedestrian safety within and immediately outside the site. As a consequence the proposal is likely to result in congestion on the public highway to the detriment of the public transport network (red route) and the free flow of traffic along Bromley Road. The proposal is therefore contrary to policies DM42 (b) and (d) of the Development Management Local Plan 2014.

2) The proposal fails to provide a satisfactory Travel Plan to demonstrate mitigation measures against the likely car use for drop off and pick up from the site, nor does it propose robust and committed measures to promote sustainable transport and mode shifts away from private vehicle use by staff and parents when considered against Transport for London guidelines. The proposal is therefore contrary to Policy 6.3 Assessing effects development on travel capacity and policy DM42 (b) and (d) of the Development Management Local Plan 2014.