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DATE: 23 November 2021

To: Members of the
DEVELOPMENT CONTROL COMMITTEE

Councillor Alexa Michael (Chairman)

Councillor Yvonne Bear (Vice-Chairman)

Councillors Vanessa Allen, Julian Benington, Katy Boughey, Peter Dean, Simon Fawthrop, Christine Harris, Colin Hitchins, Samaris Huntington-Thresher, William Huntington-Thresher, Charles Joel, Josh King, Tony Owen, Richard Scoates, Kieran Terry and Michael Turner

A meeting of the Development Control Committee will be held at Bromley Civic Centre on **WEDNESDAY 1 DECEMBER 2021 AT 7.30 PM**

TASNIM SHAWKAT

Director of Corporate Services & Governance

Public speaking on planning application reports is a feature at meetings of the Development Control Committee and Plans Sub-Committees. It is also possible for the public to speak on Contravention Reports and Tree Preservation Orders at Plans Sub-Committees. Members of the public wishing to speak will need to have already written to the Council expressing their view on the particular matter and have indicated their wish to do so to Democratic Services **by no later than 10.00 a.m.** on the working day before the date of the meeting.

The inclusion of public contributions, and their conduct, will be at the discretion of the Chairman. Such contributions will normally be limited to two speakers per proposal, one for and one against, each with three minutes to put their point across.

For further details, please telephone **020 8461 7638**.

A G E N D A

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

2 DECLARATIONS OF INTEREST

3 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Questions specifically relating to reports on the agenda should be received within two working days of the normal publication date of the agenda. Please ensure that questions specifically relating to reports on the agenda are received by the Democratic Services Team by **5 pm on Thursday 25 November 2021**.

- 4 **MATTERS OUTSTANDING FROM PREVIOUS MINUTES** (Pages 1 - 8)
- 5 **PLANNING APPLICATION (20/04838/FULL1) - UNIT 2A FARNBOROUGH WAY, BROMLEY (FARNBOROUGH AND CROFTON WARD)** (Pages 9 - 44)
- 6 **PLANNING APPLICATION (21/02861/FULL1) - CROFTON HALLS (SOUTH), YORK RISE, ORPINGTON (FARNBOROUGH AND CROFTON WARD)**
(to follow)
- 7 **PLANNING APPLICATION (21/03145/FULL1) - 208-212 HIGH STREET ORPINGTON, BR6 0JN (ORPINGTON WARD)** (Pages 45 - 92)
- 8 **PLANNING APPLICATION (21/03220/FULL1) - 32 HOMEFIELD RISE, ORPINGTON (ORPINGTON WARD)** (Pages 93 - 128)
- 9 **DELEGATED ENFORCEMENT ACTION (JULY 2021 TO SEPTEMBER 2021)**
(Pages 129 - 132)
- 10 **COUNCILLOR PLANNING APPLICATION 'CALL-INS'** (Pages 133 - 136)
The Council's [Local Planning Protocol and Code of Conduct](#) sets out how planning applications are dealt with in Bromley.

Agenda Item 4

Report No.
DRR000000

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **Development Control Committee**

Date: **1 December 2021**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **MATTERS OUTSTANDING FROM PREVIOUS MINUTES**

Contact Officer: Tim Horsman, Assistant Director (Planning)
E-mail: Tim.Horsman@bromley.gov.uk

 Ben Johnson, Head of Planning Policy and Strategy
E-mail: ben.johnson@bromley.gov.uk

Chief Officer: Director of Housing, Planning, Property and Regeneration

Ward: Copers Cope; Chislehurst; Bromley Town

1. Reason for report

1.1 For Members to monitor progress against actions outstanding from previous meetings.

2. **RECOMMENDATION**

2.1 **That Members note the report.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: None
-

Corporate Policy

1. Policy Status: N/A
 2. Corporate Priority: Regeneration
-

Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Planning Policy and Strategy
 4. Total current budget for this head: £0.568m
 5. Source of funding: Existing Revenue Budget for 2021/22
-

Personnel

1. Number of staff (current and additional): 10fte
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: N/A
 2. Call-in: Not Applicable
-

Procurement

1. Summary of Procurement Implications: None
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 Appendix A provides updates on progress achieved in regard to requests made by the Committee at previous meetings. Following each meeting, required actions are listed and monitored to ensure that any outstanding issues are addressed in a timely fashion.
- 3.2 As outlined in Appendix A, the matter outstanding from the meeting held on 2 November 2021 has been partly completed, with part to be actioned as per the commentary in the appendix.

Non-Applicable Sections:	IMPACT ON VULNERABLE ADULTS AND CHILDREN PERSONNEL IMPLICATIONS PROCUREMENT IMPLICATIONS
Background Documents: (Access via Contact Officer)	None

PROGRESS ON MATTERS OUTSTANDING FROM PREVIOUS MEETINGS

<u>Minute Number/Title</u>	<u>Updates/Feedback Requested</u>	<u>Action By</u>	<u>Current Status</u>
Meeting held on 2 November 2021 Minute 66 – Resolution 2	Officers be instructed to investigate the status of the Chislehurst and Bromley North Design Guides and report back to the next ordinary meeting of the Committee.	Tim Horsman, Ben Johnson	Actioned – see below.
<p><u>Update</u></p> <p>At the Development Control Committee meeting on 2 November 2021, the Head of Planning Policy and Strategy stated his view that neither the Chislehurst Design Guide nor the Bromley North Design Guide were formally adopted planning policy documents. Members resolved that officers should investigate the status of the Chislehurst and Bromley North Design Guides and report back to the next meeting of the Committee.</p> <p>Summary:</p> <ol style="list-style-type: none"> 1. The Chislehurst Design Guide was noted by the DCC and it was agreed it should inform Borough wide guidance on shopfronts 2. The Bromley North Village Shopfronts guide was produced by the Renewal team to support specific grant allocations as part of the Bromley North Village improvements <p>Neither document was adopted as part of any planning policy nor resolved to be used in planning decisions.</p> <p>Background:</p> <p>Officers have investigated the status of these documents, and the following detail informs the summary conclusions above:</p> <p><u>Chislehurst</u></p> <p>The Chislehurst High Street Shop Fronts – design guide¹ was considered at the Development Control Committee meeting of 10 April 2014². The DCC report³ recommended that: <i>“Members are requested to note the content of the Chislehurst High Street Shopfront Design Guide, and authorise this to be used as a basis for consultation on a borough wide Shopfront Design Guide to be produced by the Council as part of the current Local Plan review.”</i></p> <p>The minutes of the meeting⁴ note the following discussion:</p> <p><i>“Members considered a draft Shopfront Design Guide for Chislehurst High Street, produced by the Chislehurst Town Team and supported by the Chislehurst Society. It was anticipated that the Guide</i></p>			

1

<https://cde.bromley.gov.uk/documents/s50019460/DRR14046%20Enc.%201%20for%20SHOPFRONT%20DESIGN%20GUIDE.pdf>

² <https://cde.bromley.gov.uk/ieListDocuments.aspx?CId=133&MId=4427>

³ <https://cde.bromley.gov.uk/documents/s50019459/DRR14046%20SHOPFRONT%20DESIGN%20GUIDE.pdf>

⁴ <https://cde.bromley.gov.uk/documents/g4427/Printed%20minutes%20Thursday%2010-Apr-2014%2019.30%20Development%20Control%20Committee.pdf?T=1>

would provide a framework for existing and new owners to deliver a sensitive approach to shop front design and signage and protect buildings from insensitive change over time.

Members considered adopting the Guide as a basis for consultation on a borough wide shopfront Design Guide to be produced by the Council as part of the current Local Plan review.

The Chairman outlined the report and commended the Chislehurst Town Team for producing an excellent report.

Councillor Boughey echoed the Chairman's commendation. She reported that the Chislehurst Town Team in conjunction with the Chislehurst Society had spent a great deal of time and effort in producing the document as could be seen in the completed article. Whilst the report could not be included in the London Plan, Councillor Boughey commended the document as a blueprint to be used as guidance for the local borough.

RESOLVED that:-

- 1) the content of the Chislehurst High Street Shopfront Design Guide be noted; and
- 2) the Chislehurst High Street Shopfront Design Guide be used as a basis for consultation on a borough wide Shopfront Design Guide to be produced by the Council as part of the current Local Plan review.”

Based on the above DCC resolutions, it is clear that the intention was to use the document to inform the production of borough-wide shop front guidance. Although under the previous management team in Planning this Borough wide guidance was not subsequently produced, it is now being prepared and will be included as part of the Bromley Design Guide SPD, due to be brought to committee in early 2022.

Bromley North

The Bromley North Village Shopfronts – design principles⁵ document formed part of a wider agenda item – Town Centre Development Programme Update – considered at the Renewal, Recreation and Housing Policy Development and Scrutiny Committee meeting of 10 July 2012⁶. This item was led by the Council's Renewal team and not the Planning Authority.

The officers report⁷ discussed various ongoing actions as part of the Town Centres Development Programme, including discussion of a Shop Front Improvement Scheme funded as part of the Mayor of London's Outer London Fund:

“Shop Front Improvement Scheme

3.6 *The successful Bromley Town Centre OLF Round One Bid included provision for the preparation and launch of a shop front improvement scheme based around the historic core of Bromley North Village. The Council considers that it is vital that the proposed investment in the public realm improvements should be mirrored by improvements to the fabric of the shop fronts and wider facades, which will truly enhance the quality of the built heritage in the Village area. Using the analysis of the shop fronts in the area and the production of a High Street Design Guide for Bromley North Village funded by Round One. A copy of the design guide is attached as Appendix 3. It is proposed that £150k of the OLF Round 2 award will provide capital funding to support the establishment of the shop front improvement scheme. This amount is based on a critical assessment*

⁵<https://cds.bromley.gov.uk/documents/s50001920/Enc.%203%20for%20Town%20Centre%20Development%20Programme%20Update.pdf>

⁶ <https://cds.bromley.gov.uk/ieListDocuments.aspx?CId=117&MId=4131>

⁷<https://cds.bromley.gov.uk/documents/s50001917/Part%201%20Town%20Centre%20Development%20Programme%20Update.pdf>

of the shop fronts in the area and the likely take up of improvement grants based on the experience of other existing improvement schemes.

3.7 Priority blocks have been identified through a detailed on site analysis and work is ongoing with the owners of these blocks to assess the potential for a realistic improvement programme. The fund will be used to support physical improvements to fascias, frontages and facades and could include the addition or replacement of awnings.”

The minutes of the meeting⁸ do not show any specific discussion of the shopfront guide.

A report evaluating the Bromley North Village improvements was discussed at the Renewal, Recreation and Housing Policy Development and Scrutiny Committee meeting of 22 November 2016⁹. The committee report does not reference shop front improvements, but the appended Outer London Fund Evaluation report (February 2015)¹⁰ does have some commentary. The report notes (on page iii) that the project has resulted in 25 shop fronts being improved. On page v, the report states: *“The project has shown strategic leadership in helping to identify the challenges facing Bromley town centre and in designing and delivering interventions to respond to these. The shop front improvement project in particular has been identified by the GLA as being a best practice example in the successful delivery of such a scheme. The Bromley North Village project has also been identified as exemplary for the transformation nature of the scheme on the image of the local environment.”*

Also on page v, the report notes:

- *“The project has also succeeded in securing a number of forms of leverage, including additional council funds to support delivery (including possible future extension of the public realm scheme), a greater amount of match funding from business owners for shopfront improvements than was originally expected, and additional resource from the Cathedral Group in the form of support for interventions around St Mark’s Church.*
- *“The projects have been extremely successful at securing engagement from a wide range of stakeholders, including businesses (including as part of the shopfronts scheme), local community, arts and cultural groups (including the Churchill Theatre, St Mark’s Church) and wider town centre stakeholders (such as Network Rail, the Intu Centre and the Cathedral Group). The project has also led to stronger political support to tackle issues within local areas as demonstrated by the support for the new BID Working Group.”*

Page vi details some of the notable project achievements, which includes:

“Ambition and Quality of Delivery: A number of the interventions delivered have been described as exemplary, in the context of other delivery across London, most notably the shop front improvement scheme.”

The minutes of the meeting¹¹ do not show any specific discussion of the shopfront guide.

A further report evaluating the Bromley North Village improvements was discussed at the Renewal, Recreation and Housing Policy Development and Scrutiny Committee meeting of 26 January 2017¹².

⁸ <https://cds.bromley.gov.uk/documents/g4131/Printed%20minutes%20Tuesday%2010-Jul-2012%2019.00%20Renewal%20Recreation%20and%20Housing%20Policy%20Development%20and%20S.pdf?T=1>
⁹ <https://cds.bromley.gov.uk/documents/s50043754/DRR16083%20BROMLEY%20NORTH%20VILLAGE%20POST%20COMPLETION%20REPORT%20UPDATE.pdf>
¹⁰ <https://cds.bromley.gov.uk/documents/s50043755/Enc.%201%20for%20BROMLEY%20NORTH%20VILLAGE%20IMPROVEMENTS%20EVALUATION%20UPDATE%20REPORT.pdf>
¹¹ <https://cds.bromley.gov.uk/documents/g5698/Printed%20minutes%20Tuesday%2022-Nov-2016%2019.00%20Renewal%20Recreation%20and%20Housing%20Policy%20Development%20and%20S.pdf?T=1>
¹² <https://cds.bromley.gov.uk/ieListDocuments.aspx?CId=117&MId=5700>

The committee report¹³ does not discuss the shop front improvements specifically, but the appended Bromley North Village Improvement Scheme Impact Review – draft report (November 2016)¹⁴ does have a number of references. Table 2.1 (on page 3) notes the aims of the Bromley North Village Shop Front Improvements delivery strand, and also notes the projects delivered. Adoption of a shop front guide is not part of the aims; rather, the aims relate to specific physical improvements.

The report discusses project legacy and next steps on page 16:

“4.7 Survey work has highlighted a number of potential areas of focus for the council and its partners in working to deliver a strong legacy:

- *Ensuring that the quality and appearance of Bromley North Village continues to be maintained, both in terms of day to day street cleaning and maintenance but also wider streetscene enhancements (eg working with the BID to encourage and provide advice to businesses to invest in shop front upgrades)...”*

The guide was produced by the Renewal team and not the Local Planning Authority to support specific grant allocations as part of the Bromley North Village improvements and not therefore adopted or approved for use as part of determining planning applications.

The minutes of the meeting¹⁵ do not show any specific discussion of the shopfront guide.

Based on the above information, the intent of the Bromley North Village shopfront guide seems to have been to guide specific shop front improvements to be funded by the Outer London Fund. In this context, the guide sets out key principles for these improvements and was a tool in drawing match funding from shop owners. The Mayor of London’s summary of this project¹⁶ also affirms this:

“Building frontages

In Bromley North Village, the council is using funding to make a range of improvements to a large number of shop fronts. This includes upgrading signage and canopies, new vinyl window lettering, repainting and cleaning. A selected number of shop fronts are also being entirely replaced. This strategy, which has drawn in considerable match funding from the traders, is making a more coherent high street, with designs that are more sensitive to the attractive buildings in the North Village Conservation Area. The changes are helping to make Bromley a more appealing investment prospect in the long term.”

¹³

<https://cde.bromley.gov.uk/documents/s50045597/BROMLEY%20NORTH%20VILLAGE%20POST%20SCHEME%20EVALUATION%20REPORT.pdf>

¹⁴<https://cde.bromley.gov.uk/documents/s50045586/Enc.%201%20for%20BROMLEY%20NORTH%20VILLAGE%20POST%20SCHEME%20EVALUATION.pdf>

¹⁵ <https://cde.bromley.gov.uk/documents/g5700/Printed%20minutes%20Thursday%2026-Jan-2017%2019.00%20Renewal%20Recreation%20and%20Housing%20Policy%20Development%20and%20.pdf?T=1>

¹⁶ <https://www.london.gov.uk/what-we-do/regeneration/regeneration-project-bromley-town-centre>

<u>Minute Number/Title</u>	<u>Updates/Feedback Requested</u>	<u>Action By</u>	<u>Current Status</u>
Meeting held on 2 November 2021 Minute 66 – Resolution 2	The Bromley North and Chislehurst design guides are also published on the Council website as informal documents pending their incorporation into the design guide as well.	Tim Horsman, Ben Johnson	Not Actioned – see below

Update

Linked to the resolution described above, members requested that the Bromley North and Chislehurst design guides are published on the Council website as informal documents pending their incorporation into the design guide.

Given the details of officers' investigation into these guides (as set out in the table above), and the fact that there was never any decision made by Development Control Committee to adopt either document (even for informal purposes), officers seek a steer from members regarding whether they wish these documents to be published on the same basis as the Beckenham shopfront guide, i.e. as informal documents pending their incorporation into the design guide as well.

Since the last DCC meeting, officers have sought to establish an appropriate place on the website where the Beckenham shopfront guide (and possibly the Chislehurst and Bromley North guides as well) can be hosted, with some wording that accurately reflects the status of the documents. It is currently uncertain when the documents can be uploaded, as there is currently a website content freeze for non-essential updates. However, ahead of the guides being published on the website, officers in Development Management will be made aware of the documents and that DCC consider them to represent best practice, but with the caveat that they are informal documents.

Finally, officers involved in the ongoing preparation of the Bromley Design Guide SPD will have regard to the three guides when preparing the shopfront design guidance section of the document.

Agenda Item 5

Committee Date	1 st December 2021	
Address	UNIT 2A FARNBOROUGH WAY (Frankie & Benny's) FARNBOROUGH ORPINGTON BR6 7DH	
Application number	20/04838/FULL1	Officer Agnieszka Nowak-John
Ward	Farnborough and Crofton	
Proposal (Summary)	Demolition of existing buildings on site. Redevelopment to provide a food store (Class E) and associated access, car parking, and landscaping works.	
Applicant	Agent	
ALDI Stores Ltd.	Miss Katia Clarke Planning Potential Ltd.	
Reason for referral to committee	Strategic/Major Development	Councillor call in Yes (Due to local interest)

RECOMMENDATION	Refuse Planning Permission
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<p>KEY DESIGNATIONS</p> <ul style="list-style-type: none"> • Biggin Hill Safeguarding Area • London City Airport Safeguarding • Smoke Control

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Former A3 Use Class (Restaurant)	379

Proposed	E Use Class (Food store)	1,790	
Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	25	46	24
Disabled car spaces	NA	3	3
Cycle	NA	33	33

Electric car charging points	2
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Representation summary	<p>Consultation on the original proposal took place in January 2021. Subsequent consultation on the revised scheme started in September 2021.</p> <p>Neighbour letters were sent on 17th September. A press advert was published in News Shopper on the 29th September.</p>
Total number of responses	301
Number in support	133
Number of objections	161
A petition against the proposal with 64 signatures was received on 20 th January 2021.	

Section 106 Heads of Term	Amount	Agreed in Principle
Carbon Offset	£33,864	TBC
Monitoring Fee	£500	TBC
Total	£33,864	TBC

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would promote a retail development that is excessively dependent on the private motor car, thereby inconsistent with the overarching strategy of promoting sustainable transport and minimising greenhouse gas emissions.
- The proposed building would introduce a significant and discordant feature into an established townscape and residential view.

- The proposal would result in a material harm to the residential amenities of the adjacent occupiers at No. 15 Palmerston Road and, to a lesser degree, No.14 Palmerston Road.

1. LOCATION

- 1.1 The application site measures 0.32ha and is located on the southern side of Farnborough Way. The western part of the site comprises a single storey building previously by Little Chef Restaurant and most recently Frankie and Benny's. The eastern part of the site has a historic use as Darwin Petrol Filling Station.
- 1.2 The site is approximately 200m in length and approximately 33m at its widest point. Along its length, the boundary of the site is consistent with the alignment of Farnborough Road (to the north) but more irregular in shape to the south, where it abuts several residential properties and gardens of Palmerston Road, Pitt Road and Cobden Road.

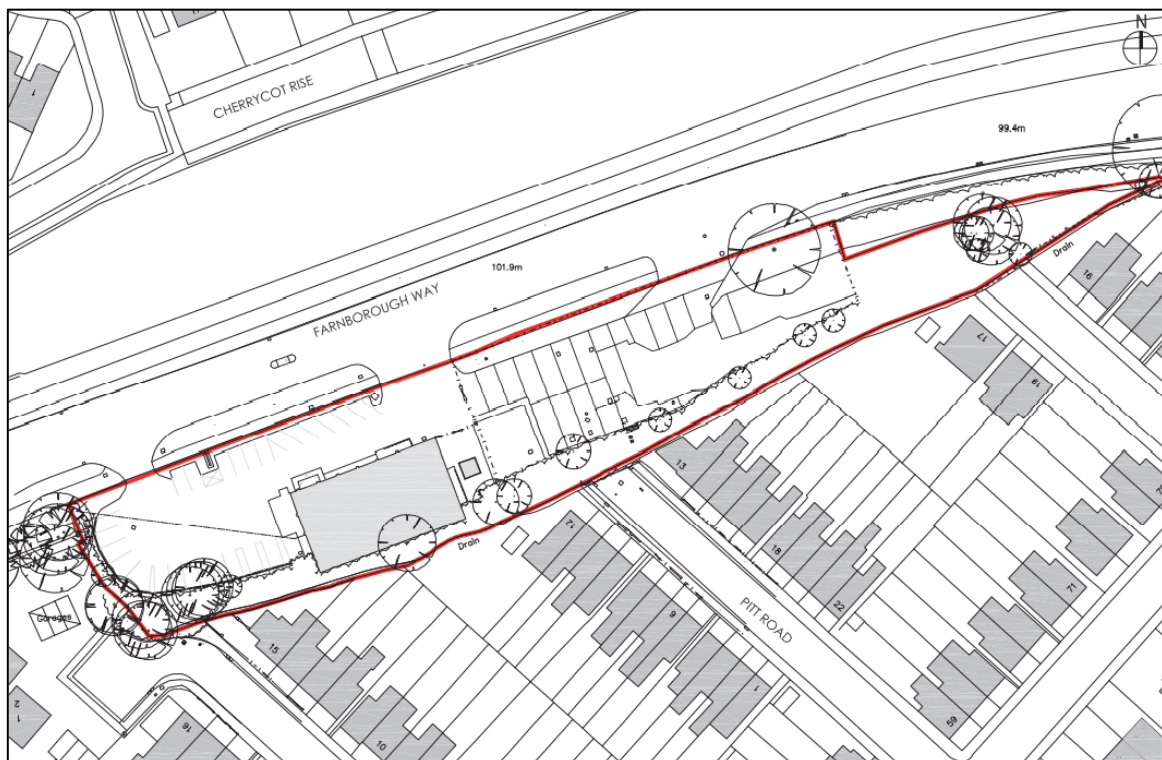


Fig.1 Site Location Plan.

- 1.3 There is an approximate 3m level change between the site and the neighbouring residential area to the south. The steep bank which forms this boundary contains a variety of mature trees and shrubs. A mature London Plane tree situated to the north-west of the site fronting Farnborough Way on the A21 frontage is covered by a TPO.
- 1.4 The site lies within Flood Zone 1.

1.5 The site has a PTAL rating of 1a/1b (very low public transport accessibility) and currently has two dedicated vehicular accesses of the highway. Farnborough Way (A21) forms part of the TFL network.

2. PROPOSAL

2.1 Permission is sought for the demolition of the existing Frankie and Benny's building and the redevelopment of the site to include as follows:

- An Aldi food store of 1790sqm, offering 1056sqm of net retail sales area;
- A level car park with 49 spaces, of which three will be reserved for disabled users, three would be reserved for parents with young children and two would be active electric vehicle charging spaces;
- 11 long term cycle storage spaces would be provided for staff within the proposed store, with 22 short stay spaces available for customers within the car park.

2.2. The proposed building would be approximately 54.2m long at its longest point and 27.5m wide at its widest point. The height of the proposed building, on the southeast boundary has been set at 10.5m.

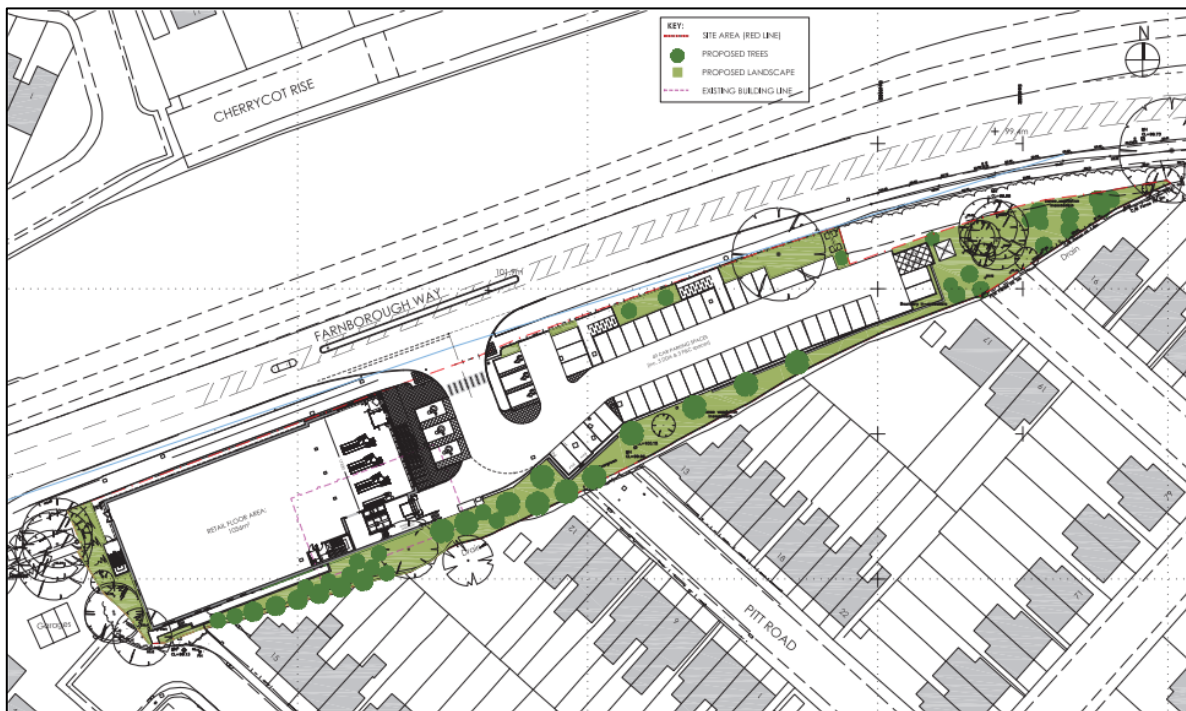


Fig.2 Proposed Site Plan.

2.3 The ground floor would comprise of 1,093sqm retail space, 45sqm amenity space and 83sqm warehouse. The lower ground floor would incorporate 200sqm amenity space and 402sqm warehouse. There would also be a 17sqm staircase providing access to the roof plant.

- 2.4 The store would be open between 08:00 to 22:00 Monday to Saturday and a six hour operating period on Sunday, with delivery times specified as 07:00 – 21:00 Mondays to Saturdays, and 09:00 – 17:00 Sundays. It is anticipated that the store would employ 40-50 members of staff.



Fig.3 CGI view of the store from Farnborough Way.

Amendments

- 2.5 In response to various concerns raised by officers, the scheme has been amended and publicly consulted. The key changes include as follows:
- The proposed building has been pulled away from the southern boundary and would sit over 2.1m further north than the existing Frankie and Benny's building. This has included moving the delivery area/ access stair into the retail area;
 - The lobby and glazing have been reduced in relation to this and the higher flat roof moved away from the Southern boundary;
 - Consequential reduction of 50sqm in GIA /retail area;
 - Increase in landscaping through greater retention of existing vegetation as well as new planting;
 - the main mass of the building facing North has been reduced by 0.6m;
 - redesign of the southern elevation with introduction of gables and an artificial green wall
 - changes to the car park layout and the relocation of cycle parking;
 - the proposed delivery hours have been amended
- 2.6 Additionally, all relevant technical reports have been updated to either provide additional information or reflect the above changes.



Fig.4 South Elevation facing residential units.

3. RELEVANT PLANNING HISTORY

Little Chef/Frankie and Benny's (western part of the site)

- 3.1 05/02444/FULL1 – Single storey side extension and elevational alterations. Approved on 01.09.2005.
- 3.2 08/01025/FULL1 – Creation of outside seating area including erection of decking/screening and parasols and relocation of 2 parking spaces. Refused on 13.05.2008 for the following reasons:
- 1 The proposal would result in a seriously detrimental impact on the amenities of nearby residential properties by reason of the likely increase in general noise and disturbance, thereby contrary to Policies BE1 and ER8 of the Unitary Development Plan.
 - 2 In the absence of sufficient information to indicate the proposed on-site car parking arrangements, the proposal is considered to be prejudicial to the free flow of traffic and conditions of general safety within the development, contrary to Policy T18 of the Unitary Development Plan.
- 3.3 15/00586/FULL1 - Elevational alterations to external walks to incorporate cream render finish. Approved on 09.04.2015.

Darwin Filling Station (eastern part of the site)

- 3.4 08/00930/OUT – Erection of 2 detached single storey buildings (225sqm each) for retail use (Class A1) with associated car parking and alterations to vehicular access (OUTLINE). Refused on 15.09.2008 for the following reason:

1 The application site is not within any shopping centre and as such Policy S6 of the Unitary Development Plan does not apply to the proposal. The proposed development for 2 retail units and associated car parking would be contrary to Objective 4 of Chapter 11 'Town Centres and Shopping' and Policy S7 of the Unitary Development Plan, and no convincing case has been made that the proposal would not prejudice the vitality or viability of existing shopping centres in the Borough.

3.5 09/00625/OUT – Detached single storey building for retail use (Class A1) with associated car parking and alterations to vehicular access (OUTLINE). Approved on 30.04.2009, but not implemented.

4. CONSULTATION SUMMARY

4.1 Statutory

- **TFL – RAISED CONCERNS**

Original Comments:

The site lies on Farnborough Way, which forms part of the Transport for London Road Network (TLRN). TfL is the highway authority for the TLRN and any changes to the TLRN will require a s278 agreement with TfL.

The site has a very low public transport accessibility level (PTAL) of 1, on a scale of 1-6. Access by bike and foot is also poor, for example the site is fenced off the residential streets to the south and Farnborough Way itself creates a degree of severance from the north. It is therefore questioned if this is an appropriate location for a high car trip generating food retail development. The development is likely to be contrary to Policy T1 of the London Plan, namely:

'development proposals should facilitate: 1) the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041'

Policy T6.3 states: *'New retail development should avoid being car-dependent and should follow a town centre first approach, as set out in Policy SD7 Town centres: development principles and Development Plan Documents.'*

The NPPF states that *'Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'* And *'where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre.'*

This is also reiterated in the Bromley Local Plan (para 6.2.10).

It is extremely hard to argue that this site is either 'well connected to the town centre' or 'accessible'.

Notwithstanding this fundamental concern, should you be minded to approve the application we would wish for vehicle movements to be minimised as far as possible, with consequent encouragement of walking and cycling through good site layout design, travel plan and complimentary off-site measures. To this end I have the following observations:

The car parking is in excess of London Plan standards (up to 1 space per 50 Sqm GIA).

The proposed left in-left out access junction will limit impact on traffic flow on Farnborough Way that could occur with right turning traffic, however it raises a concern it will encourage U-turn movements. This is not a problem to the west with the roundabout at the end of Tubbenden Lane allowing for this. However, left-out only could lead to U-turns in the carriageway of the A21, or at the junction with Starts Hill Road for vehicles wishing to travel eastwards. A longer central island to prevent U-turns on the road may help, but balanced against the fact that the central hatched area is useful space for motorised vehicles to give on-carriageway cyclists a wider berth, and central reserves can also encourage poor pedestrian crossing behaviour. 'No U turn' signage may be needed. This issue will need to be considered and addressed as part of the s278 works, should planning permission be granted.

To accord with NPPF requirement of giving priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas, gaps in the proposed fence for pedestrians and cyclists should be provided at least at the end of Palmerston and Pitt Roads. The footpath connecting Hartington Road and Farnborough Way could also be improved, putting a gap in/removing the fence at Hartington Road and connecting this footpath to Crabbs Croft Close. These measures would greatly reduce the walk/cycle time from the road to the south of the site.

A formalised pedestrian crossing e.g. zebra crossing on Farnborough Way in the vicinity of the existing island adjacent to the site would improve access to/from the site from the north and the eastbound bus stop. The pedestrian connection to the Davis Estate (east of Tubbenden Lane) would further be improved with a formal crossing just to the west of the Tubbenden Roundabout. These will need to be considered and delivered through the s278 works.

The footways on the A21 are shared pedestrian and cyclists, but are not compliant with the London Cycle Design Standards, generally being narrow. Given the increase in activity with the development, the southern footway adjacent to the site should be widened at least between the Tubbenden crossing mentioned above and the pelican crossing to the west of the site, with new signs provided, again for delivery as part of the s278 works.

The construction management plan should be secured as a 'reserved matter' for approval by the council in consultation with TfL, should planning permission be approved. Similarly, a travel plan should be required, to be approved by the council

and focussed on encouraging access by non-car modes and promoting local home deliveries, which could potentially be made by bike.

Comments on Revised Proposal

My comments remain valid, but I have the following additional comments in response to the revised planning application.

The size of the store is reduced, which should reduce the number of car trips, although I note the car parking still exceeds London Plan standards.

It is disappointing to see there is still no direct pedestrian access to the residential streets immediately to the south e.g. Pitt Road. The supporting letter from the applicant states:

'Feedback from many residents who live locally...have specifically commented on the accessibility of the site and their ability to walk to the store'.

Ironically, for the residents who live closest to the store, it may be quicker and more convenient to drive, due to indirect and convoluted walking routes. As such, I would still recommend at least one direct pedestrian-only access to the south. Any risk of overspill car parking is likely to be limited, particularly if you accept an on-site car parking level in excess of London Plan standards, and there could be a requirement for the applicant to monitor this. If there is a problem, then the access could be closed.

- **Thames Water – No Objection**

Waste Comments

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement." Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would

have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Water Comments

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

Supplementary Comments

The information provided is not sufficient for Thames Water to gain technical assurance that the proposals will pose negligible risk to our below ground infrastructure. Please submit a piling/foundation layout plan clearly indicating the locations of all piles/foundations to be installed on the development site. This plan

should show the positions of the piles/foundations in relation to Thames Water clean water assets and sewers and local topography such as roads (please include road names), existing buildings and/or any other notable features. Thames Water require drawings indicating the location of all piling and the clearances between the face of the piles to the face of our pipework.

If any basements are intended to be constructed as part of the development, please clearly indicate the location and footprint.

The Developer is also requested to confirm whether they have been in touch with Thames Water to discuss or arrange for the abandonment of any existing assets beneath the development site.

4.2 Local groups

- The Royal Society for the Protection of Birds (RSPB)

The RSPB Bromley Local Group wishes to comment on this planning application. If Bromley Council intends to grant permission for the above planning application, we recommend you make the installation of multiple swift nest boxes a planning condition.

- Orpington Field Club & Bromley Biodiversity Partnership Sub-group

Bromley Biodiversity Partnership and Orpington Field Club members were pleased to see that existing vegetation is to be retained at the eastern end of the Planning Application site but concerned re the loss of the woodland strip to the south, apart from the removal of cherry laurel. Whilst a native species rich hedgerow as proposed is a very good option for this area some of the existing scrub and trees should be incorporated into the new planting. This would help retain some continuity for the existing biodiversity whilst the native hedgerow is growing and is particularly important since it was noted that Noctule bats which are declining significantly in London (see Bromley's Species Action Plan for bats, P.1) were recorded commuting and foraging around the existing building and adjacent wooded belt (see Ecological Assessment P.8). Besides the loss of habitat, loss of scrub and trees and disturbance to the soil beneath releases CO₂ to the atmosphere (see Bromley Biodiversity Plan 2021-2026) hindering LBB's target to reach Net Zero Carbon by 2029.

Any artificial lighting must be directed away from native planting as it disturbs the diurnal rhythm of animals including bats and their prey.

A native species rich hedgerow should also be planted to the front of the site instead of the formal planting of cherry laurel (*Prunus laurocerasus*) hedging. As stated in the Ecological Assessment cherry laurel is on the LISI list of invasive plant species see Paragraph 7.9, 'Cherry Laurel was recorded in the wooded belt on the southern boundary of the site. This is categorised as an invasive species in London by the London Invasive Species Initiative (LISI). In accordance with best practice, it is advised this species is removed from the site and omitted from any further landscaping of the site.' See also Bromley Biodiversity Plan 2021-2026, Chapter 6, P.155, Invasive Non-native Species and Appendix D, Table XIV. Removal of Cherry Laurel and not using

this plant on this site is of particular importance due to its proximity to Darrick & Newstead Woods, a SINC and Local Nature Reserve (0.1kms). As well as being very invasive and therefore damaging ancient woodland ground flora, most of the plant is poisonous. However, birds are able to eat the berries and then deposit the stones/seeds beneath trees where they roost at night- e.g. in Darrick and Newstead Woods LNR. The council spent money in the past removing it from the ancient woodland in Darrick Wood and volunteers continue to spend many, many hours cutting and removing it, whilst contractors have to use pesticides to poison the stumps.

Bromley Biodiversity Partnership and Orpington Field Club members therefore recommend that planning permission should be conditional on the following:

- Some of the existing woodland belt to the south of the site to be retained alongside the new native mixed species hedging.
- A native species rich hedgerow to be planted to the north of the site to replace proposed formal cherry laurel hedging.
- No invasive non-native species (e.g.cherry laurel) to be incorporated in the landscaping.
- Artificial lighting to be directed away from native habitat and planting, at least to the south and east of the site as recommended in the Ecological Assessment (para 5.3.13).
- Given the high number of nearby hedgehog records and the fact that these animals may travel up to 2kms /night, all scrub/ground cover clearance to be done with care and not during the hibernation period (October to April inclusively). Any Hedgehogs found must be relocated to the margins of the site. Any clearance of log piles or areas of dense vegetation cover must be checked before clearance work to ensure that Hedgehogs are absent.
- Before any scrub clearance (including removal of long grass) the area should be checked for hedgehogs, reptiles and nesting birds by an ecologist, with any birds nests in use left in situ until the young have fledged.
- A precautionary approach to the removal of the ridge tiles is taken as per Ecological Assessment and In the considered highly unlikely event any bats are encountered works must cease and advice sought from Natural England.
- A bat brick and at least 2 swift bricks to be incorporated into the new building (away from the lit areas) as a contribution to biodiversity net gain.

4.3 Adjoining Occupiers

Objections

Design see section 6.2

- Height disproportionate to the houses in Palmerston Road.
- Height above tree level and will be seen in all directions in this semi-rural location
- Building will be intrusive.
- It will dominate the end of the road.
- Too big for the site, designed to maximise.
- Very ugly and industrial looking
- Size and height of the building being incongruous to the local landscape.
- not in keeping with the Victorian-era character/charm of the nearby houses/roads backing onto the proposed site, i.e. Palmerston Road, Pitt Road, Cobden Road, Gladstone Road, and the Village as a whole, ruining the look and feel of the street.

- Obvious eyesore within the village.
- Revisions are a half-hearted attempt at getting the building to blend in with the surroundings of our roads, it still doesn't blend in at all and the overall size of the building dwarfs our properties.

Amenity see section 6.3

- Loss of light.
- Loss of privacy and overlooking of the back gardens.
- Littering from the car park
- Noise of customers talking and door slamming.
- Opening hours too long.
- Overshadowing of the houses.
- Proposed screening planting unrealistic due to level change.
- Proposed trees would take years to mature enough to provide adequate screening.
- Green wall unrealistic.
- Undue proximity to the residential houses.
- Security of the gardens.
- Added pollution, including air, dust, traffic, light and noise, increased exhaust fumes from an increase in traffic.
- Air pollution from people smoking in car park.
- Compromise of the view.
- Health and safety: the demolition and the construction will take many months and at one point there will be an open sewer. Discharge of sewage to the surface this could be hazardous there could be a potential for spread of the disease and Covid which would clearly have an adverse effect on health especially during the pandemic and the precarious times we are living in regarding her health especially breathing difficulties.
- The amount of waste produced by a supermarket will have considerable impact on the environment around the building, bringing in more loud vehicles i.e. bin lorries.
- A 2.4 m in height fence not tall enough to maintain residents privacy. No acoustic barrier shown.
- Construction noise.
- Attraction of vermin and increase in rodent activity and other pests such as rats and foxes.

Transport see section 6.4

- Stores should be built in locations where people can walk, cycle or travel by public transport. contradictory to the measures the Mayor of London is trying to introduce.
- Parking is not sufficient in relation to the size of the store.
- If there were to be an average of 12 staff on shift at any one time, plus changeover. This would reduce the available spaces to 37 max.
- Insufficient car spaces would lead to parking in the already congested neighbouring roads.
- Insufficient parking would inevitably cause queuing on the A21 as customers wait for spaces to become available. There is already queuing at the roundabout at the bottom of Farnborough Hill this can only get worse.

- No contingency has been offered in the planning documents (as far as I can tell) for any overflow solution. Where are cars/customers supposed to wait when the car park is full?
- Additional traffic which will cause bottleneck in A1 Farnborough Way.
- Only one entrance in/out from a major Arterial Freeway.
- Congestion for entry and departure.
- The proposal to make a "no right turn" from the site inevitably pushing traffic through Farnborough Village in order to travel back in the direction of Green Street Green, past the primary school which is unacceptable.
- Slow traffic will make the area accident prone caused by impatient drivers.
- Additional traffic through the village from drivers wanting to avoid the busy A21 causing major disruption and concerns for road safety.
- Additional traffic will cause delays to ambulances travelling to the hospital.
- Slowing of traffic on this section of the A21 for drivers who use the road to get to and from other destinations.
- The traffic survey was conducted over the weekend the traffic is nowhere near as bad at the weekend so this is not a good reflection of traffic Monday to Friday;
- The idea that people will walk to the store is unrealistic. The vast majority of shoppers will be purchasing too much to carry whilst walking and so will drive. There has been no evidence submitted by Aldi or an independent agency of surveys at their existing stores which might detail the statistical evidence of their customers - how many drive, how many use public transport, how many walk, how many cycle, etc. It seems obvious to me that whilst a small minority may walk or cycle or use public transport, the vast majority of shoppers drive.
- It would not be convenient to walk there because of the route of roads and foot paths.
- No pedestrian access to the supermarket site from the Farnborough side.
- Increase risk of pedestrian accidents
- The shadow plan shows the bottom of the road being totally overshadowed during winter months which could mean icy dangerous road if sun and light cannot get through.

Ecology see section 6.6

- Negative impact on wildlife, including badgers.
- Loss of trees.
- The Ecology Report does not acknowledge both bats and badgers which are known to live in the surrounding areas.
- Insufficient information on landscaping.
- Trees will take 20 years to grow this size on the pictures

Miscellaneous

- The CGI and plans do not match so the tree screening and walkway at the rear of the building into Palmerston Road do not show on the CGI.
- The usual community consultation process not possible due to Covid19.
- Geographically, the comments in support you received are overwhelming from people who do not live in the immediate vicinity of the site and who clearly do not understand the negative consequences, or who do not care, whereas the objections you have received are from the many residents whose lives will be

blighted by this store. Many of the comments in support of the proposals have given no reason at all.

- Lack of response from residents due to Covid 19.
- Several residents have commented 'on how the scheme has been improved in response to local concerns'. This is completely misleading. There are comments from people who live on the other side of the A21 or who won't see the building from their road in the village.

Other

- Impact on the local shops leading to a permanent change to the character of the Village.
- No need for another supermarket. The area is already well provided for with supermarkets, with a Waitrose, Lidl, Sainsbury's, Co-op and Tesco in the vicinity, many of which are now offering ALDI price matching. Within Farnborough Village itself there is a small but very useful convenience store.
- Additional retailer of alcohol and fireworks will feed the crime incidents on the recreation ground and make an already uncomfortable situation worse
- You have to consider the availability of labour bearing in mind the present political situation. Businesses are experiencing difficulties in getting staff and an additional shopping outlet will only add to further difficulties.
- Size of the store disproportionate to the needs of residents.
- Possible creation of "convenience" routes into the Village via banks from the A21 - compromising security of village residences and damaging natural wildlife environments.
- A back alley from Palmerston Road could become a through-road, an entrance for staff or an exit during staff breaks where staff could smoke, resulting in rubbish problem and a parking issue.
- It will affect the desire of future purchases of properties in Palmerston Road and Pitt Road.
- Stop to the cheap foreign supermarkets.
- Danger to kids playing on the streets.
- No risk management in respect of odours, noise, vibration, water discharge or any ground water activity.
- Frankie and Benny's restaurant faced objections from concerned neighbours, one of the responses justifying it was that this was a small family restaurant which would not attract unduly worrying amounts of traffic onto the A21 or unduly worrying numbers of customers into the car parks. It was also a reassurance to the concerned residents that the height on the building be limited to only one storey.

TESCO

- An objection was received on behalf of Tesco Stores Limited, raising the following considerations:
- 1. The adverse travel implications that arise from the limited range of food and choice provided leading to additional trips that conflict with retail and transport policies and fail to secure "sustainable development".
- 2. Contrary to the assertion made on behalf of Aldi, no qualitative need has been identified for additional discounter food retailing in the Borough through any evidence that has informed the up-to-date Local Plan.

- 3. Contrary to the assertions made on behalf of the applicant the site does not benefit from any lawful or other confirmed retail use.
- 4. The applicant's agent erroneously relies on national policy advocating a "positive approach to applications for alternative uses of land" but this has been misapplied to the application site.
- 5. The sequential assessment of sites that would best meet the 'Town Centre First' policy principle has been misinterpreted and/or erroneously applied.

Support

- Convenient for walking, within easy walking distance for elderly customers.
- It would help some of the elderly be able to gain some independence once again whilst not paying extortionate prices.
- People are mentioning available supermarkets in the area. Some people are not able to walk to any of these and definitely not able to walk back carrying shopping. There is only one bus route through the village and it does get really busy.
- Local residents both sides of Farnborough bypass, whether in Farnborough Village, and the many roads leading off Broadwater gardens do not have a supermarket within walking distance. The nearest are in Green Street Green and Locksbottom, Farnborough village has only local shops that do not sell fresh produce.
- Provision of good quality affordable food, if you don't drive the only affordable option in walking distance is Lidl.
- It will bring more choice for local residents as the parking for the other budget supermarket, Lidl, is at a premium now.
- Healthy competition.
- Rather than having disused wasteland, Aldi would offer local jobs to residents and more choice when it comes to local shopping.
- Good for the local economy and local residents.
- It could bring in people from outside of the village which could be good for other businesses getting customers that they wouldn't otherwise
- The applicant listened to comments and tried to adapt, addressed a lot of people's concerns, changes made are more appealing to local residents.
- It will not bring extra traffic as people will still need to travel towards Bromley/Locksbottom for shopping and the same towards Green St Green. It will be within walking distance for a lot of people, saving on car usage
- Pollution will be negligible (parked cars have no emissions).
- Better use of the site, half of which is derelict since the garage closed.
- It would tidy-up of area. The site could be left empty for years encouraging young people up to no good to congregate or the travellers community to pitch up again leaving a mess and noisy nuisance to the local area.
- One way system good.

5. POLICIES AND GUIDANCE

5.1 National Policy Framework (2021)

5.2 NPPG

5.3 The London Plan (2021)

Policy GG1 Building strong and inclusive communities
Policy GG3 Creating a healthy city
Policy GG5 Growing a good economy
Policy SD1 Opportunity Areas
Policy SD7 Town centres: development principles and Development Plan Documents
Policy D3 Inclusive design
Policy D4 Delivering Good Design
Policy D10 Safety, security and resilience to emergency
Policy D12 Fire safety
Policy D13 Agent of change
Policy D14 Noise
Policy E9 Retail, markets and hot food takeaways
Policy HC1 Heritage conservation and growth
Policy G1 Green infrastructure
Policy G6 Biodiversity and access to nature
Policy G7 Trees and woodlands
Policy SI1 Improving air quality
Policy SI2 Minimising greenhouse gas emissions
Policy SI 3 Energy infrastructure
Policy SI12 Flood risk management
Policy SI13 Sustainable drainage
Policy T1 Strategic approach to transport
Policy T4 Assessing and mitigating transport impacts
Policy T5 Cycling
Policy T6 Car parking
Policy T6.3 Retail parking
Policy T6.5 Non-residential disabled persons parking
Policy T7 Deliveries, servicing and construction
Policy DF1 Delivery of the plan and planning obligations
Policy M1 Monitoring

5.4 Mayor Supplementary Guidance

- Accessible London: Achieving an Inclusive Environment (2014)
- Sustainable Design and Construction (2014)
- The Control of Dust and Emissions during Construction and Demolition (July 2014).

5.5 Bromley Local Plan (2019)

Policy 30 Parking
Policy 32 Road Safety
Policy 33 Access for All
Policy 37 General Design of Development
Policy 73 Development and Trees
Policy 77 Landscape Quality and Character
Policy 79 Biodiversity and Access to Nature

Policy 91 Proposals for Main Town Centre Uses
Policy 113 Waste Management in New Development
Policy 116 Sustainable Urban Drainage Systems (SUDS)
Policy 119 Noise Pollution
Policy 120 Air Quality
Policy 123 Sustainable Design and Construction
Policy 124 Carbon dioxide Reduction, Decentralised Energy Networks and Renewable Energy
Policy 125 Delivery and Implementation of the Local Plan

5.6 Bromley Supplementary Guidance

- Planning Obligations SPD

6. Assessment

6.1 Principle of development – Unacceptable

The appropriateness of the site for a new retail development

- 6.1.1 The application site has an established commercial use as a petrol filling station (Sui Generis) and a restaurant (former A3 Class Use) respectively. The applicant proposes a retail use in an out of centre location which would compete for customers that otherwise would have visited nearby centres such as Orpington Major Town Centre or Locksbottom Local Centre.
- 6.1.2 Proposals for new main town centre uses outside of existing centres are required to meet the sequential test as set out in the NPPF. Paragraph 87 states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. This requirement is also reflected in Local Plan Policy 91 Proposals for Main Town Centre Uses.
- 6.1.3 Paragraph 88 of the NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- 6.1.4 The applicants outlined their sequential approach in their Planning and Retail Statement (PRS). Paragraph 4.27 identifies the designated centres within proposed store's catchment area to be Farnborough Village Parade and Locksbottom Local Centre. The assessment considered any suitable and available sites within these centres. However, in addition the sequential assessment also considered potential sites within and to the edge of Orpington Town Centre.

- 6.1.5 Paragraphs 2.50 and 4.34 of the PRS list the applicants' flexibility including reduced sales area, warehousing on lower ground floor rather than at grade, and a reduction in the standard number of parking spaces. It is argued that even with these deviations from Aldi's core requirements, no sites were identified to be available or suitable.
- 6.1.6 Whilst officers are generally satisfied that the sequential assessment was carried out adequately, the application site has a PTAL level of 1a/1b indicating 'very poor' and 'poor' accessibility to public transport. Therefore, the site cannot, despite applicants' assertions, be described as accessible and well connected to town centres (by sustainable transport options). Consequently, it is not a site that would be afforded preference in accordance with NPPF paragraph 88, however no consideration was given in the applicants' retail study to the availability of other out of centre sites with higher PTAL levels that could accommodate the use.
- 6.1.7 Members should note that paragraph 105 of the NPPF requires significant development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The proposal would deliver a large foodstore in an unsustainable location, and there are no ways to realistically mitigate for the sites' poor accessibility by transport modes other than the car. To this end, officers have fundamental concerns in regard to the suitability of the site for the proposed development. Transport considerations are in section 6.4 of this report.

6.2 Design – Unacceptable

Site Characteristic

- 6.2.1 The site is approximately 200m in length and although level to the highway, it sits on a raised plateau which is approximately 3m higher than the adjoining residential area to the south. Whilst this area has no formal designation, it does possess several important characteristics. Palmerston Road, Pitt Road and Cobden Road form a trio of well-enclosed streets off Gladstone Road. The two-storey (late Victorian) terrace houses are approximately 5m wide with consistent ridgelines, eaves and setbacks, and similar architectural features to their facades. When viewed from Gladstone Road – those roads are terminated with extensive and mature landscape planting. Most of the existing landscape planting is contained within the applicants site boundary and would be removed as part of the development proposal.

Layout and scale

- 6.2.2 The proposed footprint of the store would cover approximately 30% of the site area, with the remainder of the site allocated for car parking, with some areas for landscape planting. The proposed food store building would be positioned to the south and west extents of the site, where there is a significant change in level (to the south), and where the development site is highly visible from Palmerston Road and Pitt Road. This is also the highest point on the site. The

proposed finished floor level would be approximately 3.0m above the street level in Palmerston Road.

6.2.3 The layout design maximises available floor space to operate the food store, but it has not considered its impact on neighbouring land uses and boundaries to the south and west of the site.

6.2.4 The design principles focus on the importance of ‘responding to’ and ‘integrating with’ the neighbouring residential scale and character, however, the elevation to Palmerston Road would be viewed as a single massive block, with the materials and residential ‘features’ doing little to differentiate the varying parts of the building in that view.



Fig. 5 Existing and proposed view of the site from Palmerston Road.

6.2.5 Whilst latest design iteration has improved the appearance of this elevation, it does not reduce the adverse impact the siting and scale of the proposed building would have on the character and appearance of the surrounding

residential area. The proposed building would span most of the street, and at over 10m in height, it would introduce a significant and discordant feature into an established townscape and residential view. Consequently, the development proposal would not contribute positively to the character and appearance of the existing street scene and the wider residential area.

- 6.2.6 To this end, the development would appear out of scale and overbearing due to its poor design, siting and its elevated and highly visible position. As such, the design is contrary to advice contained in the National Planning Policy Framework, London Plan Policy D3 and Local Plan Policy 37.

Fire Safety

- 6.2.7 The application was submitted prior to the adoption of the London Plan 2021. Should the proposal be recommended for an approval, submission of fire strategy would be secured via condition, in line with Policy D12 of the London Plan.

6.3 Neighbourhood Amenity – Unacceptable

- 6.3.1 The length of the site spans Palmerston Road, Pitt Road and Cobden Road and directly abuts six residential properties. The proposed building would be positioned within the western part of the site and at a maximum height of 10.5m, it would span over 54m along its northern and southern boundaries. The remaining eastern part of the application site would accommodate a car park and landscaping.
- 6.3.2 In regard to the resulting separation distances to the adjoining properties, the residential terrace on Palmerston Road is orientated towards the application site (see Fig. 6 below) which means that the main flank wall of No.15 would be located approximately 5m away from the proposed building at its closest.



Fig.6 Existing view of No.15 Palmerston Road from the application site.

6.3.3 Given the geographical orientation of the site, the design of the proposed building and the boundary treatment (2.4m fence), the proposal would not lead to unacceptable adverse impacts upon the residential amenities in terms of daylight/sunlight/overshadowing and privacy. However, officers raised concerns in regard to the resulting relationship which was considered to be enclosing and overbearing.



Fig.7 Front and rear gardens of No.15 Palmerston Road (top) and the rear garden of No.12 Pitt Road (bottom).

6.3.4 The Design Document submitted in response to officers' concerns on residential amenity impacts argues that the majority of the proposed building would be much lower than the ridge of the existing Frankie and Benny's building and that any higher areas proposed are set back from the main proposed building line and are approximately the same level as the existing building ridge. Further to this, the proposed elevational treatment including the incorporation of a green wall, increased landscaping and additional tree planting would effectively obscure the majority of the building from view. The Cover Letter provided with the revised submission concludes that as the existing landscape bank would be effectively unaltered, the outlook of residents in neighbouring gardens would be, at worst, not materially different to the existing and, at best, would result in a substantial improvement as built form would be pulled back.

6.3.5 Officers agree that due to an elevated position and a significant length of 27m, the existing Frankie and Benny's building is noticeable and visually present

when viewed from the rear gardens of Nos.15 and 14 Palmerston Road, and No.12 Pitt Road (Fig.7 above). Nonetheless, officers acknowledge that the building does not project beyond the rear building lines of the properties in question. This siting, coupled with the pitched roof form of the building, is considered to maintain a satisfactory outlook and an acceptable relationship with the adjoining properties.

6.3.6 Although the proposed building would be positioned further away from No.12 Pitt Road, it is noted that it would extend over 10m beyond the front building line of the adjoining terrace on Palmerston Road and spanning along the entire length of the side boundary of No.15, it would double the length of the Frankie and Benny's building. The resultant relationship with the end of terrace properties would be unduly enclosing, unneighbourly and overbearing. This is particularly objectionable considering the aforementioned orientation of the terrace towards the application site and is clearly shown on the images below (Fig. 8 and 9).

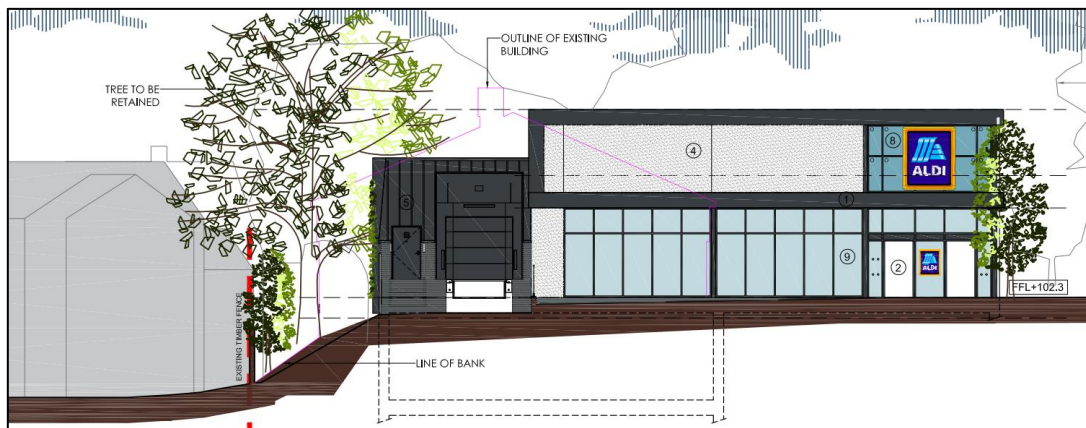


Fig.8 Proposed East Elevation.



Fig. 9 Existing and proposed CGIs; view from No. 15 (top) and No.14 (bottom) Palmerston Road.

- 6.3.7 Whilst the proposed amendments, through the increase in the separation and the provision of additional landscaping/screening, go some way in mitigating the amenity impacts, these measures are considered to soften the view of the building rather than to genuinely address the issue of proximity and scale. The proposed mitigation relies on the provision of 6 no Silver Birch trees (*Betula pendula* 'Fastigiata Jones') and the retention of the existing oak tree which, being of deciduous variety, would offer little help in screening the proposal during winter months. Additionally, officers note that this particular group of birches would not exceed 2.5m in height, with the remaining new trees proposed being no higher than 5.5m. Consequently, the views of the building, although filtered through the vegetation would be readily available from the adjoining gardens. As such, the original objection to the scheme raised on the grounds of overbearingness and undue sense of enclosure remains.
- 6.3.8 To this end, officers are of the view that the proposed development would be materially harmful to the residential amenities of the occupiers of No.15 and, to a lesser degree, No.14 Palmerston Road.
- 6.3.9 Some concerns are also raised with regard to the visual intrusion resulting from the delivery vehicles stationed in the bay, however, officers note the information included within the Delivery and Servicing Plan which stipulates that an Aldi store typically receives an average of four HGV deliveries per day with the usual time for unloading/loading of 30 - 60 minutes. On balance, it is not considered that the potential adverse impacts would be to such a harmful degree that would warrant refusal of a planning consent.
- 6.3.10 Likely noise and disturbance, as well as light and air pollution impacts arising from the servicing and operational aspects of the food store are considered within Environmental Health section of this report (section 6.5).

6.4 Transport and Highways - Unacceptable

Accessibility of the Site by Sustainable Modes

- 6.4.1 The aforementioned paragraph 103 of the NPPF requires significant development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Policy T1 of the London Plan advises that development proposals should facilitate the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041.
- 6.4.2 The TfL Webcat Connectivity Assessment Tool is used to assess the connectivity of the site to public transport and determine the site's public transport accessibility level (PTAL). The PTAL methodology utilises the walking distance to the nearest station or stop, the waiting times at nearest stations and stops, the number, the frequency of services at the nearest stations and stops and any combination of all these features. The possible PTAL values range from 0 to 6a, with 0 being the worst and 6b the best.

6.4.3 The site lies on the border of areas that have a public transport accessibility level of 1a and 1b. These PTALs are at the lower end of the range and are classified as 'Very Poor' and 'Poor' respectively. Members will note from the Fig. 10 below that the area of 0 PTAL rating ('Worst') abuts the application site to the north. This would indicate that in such a poor-connected location, the future visitors to the site (shoppers) would be unlikely to be attracted to travel by public transport over the private car. This appears to be validated by the resultant trip attraction of the proposed development set out in Table 2.

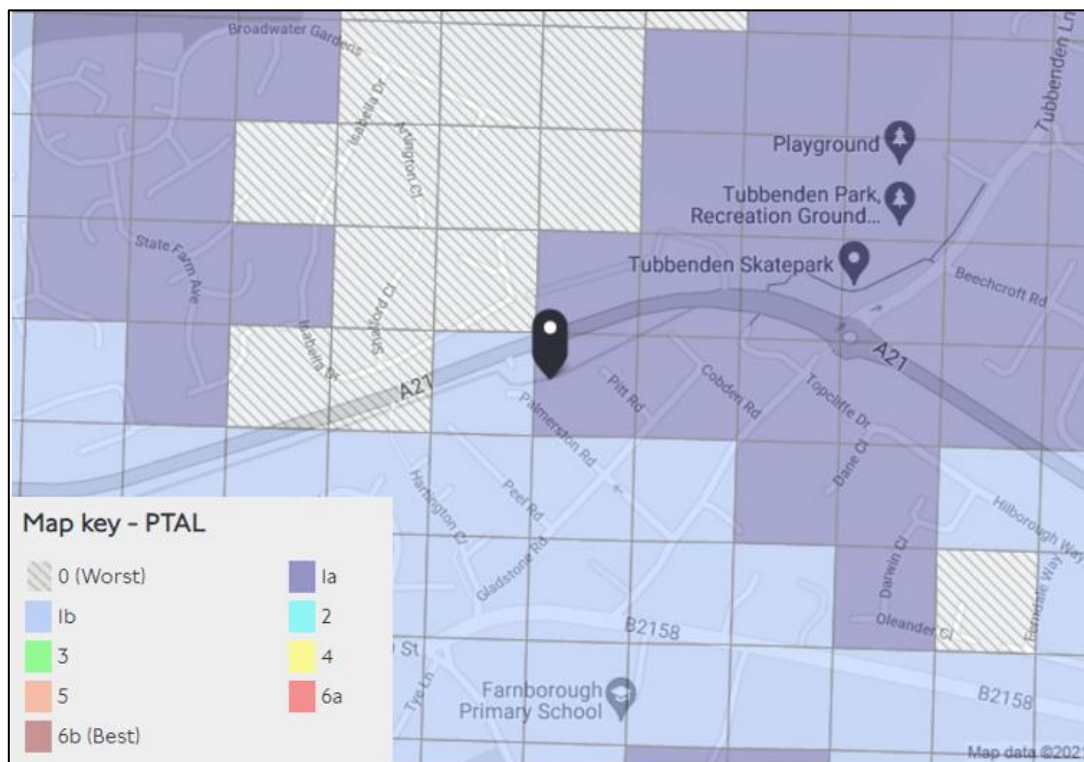


Fig.10 Map of public transport accessibility level (PTAL) of the location.

Bus service

6.4.4 The principal element of public transport which contributes to the site connectivity is bus service. The publication 'Planning for Public Transport in Developments' produced by the Chartered Institution of Highways and Transportation (CIHT) specifies that new developments should be located within 400m of the nearest bus stop.

6.4.5 The nearest bus stops to the site are the 'Farnborough Way' bus stops, located 100m and 250m of walking distance southwest of the proposal site on both sides of the A21, therefore within the recommended CIHT catchment. These stops are served by route R4 (Pauls Cray Hill – Orpington – Locksbottom) and 684 (Charles Darwin School – Locksbottom – Orpington). As demonstrated in Table 1, which lists the bus service details, both bus routes are classified as low frequency (timetabled) routes¹. Route R4 has three buses services per hour during peak period Monday – Friday and Saturday, but only one service per hour on Sunday. Route 684 has a single morning service to Charles Darwin

¹ A low frequency bus route generally runs four or fewer buses an hour (Source: www.tfl.gov.uk)

School and a single afternoon service to Orpington, with no service on Saturdays, Sundays or school or Public Holidays.

6.4.6 Further bus stops, known as the 'Farnborough High Street Church Road' stops are located on Farnborough Hill, approximately 420m and 510m walking distance to the south west of the application site, therefore falling outside of the recommended CIHT catchment. Although it is noted that the 358 route (Orpington – Bromley – Crystal Palace) operates a high frequency bus service (see Table 1), and the exceedance of the CIHT recommended distance may not appear significant, it is considered as sufficient to deter shoppers from walking to these bus stops, due to the fact that they would be carrying bags on their return journey.

Service	Bus Stop	Route	Approximate Peak Frequency/Period		
			Monday-Friday	Saturday	Sunday
R4	Farnborough Way	Pauls Cray Hill – Orpington – Locksbottom	Three per Hour	Three per Hour	One per Hour
684	Farnborough Way	Charles Darwin School – Locksbottom – Orpington	One per Day	No Service	No Service
358	Farnborough High Street Church Road	Orpington – Bromley – Crystal Palace	Six per Hour	Five per Hour	Three per Hour

Table 1 Bus Services available at the application site.

Rail

6.4.7 The nearest rail station to the application site is Orpington which is some 1500m (0.9miles) or 25-minute walking time away.

6.4.8 A Transport Assessment (TA) submitted with the application concludes that '*the site is accessible by all relevant transport modes.*' However, the level of the public transport accessibility is not commented on, despite the reference made to the PTAL map and the rating of 1b. The site's poor accessibility by transport modes other than car is obvious and this is the point that the TA chooses to ignore in an attempt to justify a large food store in an unsustainable location.

Access

6.4.9 New vehicular and pedestrian access would be provided from Farnborough Way. The proposed site access would achieve a minimum of 110m visibility splays in both directions, in excess of 94.4m requirement prescribed in the Manual for Streets 2, and therefore would provide sufficient visibility.

6.4.10 Various points have been raised by TfL regarding the technical aspect of the proposal, including the provision of a new zebra crossing, a new 'No U-Turn' sign and the width of the footway along the boundary of the site with the A21.

A revised set of access arrangements for the proposed development has been submitted which adequately addresses the issues raised.

Trip Generation

6.4.1 The resultant trip attractions, during the surveyed peak hours set out within Table 2 below confirm that the staggering majority of trips would be undertaken via car.

Peak	Vehicular Trip Rates			Vehicular Attraction		
	Arrivals	Departures	Total	Arrivals	Departures	Total
AM	1.869	1.226	3.095	34	23	57
PM	3.675	3.795	7.470	68	70	138
Sat	5.731	6.171	11.902	106	114	219
Peak	Cyclists Trip Rates			Cyclist Attraction		
	Arrivals	Departures	Total	Arrivals	Departures	Total
AM	0.079	0.058	0.137	1	1	3
PM	0.085	0.094	0.179	2	2	3
Sat	0.079	0.051	0.130	1	1	2
Peak	Pedestrian Trip Rates			Pedestrian Attraction		
	Arrivals	Departures	Arrivals	Departures	Arrivals	Departures
AM	0.302	0.071	0.373	6	1	7
PM	0.577	0.712	1.289	11	13	24
Sat	1.345	1.352	2.696	25	25	50

Table 2 The resultant trip attraction.

6.4.12 The traffic that would be attracted to the proposed foodstore would comprise the following trip types: primary trips (60%), pass by trips, diverted trips, transferred trips and linked trips.

6.4.13 The overall potential increase to traffic due to the proposed development has been calculated based on data from the TRICS database. The assessment shows that the potential increase to traffic would be minimal at all junctions except for the proposed site access.

Junction Capacity (Site Access)

6.4.14 The operation of the junction has been assessed in the 2025 Base + Proposed Development scenario in the Weekday AM, Weekday PM and Saturday Midday Peaks, based on the proposed junction geometry. The model has been run in 'One Hour' mode. The capacity assessments show that the proposed site access would operate within capacity for all peak periods. Therefore, the traffic effect of the proposed development would be acceptable.

6.4.15 Collision data has been obtained from crashmap.com for the junctions significantly affected by the proposed development for the 5 year period of 2015 - 2019. No pattern of collisions has been identified which is attributable to a road layout deficiency, nor one which would likely to be materially worsened by the development proposals.

Car Parking

6.4.16 The proposed food store would have a GIA of 1790sqm and a total of 49 parking spaces would be provided, including 3 disabled spaces. Regarding staff parking, whilst only a very small number of staff are expected to drive to work these staff would park within the car park. The Technical Note provided stipulates that this only applies to a very small number of vehicles, such as visiting area managers or staff with special needs, however it is not clear how this would be monitored and enforced.

6.4.17 Table 10.5 of the London Plan Policy T6.3 Retail Parking outlines the maximum parking standards that should be applied to new retail development. Outer London has an adopted standard of up to 1 space per 50sqm (GIA). On this basis, a total of 36 parking spaces would be appropriate and policy compliant. The proposed car parking provision would therefore significantly exceed the recommended maximum (27%).

6.4.18 A Parking Response Note provided attempts to justify the policy non-compliance. The note sets out further policy position in regard to differing parking standards required by Policy 30 of the Bromley Local Plan and the adopted London Plan as well as the contextual analysis of the Bromley as a borough, including a higher-than-average car ownership. It is argued that there are no other sequentially preferable sites in which to locate the store and the peripheral location the use of a 'one size fits all' model is inappropriate.

6.4.19 Further to this, it is suggested that a monitoring condition could be imposed to review parking use at the store once it is opened and that, if parking demand was lower than predicted, car parking spaces could be reduced accordingly.

6.4.20 TfL raised concerns in relation to the site's poor accessibility and connectivity but agreed that parking provision was a matter for LBB Highways to decide on. Whilst not raising objections to the proposal, LBB Highways Engineer advised that *'the number of spaces is justified by the potential trip generation of the proposed use and that if London Plan standards were applied, there was a serious likelihood of overspill parking in nearby roads'*.

6.4.21 Transport Note - Car Parking (TN04, dated April 2021) states that *'based on the store traffic flows which are set out in the Transport Assessment, coupled with the typical customer dwell time at an Aldi store of 25 minutes, the proposed car parking provision will likely result in an element of trip suppression. For instance, on a Saturday the Transport Assessment indicates 104 arrivals in the peak hour, so with a 25-minute dwell time this would result in an accumulation of 44 cars in the car park plus any staff cars. Allowing for fluctuations, this will mean that the car park will be full on occasions and appear to be full for much*

of the time'. The note goes on to conclude that if there is a further reduction in car parking from the number of spaces proposed, this would be likely to result in queuing.

6.4.22 In officers' view the above points confirm that the scheme with a policy compliant car parking provision would fail to ensure that its highway impacts can be appropriately managed. This is considered as a clear indication that the site, due to its location, is not suitable for a high car trip generating food retail development of the size proposed. In this respect, the condition suggested appears futile.

6.4.23 Members are respectfully reminded that Paragraph 105 of the NPPF requires significant development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The location of the site is fixed and there are limited ways to realistically mitigate for its poor accessibility by transport modes other than private motor vehicles. The proposed store is likely to be a destination in its own right for the significant majority of its users and would largely attract private car trips. The proposal's reliance on the use of cars would undermine the strategic aims of the Mayoral mode shift targets (London Plan Policy T1), as well as the overarching transport objectives of the NPPF that encourage walking, cycling and public transport use.

Cycling

6.4.24 11 long term cycle storage spaces would be provided for staff within the proposed store, with 22 short stay spaces available for customers within the car park. This provision is acceptable and compliant with London Plan Policy T5.

Delivery/Serviceing

6.4.25 As stated within the Delivery and Servicing Plan, Aldi aim to conduct their deliveries at times where the store is not at its busiest. The specific window when deliveries can occur in terms of hours is led by the findings of the Noise Impact Assessment (reviewed in section 6.5 of this report) which has confirmed deliveries would be acceptable between 07:00-23:00 hours. This window encompasses the store opening hours (08:00-22:00 Mon to Sat and 10:00-16:00 or 11:00-17:00 on Sundays) and includes a window before and after store trading hours when deliveries may also occur.

6.4.26 An Aldi store typically receives an average of four HGV deliveries per day. Three articulated HGV deliveries per day come from the Regional Distribution Centre (RDC) and there is one delivery per day of milk by a local supplier, usually using a medium sized goods vehicle. Daily deliveries of milk, bread and morning fresh produce are received prior to, or as early as possible after, the store opening in the morning, and are delivered by one Aldi HGV and one milk delivery vehicle. In addition to goods deliveries, each store has 1-2 collections of General Waste and Animal by products per week. Stores are constructed with a delivery ramp, sheltered canopy and dock leveller system which means

products can be unloaded without using forklift trucks, scissor lifts or cages. The usual time for unloading an Aldi HGV is 30 - 60 minutes.

6.5 Environmental Health considerations – Acceptable

Use Class

6.5.1 In order to ensure the future ability of the site to be switched between any of the category of uses permitted under Use Class E, it is necessary for the worst Use Class case impact to be used for assessment purposes. This is not reflected in the approaches taken in the supporting documentation that have instead focused on the specific end use of and impacts arising from a general/food retail store with associated plant, deliveries, and customer car parking. In order to ensure that the risks to end-users and impacts on local residential amenity from this Use Class remain as predicted, it will therefore be necessary to ensure that any permission granted would be for the Use Class category for which the site is to be developed and for which assessments have assumed/adopted; in this case Use Class E(a) Display or retail sale of goods, other than hot food. Failure to do so may result in adverse impacts on end-users and local residential amenity that cannot be adequately controlled.

Lighting

6.5.2 The revised lighting assessment includes graphics of the different luminaire types and annotations on the plan regarding their siting/location. The revised lighting assessment shows a maximum predicted light spill levels of 1 lux at nearby residential properties (including No. Pitt Road and No.15 Palmerston Road), which are acceptable/satisfactory. The External Lighting Notes section of the revised lighting assessment confirm a range of factors relating to site lighting, including general operation, operation during hours of darkness, and lighting arrangements during the curfew period (23:00 - 07:00) which shows that the car park lighting would not be operational overnight. The annotations also confirm the further mitigation measures to be implemented through luminaire height and siting, and the inclusion of added shielding for the luminaires adjacent to the carriageway.

6.5.3 Environmental Health Team raised no objection to the details of the revised lighting scheme and accompanying lighting assessment submitted in support of the application.

Noise

6.5.4 In response to officers' concerns regarding noise, a revised Noise Impact Assessment was provided, confirming additional mitigations as follows:

- Delivery times have been further restricted and are confirmed to be 07:00 – 21:00 Mondays to Saturdays and 09:00 – 17:00 on Sundays;
- It has been confirmed that due to the position of the external plant area, the edge of the roof and roof parapet would act as an acoustic barrier against plant noise for properties near to the site, and noise mapping has provided

- showing predicted first floor noise levels due to the rooftop plant in operation to confirm that acceptable external plant noise levels would be achievable;
- The report has used worst case background noise levels rather than average noise levels. While this has meant that some rated noise levels (e.g. evening noise levels including deliveries) aren't as low as some readers might expect, the calculation has been undertaken on a more robust basis than otherwise required by BS4142;
 - The report has accepted and used the Bromley Local Plan Policy 119 noise criteria of 10dB below average background noise levels (5dB below used previously) which has resulted in the specification of lower noise external plant to be used compared to the earlier NIA.

6.5.5 The report also proposes 4 mitigation measures which would have secured by an appropriately worded conditions had a planning permission been recommended. These relate to various hours of use/operation and the acoustic barrier required.

6.5.6 Environmental Health have reviewed the revised Noise Impact Assessment and confirmed that matters previously raised have been adequately addressed and subject to the mitigation measures being implemented, there are no noise related objections to the proposal.

Contaminated Land

6.5.7 The application is supported by a Geo-Environmental Assessment Report (GEAR) by Brownfield Solutions (December 2020). The eastern half of the site, shown cleared in aerial photos from 2006, has been the location of Darwin Filling Station, authorised as a petrol vapour recovery process. The authorisation referred to 3 underground storage tanks (the controls applying to petrol vapour only, not other fuels such as diesel). The intention to remove the underground tanks during the clearance of the site referred to in the GEAR is also reflected in Council records, although no verification of completion of the works appears to be held by the Council. Given that further exploratory/investigation works have been recommended in the report and that both gas protection and remediation schemes need to be confirmed and submitted to the Council for approval, contaminated land condition would have been suggested if the recommendation was for approval.

Air Quality

6.5.8 The Air Quality Assessment (AQA) submitted confirms that there would be no on-site combustion plant used in the development resulting in there being no Building Emission Benchmark. Rather than rely on modelled emissions data only, the AQA has reviewed the levels of emissions reported in the Council's Air Quality Annual Status Reports (ASRs) for 2017-19. The AQA has adopted the higher levels reported in the ASR data rather than rely on the lower concentrations suggested by the modelled data. This provides a more robust approach towards identifying potential air quality impacts and ways of mitigating them.

- 6.5.9 The AQA has been based on emissions monitoring benchmarks for uses most closely aligned to that of the proposed development, in this case former Use Class A1 (retail). The narrow selection/restriction of site end-use reinforces the concerns previously raised by Environmental Health regarding reference to the more generic Use Class, and the need to restrict any permission granted to the Use Class: E(a) only
- 6.5.10 The AQA concludes that the proposed development would not be Air Quality Neutral due to the predicted emissions from transport, and details a range of mitigation measures within section 5.4 of the AQA that should allow the proposed development to achieve the equivalent of AQN if the recommended steps are implemented.,
- 6.5.11 The Environmental Health Team confirmed that the AQA have underestimated the number of persons and therefore total overall level of risks arising during the development process. However, given the over-estimation of risk factors in other parts of the AQA, and the range of mitigation measures being recommended for consideration (Table 18, and the further mitigation measures in section 5.4), albeit better quantification of these measures would be necessary if permission is to be granted, the overall level of emissions identified in the AQA as likely to arise during the development process are considered acceptable for the purposes of the AQA.
- 6.5.12 As the Emissions Benchmark have been calculated based on the former Use Class A1 (retail) rather than the broader and more general new Use Class E, in order to ensure that air quality emissions and air quality impacts remain limited to those identified within the AQA, any permission granted would need to be restricted to Use Class E(a) only. In addition, all relevant dust control measures and the controls over NRMM emissions would have to be secured within Construction and Environment Management Plan condition attached to any permission that may be granted.

6.6 Trees and Biodiversity – Acceptable

Trees

- 6.6.1 The site consists of an existing building, hardstanding associated with car parking and access, and a small area of grassland alongside amenity planting and a wooded belt upon a narrow but steep embankment. A mature London Plane tree is present in the eastern part of the site and is covered by TPO.
- 6.6.2 An updated Arboricultural Assessment and Method Statement submitted demonstrates that most of the trees to be lost because of the proposal would be of low category (C) because of their poor condition, small size or limited levels of sustainability. Two individual and one group of moderate trees (Category B) would also need to be removed; however, the assessment argues that any perceived short-term impact arising from these losses would be directly mitigated by the proposed new tree planting along the southern boundary of the site. No Category A trees would be removed, and all retained trees would be protected during development by using fencing with special precautions to limit

the impact of encroachment applied in respect of two trees: T1 (Plane TPO tree) and T9 (Oak).

- 6.6.3 The Council's Tree Officer confirmed that tree constraints have been addressed adequately and that precautionary measures outlined in the report are sufficient to ensure retained trees would be protected. He also agreed that the proposed boundary planting would satisfactorily mitigate tree removals.

Biodiversity

- 6.6.4 There are no statutory designations of nature conservation value within the site or immediately adjacent to it. The nearest statutory designated site is Darrick and Newstead Woods Local Nature Reserve (LNR) which lies approximately 0.1km north-east of the site. The habitats present on site are of limited intrinsic nature conservation value, including the hardstanding and amenity planting. The trees, wooded belt and shrubs are considered to be of some ecological interest for the foraging and nest-building opportunities they offer faunal species.
- 6.6.5 The wooded belt at the southern boundary of the site would be removed from the site to facilitate the development. However, an updated Ecological Assessment submitted notes that it is very narrow and only comprises a limited number of semi-mature to mature specimens with the majority of vegetation being understory and ground flora consisting of typically undesirable species and lack a ground flora community. The wooded belt is also degraded by the deposition of garden waste together with other miscellaneous deposited materials (paving slabs, wire mesh etc.).
- 6.6.6 The new tree, shrub, species-rich wildflower grassland and native hedgerow planting proposed throughout the site would offer new replacement foraging opportunities for bats, birds and invertebrates, as well as new nesting opportunities for birds. Further enhancements include the establishment of a species-rich wildflower meadow seed mix to be sown in new areas of grassland. Overall, taking into account the proposed mitigation and enhancement measures set out for bats, birds, Hedgehogs and invertebrates, there are no identified insurmountable constraints to the proposed development from an ecology and nature conservation perspective.
- 6.6.7 An assessment of the biodiversity impact of the proposed development has been completed against the landscape proposals using Metric 3.0 with a net gain of +22.89%, which is considered as an acceptable score.

6.8 Drainage and Flooding – Acceptable

- 6.8.1 The revised Drainage Strategy and Flood Risk Statement submitted proposes to limit the discharge rate to 2l/s for all events including the 1 in 100 year plus climate change. The area of permeable paving has also been increased to include the parking bays outside of the sewer easement zone.

6.8.2 The Council's drainage officer and Thames Water have raised no objection to the proposal, however conditions securing the detailed design of the sustainable drainage measures, together with further details of piling/foundation layout and groundwater protection would have been recommended in the event of granting planning permission.

6.9 Energy and Sustainability – Acceptable

6.9.1 Revised Renewable and Low Carbon Energy Statement submitted shows that the proposed energy strategy would rely on the provision of refrigeration heat recovery system ("Freeheat") which feeds into air source heat pumps the energy recovered from the stores refrigerated cases for heating the main sales area, in addition to a 50kWp Photovoltaic (PV) array to achieve additional savings under the "be green" element of the energy hierarchy. The statement concludes that this strategy could achieve and exceed the requirements of London Plan Policy SI2, resulting in a 51% reduction in carbon emissions on site. To become a nett zero carbon development a cash in-lieu contribution to off-set the carbon for the next 30 years was calculated at £33,864 based on £95 per tonne.

6.9.2 The total carbon offsetting payment would need to be secured by a legal agreement in the event of planning permission being granted. Additionally, officers would want to see commitment to the monitoring of carbon emissions, as required in Policy SI2 under the "be seen" element.

6.10 Designing out Crime – Acceptable

6.10.1 Designing out Crime Officer noted that the southern elevation appears to have a secluded access way which serves the lower ground floor staff area, manager's office, and plant area, and had very little natural surveillance. Similarly, the doors and windows in this south-eastern corner of the building appear particularly vulnerable to attack. The north-eastern corner has a fire escape, small flight of stairs and an enclosed roof access stairway, which also is secluded and screened from view by foliage, so may also be vulnerable, and these areas should feature additional security measures to mitigate.

6.10.2 Given relatively high crime rates in this area, a Secured by Design condition would reduce crime and ensure the use of 3rd party tested and accredited doors, windows and shutters to Secured by design standards and requirements, alongside introducing crime prevention measures on parking, boundary treatment, natural surveillance, lighting and site layout, through discussion and consultation and implementation.

7. Planning Obligations

7.1 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a

planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

7.2 Policy 125 of the Local Plan and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.

7.3 The development, as proposed, would necessitate the following obligations:

- Carbon offset cash-in-lieu: £33,864
- Monitoring fee: £500 per head of terms

CIL

7.4 The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

7.5 The London Borough of Bromley Community Infrastructure Levy (CIL) proposals were approved for adoption by the Council on 19 April 2021, with a date of effect on all relevant planning permissions determined on and after 15 June 2021.

7.6 In line with the Community Infrastructure Levy (CIL) Charging Schedule (April 2021), the gross internal area of new supermarkets/food stores over 280sqm (3,000 sq ft) is CIL liable and chargeable at £100 per sqm.

8. Conclusion

8.1 Whilst the proposed development would deliver some economic benefits in the form of employment generation and the work that has been put into the development of the scheme is acknowledged, the site cannot acceptably comprise of a development of the scale proposed and that cumulatively, the proposal represents an overdevelopment of the site, and this is reflected in unacceptable residential amenity impact and inappropriate design.

8.2 Regarding transport matters, the site is clearly out of centre and certainly does not offer a choice of means of transport as indicated by PTAL and made worse by severance effect of A21. The location of the food store of the proposed size in the area of poor accessibility to public transport and the consequential reliance on the use of private motor vehicle would undermine the strategic aims of the Mayoral mode shift targets, as well as the overarching transport objectives

of the NPPF that promote sustainable transport and minimise greenhouse gas emissions.

RECOMMENDATION: REFUSE PLANNING PERMISSION

Reasons:

- 1 The proposed development would, by reason of its design, scale, siting and elevated position, appear out of scale and would introduce a discordant feature into an established townscape and residential view. As such, the proposal would be harmful to the character and appearance of the surrounding area, thereby contrary to advice contained in Local Plan Policy 37, London Plan Policy D3 and the NPPF.
- 2 The proposed development would, by reason of its design, scale, siting and elevated position, appear unneighbourly and overbearing and would result in an undue sense of enclosure to the occupiers of No. 15 Palmerston Road and, to a lesser degree, No.14 Palmerston Road. As such, the proposal would be materially harmful to the amenities of these residents, thereby contrary to Local Plan Policy 37.
- 3 The proposal would introduce a large food store on the site with a PTAL rating of 1a/1b, thereby resulting in a retail development that is excessively dependent on the use of private car. The proposed development is therefore inconsistent with the overarching strategy of promoting sustainable transport and minimising greenhouse gas emissions, contrary to Policy 31 of the Bromley Local Plan, Policy T1 of the London Plan and the NPPF.

Agenda Item 7

Committee Date	1 st December 2021	
Address	208-212 High Street Orpington BR6 0JN	
Application number	21/03145/FULL1	Officer: Agnieszka Nowak-John
Ward	Orpington	
Proposal	Demolition of existing building and erection of a part three, four and five storey building consisting of ground floor commercial retail and office/workshop floorspace (Class E), with 40 residential units (10 x one bed, 28 x two bed and 2 x three bed), together with ground level communal space, cycle parking, 2 x disabled off-street parking spaces at the rear (accessed via Vinson Close), communal gardens/landscaping and all associated ancillary development.	
Applicant	Agent	
Acklam Orpington Ltd	Mark Hoskins NTR Planning Ltd	
Reason for referral to committee	Major application outside delegated authority.	Councillor call in No
RECOMMENDATION	PERMISSION SUBJECT TO CONDITIONS AND S106 LEGAL AGREEMENT	

KEY DESIGNATIONS

Orpington Town Centre
 Archaeological Priority Area
 Renewal Area – Cray Valley
 Area of Deficiency in Access to Nature

Land use Details

	Use Class or Use description	Floor space (GIA SQM)

Existing	Commercial (Retail)	2227
Proposed	Commercial Retail Commercial Office	450 60

Residential Use				
Tenure	Number of bedrooms per unit			
	1	2	3	Total
Market	10	28	2	40
Total	10	28	2	40

Vehicle parking	Existing number of spaces	Total proposed spaces	Difference in spaces (+ or -)
Parking spaces	0	2	+2
Wheelchair accessible car spaces	2	2	+2
Cycle	0	106	+106

Electric vehicle charging points	100% (2no.)
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Representation summary	Neighbouring consultation letters were sent on the 15 th July 2021. A site notice was displayed on the 5 th November. The application was also advertised in the News Shopper on the 28 th July 2021.
Total number of responses	28
Number in support	10
Number of objections	18

Section 106 Heads of Term	Amount	Agreed in Principle
Early and late stage affordable housing viability review	NA	YES

Carbon off-setting payment in-lieu £100,605	£100,605	YES
Commuted sum for the provision of up to two additional accessible on street car parking bays	£5,000 each	YES
An annual demand review methodology for accessible car parking	NA	YES
2 years free car club membership per dwelling	NA	YES
Twenty free car club driving hours per dwelling in the first year	NA	YES
Rights to apply for residents parking permits be removed	NA	YES
Monitoring fee	£500/head of terms	YES

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The principle to redevelop the site to provide a mixed-use, car free development is supported in this town centre location.
- The proposal would deliver 40 residential dwellings and would make a considerable contribution to the achievement of the Council's housing targets.
- The proposal would provide adequate replacement retail floorspace alongside a new office unit which would secure future viability of the commercial use on the site, while maintaining the primary shopping frontage and strengthening the role of the Orpington Town Centre as a whole.
- The proposed development achieves an adequate balance between realising the right level of development to optimise the use of a brownfield site, whilst remaining respectful of local context and neighbouring amenity.
- The development is considered acceptable from a sustainability, air quality and environmental perspective.
- No unacceptable highway impacts would arise.
- Although there would be a 'less than substantial harm' resulting to non-designated and designated heritage assets, having considered the benefits arising from the proposal, and in the absence of a 5-year housing land supply, it is considered that planning permission should be granted as the presumption in favour of sustainable development is applied unless there are material considerations to suggest otherwise.

1. LOCATION

- 1.1 The application site measures approximately 0.204ha and is situated between Orpington High Street and Vinson Close, directly opposite the Walnuts Shopping Centre. The site hosts an 'L' shaped, part two/three storey building comprising a ground floor retail unit (originally a Woolworth's) with an open

service yard to the rear, as well as ancillary office and storage area on the upper floors. The service yard to the rear accommodates an electricity sub-station (UK power Networks).

- 1.2 The access to the site is provided from the High Street via Roberts Mews and from the rear via Vinson Close, following the applicant's acquisition of a parcel of land to the north of the Postal Sorting Office from Bromley Council (formerly No.24 Vinson Close). This narrow corridor of unmanaged land is dominated by scrub and trees.
- 1.3 In terms of the immediate surroundings, the Royal Mail Sorting and Delivery Office bounds the southern boundary of the site. Access to the sorting office is primarily from Vinson Close to the rear with the former post office fronting High Street having been recently converted to café/bar and drinking establishment use (former Use Class A3/A4).



Fig.1 Site Location Plan.

- 1.4 To the east of the application site is the High Street frontage, with the Roberts Mews access road and retail parade beyond marking the north-eastern boundary of the site. Roberts Mews directly serves office and commercial premises to the rear as well as providing service access to existing retail/commercial premises fronting the High Street. To the north of the site is a two-storey office block (No. 1 Roberts Mews).
- 1.5 On the western side of the site are the rear gardens of semi-detached residential dwellings located within Vinson Close, a residential street running north - south and parallel to the High Street. The properties here are a mixture of single storey bungalows, 2 storeys and 2 storeys with dormer style roofs. There is a 5-storey block of flats on the southern end of the street.
- 1.6 The topography of the site rises significantly (circa 4m) towards the rear. The site's frontage on Vinson Close is heavily overgrown.

- 1.7 The building forms part of the primary shopping frontage of the Orpington Major Town Centre and falls within the boundaries of the Cray Valley Renewal Area.
- 1.8 The site is located within an area of archaeological significance. The site does not fall within the boundaries of any designated conservation area, however, the Priory Conservation Area is located some 230m away towards the northern end of Orpington High Street. The former GPO building (No.214) is considered as a non-designated heritage asset. There are a few listed buildings in relatively close proximity to the site, however they do not share any visible relationship with the application site.
- 1.9 The Environment Agency Flood Map and Surface Water Flood map indicate that the site is located within Flood Zone 1. Orpington High Street is subject to medium surface water flooding.
- 1.10 The application site is subject to a PTAL rating of 4 and 5 indicating "Good" and "Very Good" level of accessibility to public transport. Adjacent to the site is a loading bay enabling parking for 30 minutes Monday to Saturday 08:30 to 18:30 with no return within one hour. Adjacent north of the site, High Street is subject to on-road car parking restrictions of pay and display parking on one side of the carriageway with bus laybys on the southeast side. Vinson Close is subject to a 30mph speed limit.
- 1.11 The red line boundary of the development includes the ground floor roof area of the Pato Lounge (202-206 High Street) to enable the noise mitigation measures to be implemented (see para 2.8 of this report for further details).

2. PROPOSAL

- 2.1 It is proposed to demolish the existing part two, part three storey commercial building of some 2,227sqm and to construct a part three, four and five storey mixed-use development comprising of retail floorspace, a commercial office/workshop and 40 residential units.
- 2.2 The retail element would be provided to the front of the site with direct frontage onto the High Street. It would contain a total of 450sqm of retail floorspace with scope for provision via one or two retail units. The commercial office/workshop unit would be intended for Small and Medium Enterprise.
- 2.3 The residential element of the scheme would incorporate 10 x one bed, 28 x two bed and 2 x three bed units. All of the units would be market sale with no Affordable Housing proposed on site.
- 2.4 The main pedestrian entrance would be provided to the High Street via a secure covered walkway running adjacent to Roberts Mews, enabling the separation of pedestrian and vehicular movements. A secondary pedestrian access would be located via Vinson Close. A communal resident's lounge and an internal play area are proposed at ground level, together with a resident's garden and play area at the rear of the site.



Fig.2. Proposed development in context.

- 2.5 2 off-street disabled car parking spaces would be provided at the rear of the site accessed via Vinson Close, with allowance for electric charging. Secure store for 94 cycle parking spaces would be provided internally at ground level, with a further 2 Sheffield stands (4 cycle spaces) for visitors located within the rear garden area. The commercial elements of the scheme would be served by 8 spaces (via 4 Sheffield stands) provided along the High Street frontage of the site (6 for the retail use and 2 for the office/workshop).
- 2.6 A refuse storage room would be provided internally within the main building at ground floor level alongside a hardstanding for a bin holding area at the rear of the site behind the disabled parking spaces fronting Vinson Close.
- 2.7 The existing sub-station at the northern end of the site would remain in situ. A plant room would be provided at ground floor level in the north-eastern corner of the main block.

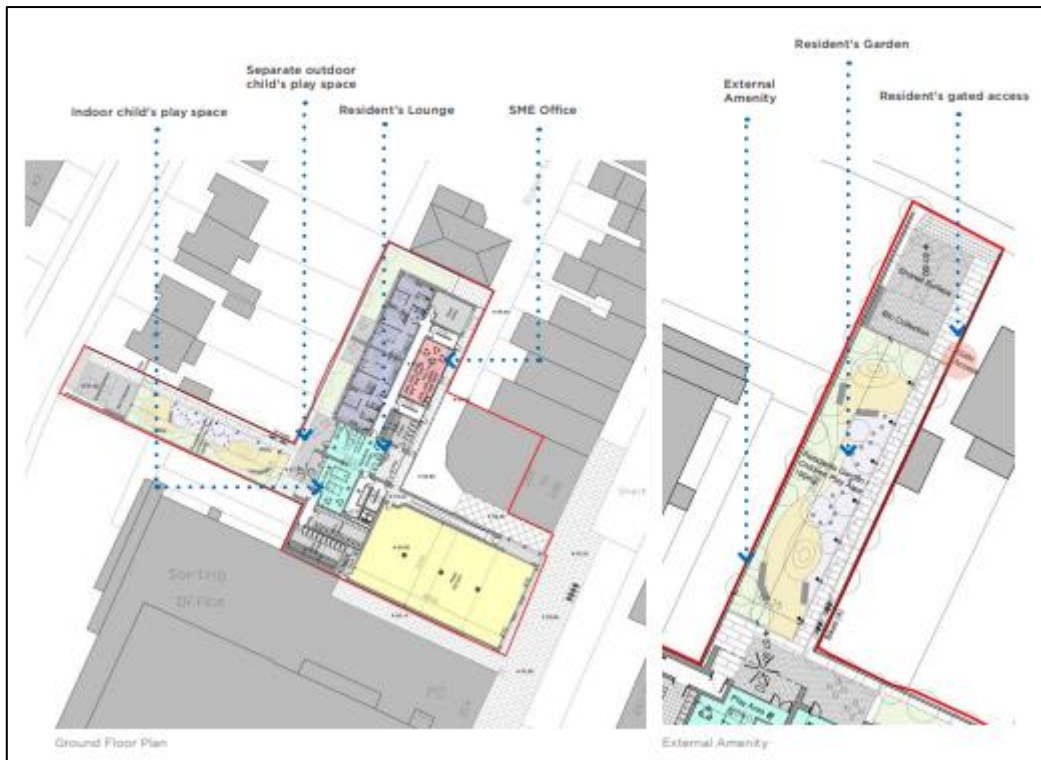


Fig.3. Proposed layout of the ground floor.

2.8 The proposal also includes works to the plant equipment serving the adjacent Pato Lounge to enable the “at source” noise mitigation measures to be implemented. These works would include:

- Re-location and re-orientation of the cellar ACCU from the western elevation to the roof;
- Re-specification of the ventilation plant with quieter fans, additional silencer, coupled with acoustic insulation and re-located intake and discharge points;
- Erection of an acoustic louvred screen on the roof edge between the plant and the proposed development.

2.9 Since the submission of the planning application in July 2021, the Applicant has proposed minor amendments to the application, including the repositioning of the internal communal spaces, modifications to the internal layout of the residential units, refinement of the landscaping and the replacement of render in the northern elevation facing Roberts Mews with brick. These amendments are not considered to be material and therefore did not require further consultation. All amendments have been reflected in the list of plans and documents recommended for an approval.

3. RELEVANT PLANNING HISTORY

3.1 PREAPP/18/00310 - Extension, conversion and addition of two additional floors to provide circa 42 residential units.

3.2 19/04319/FULL1 - Change of use of first and second floors from A1 (retail) to C3 (dwellinghouse) to provide 9 flats (5 x 1 bedroom units, 3 x 2 bedroom units and 1 x 3 bedroom unit) including elevational alterations, cycle and refuse

storage and car parking. Refused on 20th December 2019 for the following reasons:

- 1 The proposed development would fail to provide a satisfactory standard of good quality accommodation for future occupiers of the two first floor flats, located to the south of the site, by reason of the inadequate outlook and prospect proposed and the risk of overlooking from the neighbouring building contrary to Policies 4, 37 and 97 of the Bromley Local Plan and Policies 3.5 and 3.8 of the London Plan.
 - 2 Insufficient information has been provided to demonstrate that the proposed residential flats would not be vulnerable to noise generated by neighbouring commercial uses and regarding potential noise mitigation measures, in the absence of which the proposal would fail to provide accommodation of a high standard of amenity for prospective occupants, thereby contrary to Policies 37, 97 and 119 of the Bromley Local Plan and Policies 3.5 and 7.15 of the London Plan.
 - 3 Insufficient information has been received to conclude that the development would result in adequate car parking facilities and arrangements to provide for the needs of the future occupiers within the site. As such the proposal may prejudice the free flow of traffic and conditions of general safety within the parking area and along the adjacent access road to Roberts Mews contrary to Policies 30 and 32 of the Bromley Local Plan and Policies 6.12 and 6.13 of the London Plan.
- 3.3 20/04562/FULL1 - Demolition of existing building and erection of a part three, four and five storey building consisting of ground floor commercial retail floorspace, with 44 residential units (1 x studio, 24 x one bed, 12 x two bed and 7 x three bed) and a two storey building to the rear fronting Vinson Close providing 1 x three bed residential unit, together with ground level car/cycle parking, communal gardens/landscaping and all associated ancillary development. Application was withdrawn.

4. CONSULTATION SUMMARY

4.1 Statutory

- Thames Water – No objection

The site is located within 15m of a strategic water main and details of a piling method statement including the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure and the programme for the works should be submitted and approved by the Local Planning Authority, in consultation with Thames Water. There are water mains crossing or close to the site. The applicant is also reminded that there are water mains crossing or close to your development. Any building over or construction within 3 metres of water mains would not be permitted.

No objection with regard to the waste water network, sewage treatment work and water network infrastructure capacity. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litre/minute at the point where it leaves Thames Waters pipes. The development should take account of this minimum pressure in the design of the proposed development. The site is located within 15m of Thames Water underground asset and the development could cause the assets to fail if appropriate measures are not taken. Developer should read our guide "Working near out assets" to ensure works are in line with the necessary processes.

The site is located within source protection zones for ground water and a source protection strategy detailing its impact during and after its construction should be submitted and approved by the local planning authority and in consultation with Thames Water. Thames Water expect the developer to demonstrate measures to minimise groundwater discharges into the public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provision of the Water Industry Act 1991.

The developer is advised to follow the sequential approach to the disposal of surface water. A prior approval from Thames Water Developer Services will be required for the discharge to public sewer.

- Drainage (lead local flood authority) – No objection
- Historic England – No objection

The planning application lies in an area of archaeological interest.

If you grant planning consent, paragraph 205 of the NPPF says that applicants should record the significance of any heritage assets that the development harms. Applicants should also improve knowledge of assets and make this public.

I have looked at this proposal and at the Greater London Historic Environment Record. I advise that the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation.

Following discussion with yourself, the applicant and their appointed archaeological practice, I am pleased to have received this afternoon an Advice Note from HCUK Group, that seeks to map out the steps and stages necessary to keep alive the potential of preservation in situ, if the archaeological evidence required such a consideration., in respect of the proposed redevelopment of this site.

Along with the stated commitment by the applicant I am able to recommend that the on-going archaeological interest can, on this occasion, be secured by condition(s).

No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and

methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Informative: Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

This pre-commencement condition is necessary to safeguard the archaeological interest on this site. Approval of the WSI before works begin on site provides clarity on what investigations are required, and their timing in relation to the development programme.

I envisage that the archaeological fieldwork would comprise the following:

Evaluation

An archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches. A field evaluation report will usually be used to inform a planning decision (pre-determination evaluation) but can also be required by condition to refine a mitigation strategy after permission has been granted. The first stage of the archaeological program would be to undertake a partial evaluation of the site by focussing upon areas that would be readily accessible. The second stage evaluation would occur post demolition to existing ground slab. The result of the two-stage evaluation will inform the form or mix of possible mitigation.

Excavation

Archaeological excavation is a structured investigation with defined research objectives which normally takes place as a condition of planning permission. It will

involve the investigation and recording of an area of archaeological interest including the recovery of artefacts and environmental evidence. Once on-site works have been completed a 'post-excavation assessment' will be prepared followed by an appropriate level of further analysis, publication and archiving.

Watching Brief

A watching brief involves the proactive engagement with the development groundworks to permit investigation and recording of features of archaeological interest which are revealed. A suitable working method with contingency arrangements for significant discoveries will need to be agreed. The outcome will be a report and archive.

Condition - Foundation Design

In order to maintain the option for localised preservation in situ in the event that this becomes a live consideration, it is recommended that the detail of the foundation design is Reserved and that this should include consideration formation ground levels. Reason: The planning authority wishes to secure physical preservation of the site's archaeological interest in accordance with the NPPF.

Condition: No development shall take place until details of the foundation design and construction method to protect archaeological remains have been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

In order to maintain the option for localised preservation in situ in the event that this becomes a live consideration, it is recommended that the detail of the foundation design is Reserved and that this should include consideration formation ground levels.

Condition - Community Engagement

As trailed by the grid appended to the HCUK Group Advice Note, it is recommended that a Community Engagement method statement is required to be submitted at the same moment as the pre-commencement archaeological evaluation specification.

Reason: The planning authority wishes to secure public value in respect of the site's archaeological interest in accordance with the NPPF.

Condition: No development shall take place until details of the public engagement framework pertaining to the site's archaeological program of work have been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. You can find more information on archaeology and planning in Greater London on our website. This response only relates to archaeology. You should also consult Historic England's Development Management on statutory matters.

4.2 Local groups

- The Board of Directors of Orpington 1st Business Improvement District (BID) - SUPPORT

“Our previous comments stand, and we support the revision made to develop a forward-thinking car free scheme. The town is undergoing significant investment and this will need to include changes to encourage and support less dependency of car ownership.

Orpington town centre is one of only 32 major town centres within the London Plan and the only town of this status located within the London Borough of Bromley. It provides services and employment opportunities to surrounding communities and adds significantly to the local economy. Its buildings are no longer viable for modern trading so the redevelopment of the town into a centre fit for business is critical for its future sustainability.

This proposed development provides more appropriate commercial units and much needed local housing, bringing people back into the heart of the town. High streets are changing, and COVID-19 has accelerated that change, bringing forward the new ways that customers want to shop, access services, and spend their leisure time. People want to live in towns, they want to be close to shops and amenities and they need access to good quality affordable homes at the heart of that community. The expectation is that the suburbs are back in favour and that we will see them re-emerge as modern, vibrant, accessible places. To protect our green spaces, we need to utilise the town centre footprints for providing the much-needed additional housing to accommodate new residents as well as those wishing to downsize and live in more sustainable and central locations.

The BID has been in discussions with the owners since their purchase and they have shown great commitment to the quality and sustainability of the new build. The process of redevelopment does bring challenges, as with all redevelopment plans, but that process will be managed to mitigate disruption.

Their purchase of derelict land from LBB at the back of the site, which after discussions has now been amended to provide additional amenity space will be welcomed by all users.

The resulting building will modernise and improve the commercial offering and after consideration now incorporates an additional SME space. The activation of this unused premises will assist with reducing crime and improve the environment which we know has positive benefits for all.”

- The South East London Chamber of Commerce - SUPPORT

“SELCC is happy with the constructive consultation exercise and feel this revised development will benefit the High Street and local community. We support this mixed-use development which will create 40 much needed homes and quality commercial retail space. We support the new validated scheme No. 21/03145/FULL1. and would ask the Planning Committee to approve this application. “

4.3 Adjoining Occupiers

4.3.1 Objections

- Transport/Highways (commented on in section 6.6)
 - Almost car free proposal will not stop future occupiers owning vehicles, they will just be parked away congesting local streets;
 - extra traffic and disruption;
 - increase in parking stress and congestion especially on Sundays and during times when there is no controlled parking on the Close;
 - Vinson Close is already heavily congested with Royal Mail vehicles;
 - demolition/construction phase with sole access from Vinson Close - construction access must be shared with a High Street entrance to help mitigate the impact on the residents of Vinson Close;
 - greater risks of traffic accidents;
 - access from Vinson Close too narrow;
 - increase in traffic and footfall in Roberts Mews and surrounding High Street;
 - considerable disruption and lack of access to Mews during demolition;
 - unclear how delivery vehicles servicing the new shops will gain access;
 - emergency vehicle and escape routes over Roberts Mews not feasible as the building does not have right of way over this land for this purpose.

- Design (commented on in section 6.3)
 - overdevelopment of a very small plot in terms of size and scale;
 - too dense;
 - too high and bulky;
 - the scale of the proposed development is not in keeping with the types of properties on the close. It will be an awful structure that will tower above other houses;
 - doesn't not fit with the current style of housing;
 - oversized, overpopulated and completely out of place in relation to its surroundings and the ethos of a 1930s residential environment;
 - the height and design of the flats is out of kilter with the current skyline;
 - the height and bulk of the majority of the building will mainly be seen on a daily basis from Vinson Close and is completely out of proportion and its appearance totally at odds with the existing adjacent domestic properties;
 - the dark colour and materials of the construction further add to the overpowering nature of the development and is not even in keeping with the adjacent Sorting Office buildings.

- Amenity (commented on in section 6.5)
 - Increase in air pollution;
 - additional noise and disturbance;
 - loss of privacy and serenity;
 - overshadowing, oppressive closeness and a restriction to sunlight into the gardens and bungalow of Vinson Close;
 - increased anti-social behaviour;
 - given the lack of private gardens, new resident's children will inevitably be tempted to play and loiter, some unsupervised, in Vinson Close;
 - as scaffolding cannot be erected on Roberts Mews, users of the mews, including workers, residents and the general public will be directly exposed to the demolition and construction which is a major health and safety risk;

- effect on local residents' enjoyment of their environment;
 - the bungalow adjacent to the rear access will be very close to a large number of refuse bins a few meters from their front/side door;
 - higher level of noise and disturbance from the communal garden.
- Ecology (commented on in section 6.5)
 - the destruction of the green space to be used as access into Vinson Close is an assault on nature and the beautiful flora and fauna.
- Infrastructure (commented on in sections 6.1 and 7)
 - increased demand for infrastructure and services such as local GP services, hospitals and schools.
- Other
 - impact on business and ability to continue to trade and access the Mews during demolition and construction. Businesses within the Roberts Mews are likely to become unviable leading to unemployment (commented on in paragraph 6.5.19).
 - planning documentation is confusing and or incorrect as different documents detail different boundaries eg; The proposed plan incorporates Roberts Mews and part of 206 High Street incorrectly (commented on in paragraph 1.11 and 2.8).

4.3.2 Support

- The state of the current building:
 - the building is an eyesore;
 - the building is falling into a dilapidated state, in particular the exterior façade on the High Street is particularly rundown;
 - the building stood vacant for quite some time and only now serves as temporary retail space that doesn't add much to the High Street;
 - the condition of the building discourages people to come to the town centre.
- Regeneration of the High Street and the Town Centre
 - the High Street is decaying and needs an urgent facelift to prevent it from dying entirely;
 - the increase in footfall will help support retailers in the High Street;
 - the vitality of the High Street will be improved;
 - the local area needs investment;
 - this development will bring the opportunities for business growth;
 - It will add vibrancy to this part of the High Street, which will benefit the current businesses;
 - potential for this development to encourage more businesses and consumers to both live in and visit Orpington;
 - the addition of smaller retail units that should prove more readily lettable and bring much needed new retailers to Orpington town centre.
- Car free nature of the proposal

- parking is not an issue, given the fantastic public transport in the area; combined with a change in working culture allowing people to work from home on a regular basis;
 - the general public are keen to "go green" and use other modes of transport which are not harmful to the environment (such as cycling);
 - the residential car park serving a block of flats next to the High Street is roughly half empty which shows that parking isn't as much of a priority as it used to be;
 - would help to steer people towards using more sustainable transport options in Orpington.
- Housing
 - would help to meet the demand for housing within the Orpington area which is close to the High Street and within walking distance of the train station;
 - there is a lack of affordable flats in Orpington;
 - would attract young professionals to the town centre;
 - create additional homes to boost the economy;
 - would add to the vibrancy of the town centre.
- Design
 - well-designed, high quality proposal;
 - would improve the tired appearance of the shop frontage;
 - architecturally in keeping with the surrounding area;
 - the massing and design is sympathetic to the local vernacular and character of the high street;
 - the plans have taken into account a lot of public concern about access and the overall dominance of the property to ensure it's in keeping with the surrounding buildings;
 - would vastly improve the building and support with modernising and regenerating Orpington High Street;
 - the look and height of the building closely mirrors the next-door Post Office building.

5. POLICIES AND GUIDANCE

5.1 National Planning Policy Framework 2021

5.2 NPPG

5.3 The London Plan - March 2021

- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- GG5 Growing a good economy
- GG6 Increasing efficiency and resilience
- SD1 Opportunity Areas
- SD6 Town Centres and high streets
- SD7 Town Centres Development principles and development plan documents
- SD8 Town centre network

- SP9 Town Centres: Local partnerships and implementation
- SD10 Strategic and local regeneration
- D1 London's form
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D9 Tall Buildings
- D11 Safety, securing and resilience to emergency
- D12 Fire safety
- D13 Agent of change
- D14 Noise
- H1 Increasing housing supply
- H2 Small sites
- H4 Delivery affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H7 Monitoring of affordable housing
- H10 Housing size mix
- S4 Play and informal recreation
- E1 Offices
- E2 Providing suitable business space
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- G9 Geodiversity
- S4 Plan and informal recreation
- HC1 Heritage conservation and growth
- G5 Urban Greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI-1 Improving Air quality
- SI-2 Minimising greenhouse gas emissions
- SI-3 Energy infrastructure
- SI-4 Managing heat risk
- SI- 5 Water infrastructure
- SI-8 Waste capacity and net waste self-sufficiency
- SI -13 Sustainable drainage
- T1 Strategic approach to transport
- T2 Healthy Streets
- T4 Accessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking
- T6.2 Office Parking
- T6.3 Retail parking

- T6.5 Non-residential disabled persons parking
- T7 Deliveries, servicing and construction
- DF1 Delivery of the plan and planning obligations
- M1 Monitoring

5.4 Mayor Supplementary Guidance

- Providing for Children and Young People's Play and Informal Recreation (2012)
- Accessible London: Achieving an Inclusive Environment (2014)
- Sustainable Design and Construction (2014)
- Shaping Neighbourhoods: Character and Context (2014)
- Control of Dust and Emissions During Construction and Demolition (2014)
- Housing (2016)
- Homes for Londoners - Affordable Housing and Viability (2017)
- Homes for Londoners: Affordable Homes Programme 2021-2026 Funding Guidance (November 2020)

5.5 Bromley Local Plan 2019

- 1 Housing Supply
- 2 Affordable Housing
- 4 Housing Design
- 13 Renewal Areas
- 14 Development Affecting Renewal Areas
- 17 Cray Valley Renewal Area
- 30 Parking
- 31 Relieving congestion
- 32 Road Safety
- 33 Access for all
- 34 Highway Infrastructure provision
- 37 General Design of Development
- 40 Other Non-Designated Heritage Assets
- 42 Development Adjacent to a Conservation Area
- 72 Protected Species
- 73 Development and Trees
- 77 Landscape Quality and Character
- 79 Biodiversity and Access to Nature
- 91 Proposal for Main Town Centre Uses
- 92 Metropolitan and Major Town Centres
- 113 Waste Management in New Development
- 115 Reducing Flood Risk
- 116 Sustainable Urban Drainage Systems
- 117 Water and Wastewater Infrastructure Capacity
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 122 Light Pollution

- 123 Sustainable Design and Construction
- 124 Carbon reduction, decentralised energy networks and renewable energy
- 125 Delivery and Implementation of the Local Plan

5.6 Bromley Supplementary Guidance

- Planning Obligations (2010) and subsequent addendums
- Bromley Town Centre Area Action Plan (2010)

6. Assessment

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

- Land use
- Housing
- Design
- Heritage
- Neighbouring residential amenities
- Transport and Highways
- Trees and Biodiversity
- Energy and Sustainability
- Environmental Health
- Flooding and Drainage
- Archaeology
- Planning Obligations and CIL

6.1 Land Use - Acceptable

Retail

6.1.1 The site comprises of a 3 storey building with a ground floor retail unit, an ancillary office and storage area on the upper floors, and a service yard to the rear. The ground floor unit forms part of the Orpington Major Town Centre primary shopping frontage. The business rateable area measures approximately 2,210sqm. The proposal seeks permission to demolish the existing building and re-provide 450 sqm of retail floorspace at ground floor level. The applicant advises that the unit would provide a marketplace style offering, which would include a bakery, greengrocer, butcher, florist, café and a high-quality delicatessen.

6.1.2 A retail marketing statement and economic overview produced by Jackson Criss has been submitted in support of the planning application. The following observations from Jackson Criss are particularly relevant and telling in the consideration of any net loss of retail floorspace on site as a consequence of the application scheme:

- Larger retails units of 10,000 sq.ft plus have tended to move out from traditional town centre locations in favour of out of town retail parks,

which offer the benefit of large and accessible shopfloors set primarily at ground floor level, with the added benefit of significant free parking in close proximity to the store and thereby offering better performance to operators and customers;

- Retailer demand within Orpington Town Centre is subdued;
- The Covid-19 pandemic has subdued this demand even further, although it is hoped that this position will remain only temporarily;
- Where retail interest is still evident, this primarily relates to demand for smaller units up to 5,000sq.ft (465sq.m), but within a prime retail location.

6.1.3 Whilst the town centre policies do not explicitly require marketing evidence to demonstrate redundancy if the ground floor use is retained, the Council should be satisfied that the functionality of the retail unit would not be impaired (following the loss of the ancillary function within the upper floors), nor would its capacity to be occupied in the future. In this instance, whilst the reduction of the retail floor area, including the ancillary floorspace on the upper floors, and the removal of the dedicated servicing and delivery area is regrettable as it could impact adversely on the attractiveness of the site for larger national occupiers and anchor tenants, the contraction of the commercial use of the site over time as set out in the Planning Statement submitted is acknowledged. Officers also recognise the benefits of providing a modern commercial unit when comparing to the poor condition of the existing building, which is one reason potential tenants have been discouraged. The ease with which the new ground floor unit could be sub-divided into 2 smaller units is further noted.

6.1.4 The proposal would retain an active frontage at ground floor level and would secure the future viability of the commercial unit, which, at 450sqm of floorspace would remain as one of the larger retail units within the primary shopping frontage of Orpington Town Centre. It is recommended that a condition is imposed restricting the use of the commercial floorspace to remain within Use Class E(a) only in order to maintain the vibrancy within this primary frontage location and in order to protect the residential amenity.

Office

6.1.5 The proposal would provide 60 sqm of office/workshop space intended for small and medium-sized enterprise (SME). The applicant has confirmed that this space would be used as a back of house office space in conjunction with the operations of the marketplace proposed, as well as the existing Orpington GPO Restaurant.

6.1.6 The provision of office floorspace within the Town Centre location is supported as it is considered to add to the vibrancy and diversity of ground floor economic uses promoted within the scheme. It is recommended, however, that a planning condition is imposed to restrict the use of the proposed floorspace to Class E(g)(i and ii) only.

Residential

- 6.1.7 Housing is a priority use for all London boroughs and London Plan encourages to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 which welcomes the provision of housing within Renewal Areas and as part of mixed-use developments in suitable locations. Paragraph 86 (f) of the NPPF sets out that policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
- 6.1.8 Provision of 40 new dwellings would contribute to the Council's housing target and is supported. The proposal would re-use a highly sustainable, yet underutilised brownfield site, making the best use of Bromley's limited land. There is therefore a strong policy support for the proposal on the basis of housing need and appropriate location. The diversification in town centre use to include residential use would help to strengthen the vitality and viability of Orpington Town Centre as a whole, increasing footfall and activity, and enlarging the market of potential retail customers.
- 6.1.9 As such, the principle of the proposed housing-led, mixed-use redevelopment scheme would adhere to the requirements of Local Plan Policies 1, 13, 15, 98 and is, therefore, considered as acceptable from a land use perspective.

6.2 Housing - Acceptable

Housing Supply

- 6.2.1 The current position in respect of Bromley's Housing Trajectory, including the Five Year Housing Land Supply (FYHLS), was agreed at Development Control Committee on 2nd November 2021. The current position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units, or 3.99 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply (paragraph 11(d) of the NPPF 2021).
- 6.2.2 This application includes the provision of 40 residential dwellings and would make a considerable contribution to the achievement of the Council's housing targets.

Affordable housing

- 6.2.3 The proposed development is entirely for private market housing, with no affordable housing provision. In accordance with the requirement of Policy 2, Financial Viability Assessment Addendum (June 2021) has been prepared by DS2 to update the previously submitted Financial Viability Assessment (dated November 2020) and to identify the level of planning obligations that the development can sustain. DS2 have declared the proposed scheme is rendered unviable as the costs associated with developing the site exceed the revenue generated. It is claimed that the scheme is in deficit by £520,794 in viability terms.

6.2.4 The report has been assessed by an independent consultant appointed by the Council who confirmed that the scale of the deficit should be reduced to minus £335,431, which is £185,363 less than the deficit calculated by DS2. As such, it is concluded that the scheme is unable to viably provide an affordable housing contribution.

6.2.5 In line with the London Plan Policy H5 schemes that do not provide the threshold level of affordable housing must follow the Viability Tested Route and are subject to viability scrutiny and review mechanisms. Given the viability position of this proposal, should planning permission be granted, a clause to manage and monitor the progress on implementation of the development including an early and late stage viability reviews would be secured in the S106 agreement, in line with the Mayor of London's Affordable Housing and Viability SPG (2017).

Housing Mix

6.2.6 The proposed development would deliver 10 x 1 bed units (25%), 3 x 2 bed 3 person units (8%), 25 x 2 bed 4 person units (62%) and 2 x 3 bed units (5%). Given the site's location within the major town centre, the housing mix with a predominance of 2 bed units would meet the identified housing need of the Borough and is considered as acceptable.

Density

6.2.7 Orpington being a Major Town Centre falls within the Central group classification within the density matrix in the now superseded London Plan. The density of development indicated within the matrix for sites in Central areas with a PTAL rating of 4-6 (the application site has a PTAL 4 to 5) is 215-405 units per hectare (based on 2.7-3.0 habitable rooms per unit). The recently published London Plan does not contain a comparable density matrix, but it does indicate that densities above 405 units per hectare for central, very accessible sites may be possible.

6.2.8 The site measures 0.204 ha and the 40 unit scheme, as proposed, would have a density of 196 units per hectare and thus would be below the recommended prescribed density range. However, given the need for the scale, bulk and height of development to remain contextually appropriate and respectful of neighbouring occupiers, the proposed quantum of development on site is considered acceptable. Design and resulting amenity impacts are assessed in the subsequent sections of this report.

Standard of accommodation

Internal floor area

6.2.9 All of the proposed units would meet or exceed the minimum requirements for gross internal (floor) area at a defined level of occupancy as set out in 'Technical housing standards - nationally described space standard'.

Outlook

- 6.2.10 The main part of the building would have 8 units served by an individual core whilst the northern wing of the building would have 2 units per core (4 overall). As a result of the proposed internal arrangement, there would be no single aspect north facing units and majority of dwellings would have dual or triple aspect (80%), albeit some (20%) would be dual/triple aspect only on account of a small step in plan (living room), and a high-level window serving the kitchen.
- 6.2.11 The proposed layout of the building and individual dwellings means that windows serving habitable rooms would generally not be enclosed by adjacent parts of the development.
- 6.2.12 Officers note that outlook from bedrooms orientated inwardly towards the internal courtyard/lightwell within the main block would be constrained by the flank wall of the adjoining sorting office/former GPO building at first floor level (less so on the floors above). It is noted, however, that these bedrooms would be afforded views of the podium landscaping offering visual amenity and lessening any potential sense of enclosure. The effect on the living conditions in these rooms would not be unacceptable.
- 6.2.13 The quality of outlook afforded to the living rooms of the flats in the northern wing would also not be optimal, given the spatial relationship with the buildings fronting the High Street, however, these units would benefit from a secondary aspect to the rear, therefore, on balance, no objection is raised in this respect.

Daylight and Sunlight

- 6.2.14 Daylight and Sunlight Report by Consil submitted in support of the application demonstrates that all of the lounge/kitchen/dining rooms within the scheme would meet the 1.5% target value for Average Daylight Factor (ADF), with only one lounge kitchen diner receiving just below the target value (1.47%). All of the bedrooms would meet the required daylight level thresholds.
- 6.2.15 In terms of the sunlight provision, of all windows tested, 63% would meet the annual criteria in the south-facing rooms and 65% of the south-facing rooms would meet the winter target hours. These figures are principally a result of the built-up environment to the east of the site and the limited number of directly south-facing windows and rooms, which is a direct consequence of the site's orientation.
- 6.2.16 Turning to amenity, the outdoor shared amenity space would meet the BRE recommendations for permanent overshadowing in both March and June. While the resident's terrace and the play zone would receive below the BRE recommendations in March, they would all receive some afternoon / evening sun, and in June would receive a minimum of two-hours of sun on the ground to at least 81% of their areas.
- 6.2.17 The Mayor of London's SPG states: *"Where direct sunlight cannot be achieved in line with Standard 32, developers should demonstrate how the daylight*

standards proposed within a scheme and individual units will achieve good amenity for residents. They should also demonstrate how the design has sought to optimise the amount of daylight and amenity available to residents, for example, through the design, colour and landscaping of surrounding buildings and spaces within a development.”

6.2.18 In this instance, as outlined above, almost all rooms assessed would meet or exceed the guideline values given for daylight amenity and the values for sunlight amenity are reflective of the site's constraints and its orientation, and are commensurate with an urban location. To this end, officers do not consider this to be a transgression of the BRE guidelines.

Privacy

6.2.19 With regard to privacy, the proposal has been designed to avoid mutual overlooking between units with directly facing windows. The bedrooms orientated inwardly towards the internal courtyard would have a minimum separation of over 13m and would have oriel windows fitted with a solid panel along their side panes ensuring that no views into the rooms would be afforded. The junction between the main part of the building and its northern wing would have windows at 90 degrees to each other, which is typical of residential urban developments.

6.2.20 Screens and buffers would be provided to separate individual terraces, as well as gardens and shared amenity spaces. This is considered necessary to ensure that the privacy would be adequately protected and would be secured via condition.

Amenity Space

6.2.21 Majority of units would be provided with a private external amenity space in the form of a balcony, garden or terrace. For units which would directly face the High Street, balconies have been omitted for noise reasons, and the required amount of the external space was incorporated within the internal floorspace to adequately mitigate for this deficit.

6.2.22 Further to this, the proposed development includes the provision of over 190sqm of shared amenity space at the rear of the site within the newly acquired parcel of land. This space would be landscaped and equipped with an outdoor seating and incidental play features. Internally, a communal resident's lounge and lobby would also be provided at ground level, with the lounge offering a direct aspect and outlook towards the play area and shared garden at the rear. Publicly available amenity space is also available at Priory Gardens, an approximate 6 minute walk to the north-east of the development.

Children Play Space

6.2.23 Based on the proposed housing mix and tenure, and due to varying levels of PTAL within the site, the estimated child yield of this proposal would be between 7.9 and 12 children. This gives rise to a total child play space requirement of

78.8-120sqm, of which at least 43-68sqm should be allocated for a doorstep play for under 5's.

6.2.24 The total area of the outdoor play space proposed would be 99.4sqm, of which 28sqm would be accommodated within a formal designated play space with equipment specifically for under 5's that require doorstep play, and the remaining area of the shared amenity space being allocated for incidental play through the provision of timber play stumps, lawn mounds and a willow tunnel. In addition to this, the proposal involves the provision of an internal play area.

6.2.25 It is also acknowledged that the application site sits in close proximity to large areas of public open space, including Priory Gardens, Grassmeade Recreation Ground, Goddington Park, Poverest Park, as well as Broomhill Common and Broxbourne Gardens offering further opportunities for play.

6.2.26 Overall, officers consider that the proposed play space provision would be of sufficient capacity to ensure that children living in the development would be adequately catered for in terms of access to play space. Further to this, the design elements of the children's play area appear to be well considered and subject to a planning condition securing the details of play equipment, including its maintenance, it is considered that the proposed play space provision would be of good quality.

Accessible Housing

6.2.27 In line with London Plan Policy D7, 90% of homes would meet Building Regulations M4(2) 'accessible and adaptable dwellings' and 10% would be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users to meet Building Regulation M4(3) 'wheelchair user dwellings'.

6.2.28 The proposal indicates that 4 wheelchair user units (2B4P) would be provided on 1st, 2nd and 3rd floor. The proposed floor plans demonstrate that a step free access would be provided for the upper floor units via an internal lift. 2 car parking spaces for disabled persons would also be provided to the rear of the site. As such, it is considered that the proposal would achieve an inclusive living environment.

Secured by Design

6.2.29 To satisfy the provisions of London Plan Policy D3 and Local Plan Policy 37, security would be sought through building design, access control, CCTV and good management practices. Compartmentalisation of the building has been optimised to reduce the ability for intruders to gain free unauthorised access to all internal areas.

6.2.30 The design out crime officer was consulted, and no objection was raised in respect to the proposal, subject to a planning condition requiring the proposed development to achieve Design Out Crime accreditation.

Fire Safety

6.2.31 London Plan Policy D12 states that all major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor. Matter of fire safety compliance is covered by Part B of the Building Regulations. However, to ensure that development proposals achieve highest standards of fire safety, reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape which all building users can have confidence in, applicants should consider issues of fire safety before building control application stage, taking into account the diversity of and likely behaviour of the population as a whole.

6.2.32 Supporting Fire Safety Strategy Report by Solas Realta Fire Engineering states that the proposed building has been designed to include a high level of compartmentation in order to facilitate a 'defend in place' evacuation strategy, whereby residents could remain protected within their flats until such time as the fire and rescue service initiate a phased/total evacuation of the building, or residents decide to make their own escape. In the case where a fire starts in a flat that has a resident with reduced mobility, that resident can escape from the flat and refuge in the staircase. Additional fire safety measures proposed include:

- fire detection and alarm systems;
- automatic water fire suppression system (AWFSS) (water sprinkler system);
- structural fire resistance;
- fire performance of external walls;
- fire-fighting lifts;
- access and facilities for Fire and Rescue Services.

6.2.33 In line with Policy D5 B(5), the development would provide a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access. As a contingency measure, it is recommended that a pre-occupation condition is imposed requiring provision of a maintenance schedule within the operational management plan safeguarding the regular servicing of the lift.

6.2.34 The London Fire Brigade was consulted and did not make any comments on the proposal. Compliance to the fire statement will be conditioned however, compliance with the Building Regulations will still be required at the appropriate stage of the development.

6.3 Design – acceptable

6.3.1 The existing building is of poor architectural quality and detracts from the general appearance of the High Street. The application proposal consisting of demolition and a new build scheme presents an opportunity to architecturally enhance the quality of the build form on the application site and the visual contribution it makes to the High Street and the wider town centre.

6.3.2 The architectural language along Orpington High Street varies significantly from terraced housing with Tudor qualities to more recent block buildings with more horizontal emphasis. Heights are also inconsistent, from 2/3 storey terraced

housing to the 6-storey Orpington Village Hall or the 9-storey recent Berkeley Development just off the High Street. The shoulder height of the adjoining former GPO building fronting the High Street (No.214) is taller than the current building and equates to approximately 4-4.5 storeys. Officers are also mindful that the general height, scale and mass of the buildings within the town centre are set to change in the short-to-medium term with other major redevelopment schemes coming forward.

Height, Scale and Mass

6.3.3 The setting back of the proposed development from the existing building line to ensure that No.214 retains its visual presence is supported. The corresponding 4 storey height is considered appropriate in this setting. Whilst the additional fifth storey element would exceed the existing datum, this element would be set back from the principal elevation by over 6.6m, making it generally unobservable from the street level. Therefore, while not wholly supported, the townscape impact on the High Street is considered to be acceptable.



Fig. 4. Proposed High Street frontage.

6.3.4 It is understood that the proposed distribution of mass across the site aims to achieve a transition between the commercial scale of buildings within the High Street and the low-rise, domestic scale of residential properties within Vinson Close. The placement of the taller element to the south and the stepped massing moves the proposed mass away from the residential properties in order to safeguard their amenities.



Fig 5. CGI of the proposed High Street frontage.

6.3.5 In officers' view, the 3-storey element of the proposed building (northern wing) responds appropriately to the closest neighbouring buildings to the north. The fifth storey element would contrast with the scale of the neighbouring properties and would appear more prominent when viewed from Vinson Close, however, officers note that due to the site benefiting from the rising ground levels to the rear, the proposed building would appear as four storeys in height. In addition to a generous set back from Vinson Close the main part of the building would be seen as a continuation of the adjoining mass of the sorting office. Officers are also mindful of the emerging context within the wider Orpington Town Centre which would provide a backdrop to this scheme. Overall and on balance, the townscape impact on Vinson Close is not considered to be unacceptable.



Fig 6. CGI of the proposed view of the development from Vinson Close.

Layout

- 6.3.6 The opportunity to redevelop the site to replace a building of little design merit and utilise a strip of redundant land to the rear is acknowledged. It is important that any new development makes a positive contribution to the High Street setting and has an appropriate relationship with the surrounding context. The redevelopment of the site has the potential to contribute to the wider regeneration of Orpington Town Centre.
- 6.3.7 Whilst primary access for residents should ideally be directly fronting the High Street, the proposed setting-back of the residential entrance in order to retain the required quantum of commercial floor space is generally considered acceptable. The quality of the arrival experience would largely be dependent on the proposed landscape strategy/public realm improvements, however the provision of a communal lounge, work hub and play space is considered of great benefit to residents and is strongly supported.

Appearance

- 6.3.8 By incorporating 5 vertical rows of grouped fenestration the proposed high street frontage aims to emphasise the verticality in response to the principal elevation of the GPO building. This design approach is supported. The proposed brown brick finish continuing the materiality on the west side of the High Street is also considered appropriate in this context. The use of contrasting material such as metal for the stepped back upper storey, in order to separate that storey from the overall massing of the proposed scheme is unobjectionable. A slim profile metal balustrade design would also help contribute towards achieving a 'high quality' appearance.
- 6.3.9 The simple palette of materials with recessed windows and architectural string course detailing to articulate the facade is welcomed, a high-quality brick finish

is expected and would be secured by condition should permission be granted; physical samples of all external materials would also need to be provided to ensure the robust high-quality aspirations of the scheme.

- 6.3.10 The installation of green wall(s) on the west elevation is welcomed and would help contribute towards the scheme's green infrastructure credentials. This element would also be secured by condition to ensure delivery and long-term maintenance requirements and to safeguard against value engineering (removal) at the post-planning stage.

Landscaping

- 6.3.11 The proposed landscaping materials are considered to be acceptable and of suitable quality to compliment the new building. The design elements of the children's play area appear to be well considered. It is regrettable that the proposed landscape strategy does not include the entrance/surface treatment/lighting to Roberts Mews despite this area falling within the red line boundary, however, officers understand the potential to improve and enhance this space as part of the proposed development is limited given the land ownership issues.

6.4 Heritage – Unacceptable

- 6.4.1 There are no statutorily designated heritage assets (listed buildings or conservation areas) within close proximity to the site, with the closest being the Priory Conservation Area standing some 250 metres to the north. The former Post Office building at No.214 High Street directly adjacent to the south of the site has been identified through the pre-application process to be a non-designated heritage asset.
- 6.4.2 The former GPO building is considered to be of some local historic interest reflecting the growth of Orpington as a metropolitan suburb of London during the interwar period. It contributes positively to the local townscape and street scene, remaining as the tallest edifice and an important accent along Orpington High Street around the mid-point at a slight crank in the street. This stretch of the High Street forms part of the main approach and setting of the Priory Conservation Area, with views out of the conservation area looking south being directed towards the former GPO, by virtue of its dominating height and distinctive architectural treatment (see Fig. 7 below).
- 6.4.3 The Heritage Assessment submitted admits that the proposal would have a noticeable and material effect on the setting of No. 214 due to proximity, however, it argues that as the existing building makes a slightly negative contribution to this setting, the current application proposals would '*represent a reversion to a better-quality architecture that is more complementary and sympathetic to the appearance of the former GPO and its townscape role as a minor focal building.*' Similarly, in regard to the effect on the Priory Conservation Area the heritage statement stipulates that the proposed development would preserve and enhance the views into and out of the conservation area from the affected part of the High Street thereby maintaining the setting of the heritage asset and the contribution it makes to its significance.



Fig. 7. View from the southern boundary of the Priory Conservation Area towards the site and the adjoining former GPO building (source: Heritage Statement).

6.4.4 The Council's Conservation Officer considers that the proposed replacement of the existing visually subservient building with a more dominant and higher structure would erode the prominence of the former Post Office, and would introduce a confusing new element which would visually overpower, undermine and harm the setting of this non-designated heritage asset, whilst detracting from the views into and out of the designated heritage asset (the Priory Conservation Area), therefore causing less than substantial harm using the NPPF definition. The harm arising from this part of the proposal will be considered in the overall planning balance within the conclusion of the report.

6.5 Neighbouring residential amenities – Acceptable

6.5.1 Local Policy 37 requires all development proposals to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.

6.5.2 Within the immediate context of the development site, the neighbouring residential accommodation includes the properties to the rear (west) within Vinson Close: Nos 38 – 44 (odds), as well as those upper floors above commercial units within the adjacent High Street parade that are in residential use, namely 6 Roberts Mews (above 206 High Street), 196 and 187-197 High Street.

6.5.3 No.1 Roberts Mews accommodates office use therefore no assessment is required in respect of the residential amenity impacts. Nonetheless, it is noted that the northern façade of the northern wing would be located some 3.9m away

and would be windowless. In respect of the impact of the proposal on the future development potential of the existing Royal Mail sorting site, officers note that the communal amenity courtyard on the southern side of the main block would create an inward facing amenity and light feature, avoiding placing a reliance on prospect and amenity on land to the south.

Outlook and sense of enclosure

Vinson Close

- 6.5.4 As noted in the design section of this report, the fifth floor of the proposed building would be set back from the High Street frontage and would be absent from the majority of the northern wing, in an attempt to minimise the perception of scale and mass as viewed from neighbouring residential properties along Vinson Close.
- 6.5.5 The resulting separation distances between directly facing habitable room windows on main rear elevations would be in excess of 26 metres, thereby significantly exceeding the minimum threshold of 18 metres, as recommended in the London Plan SPG. This resulting spatial relationship would be typical to many urban locations in the borough and considered sufficient to ensure that a satisfactory level of outlook would be maintained and that no undue sense of enclosure or overbearingness would result.
- 6.5.6 Officers also acknowledge that due to the rising ground levels towards the rear of the site, the ridge height of the single storey semi-detached houses in Vinson Close (Nos. 38 – 40 and 42 – 44) would be at a similar spot height to that of the third floor of the northern wing of the building. The northern wing would appear as partially sunken in height when viewed from within the Vinson Close street scene and would be lower than the height of the two storey residential properties on the opposite side of Vinson Close. The use of climbing plants within the western and northern elevations would soften the appearance of the building thereby further mitigating the scale and the mass of the northern wing.
- 6.5.7 In respect of privacy, the proposed separation distances of at least 25 metres between directly facing habitable room windows on main rear elevations are considered sufficient to not result in an adverse impact on amenity as a result of loss of privacy.
- 6.5.8 In order to further minimise any potential for overlooking, the western elevation of the northern wing facing Vinson Close would have no balconies and the windows would be of oriel design, directing the view away from residential properties and their gardens. It is noted that there would be balconies to the rear of the main part of the building, however these would be either recessed or offering an oblique viewing angle and would avoid infringing on privacy.

6 Roberts Mews

- 6.5.9 Regarding the impact of the proposal on 6 Roberts Mews, there are windows in the flank and rear serving two residential units (1 and 2 bed) above the

commercial ground floor (approved under 15/01275/FULL1). The window-to-window separation distance of at least 20m would be maintained for the rear windows facing the wing part of the proposed building. This distance is considered as adequate to ensure that the privacy and aspect currently enjoyed by the occupiers of these residential units would not be unduly compromised.

6.5.10 Officers note that all four windows in the flank elevation facing the main part of the proposed building provide secondary aspect and that all three of the first-floor windows are fixed shut and obscure glazed, and likely to remain as such. In respect of the outlook, it is acknowledged that the proposed development would introduce a setback on the upper floors when compared with the existing extend of the structure, thereby resulting in a slight increase in spatial separation between the buildings.

196 High Street

6.5.11 It appears that the two first-floor windows above the rear additions to the Costa coffee shop may serve residential accommodation, however there are no planning records available confirming this. Notwithstanding that, officers are of the view that the resulting relationship between the property and proposal would be sufficient to ensure that no undue overlooking or sense of enclosure would result.

187-197 High Street

6.5.12 All of the windows to the upper floors would comfortably meet the BRE criteria for daylight and sunlight amenity.

Daylight

6.5.13 Development should not result in an unacceptable material deterioration of the daylight and sunlight conditions of surrounding development. Nor should the development result in an unacceptable level of overshadowing to its surroundings. The BRE Guide states that the amount of daylight (Vertical Sky Component VSC) and its distribution (No Sky Line) are important. The reductions in daylight would be noticeable to occupiers if the VSC measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value.

6.5.14 The application has been accompanied by a Daylight and Sunlight Report prepared by Consil. The development has been assessed against the Building Research Establishment (BRE) guidance 'Site Layout Planning for Daylight and Sunlight'.

38 Vinson Close

6.5.15 This single storey dwellinghouse lies to the west of the application site. The flank windows in the west elevation of the bungalow serve a bathroom and a toilet, neither of which have a requirement for daylight and sunlight amenity. The windows in the rear directly facing the proposed development serve a

lounge and kitchen and would comfortably meet the BRE criteria for VSC with both rooms also meeting the daylight distribution test, confirming that the daylight amenity to this property would not be materially affected by the proposals.

196 High Street

6.5.16 It appears that the two first-floor windows above the rear additions to the commercial unit on the ground floor may serve residential accommodation. These two windows would be left with 0.75 and 0.63 of their original VSC values on completion of the development, thereby resulting in a reduction below the BRE recommended threshold. Officers note however, that the residual VSC values retained to these windows would be 23.52% and 19.90% respectively. This is considered to be entirely in-keeping and commensurate with the built urban environment in this Town Centre location, and therefore acceptable.

6 Roberts Mews

6.5.17 There are windows in the flank and rear serving two residential units (1 and 2 bed) above the commercial ground floor. Three of the windows in this property would have their VSC reduced to below the BRE target values, although only marginally.

6.5.18 Two windows to the first-floor lounge kitchen diner serving a 2-bed unit, would reduce by 0.73% and 0.7% respectively. However, the daylight distribution to this room would comfortably meet the BRE criteria and, as such, the changes in VSC would be imperceptible to the occupant.

6.5.19 The other slight reduction is to the second-floor bedroom of the 1 bed unit, with window 2 reduced from 26.81% to 18.22% (0.68%). It is noted, however, that this room benefits from a dual aspect and the other window serving this room would retain a BRE compliant post development value of 30.76%. Furthermore, this room comfortably meets the BRE daylight distribution criteria, meaning that this minor VSC reduction would be imperceptible.

6.5.20 The report submitted reports that as a result of the proposed development two windows to the first-floor bedroom (2-bed unit) would see marginal increases in VSC, from 12.04% to 13.10% and 18.12% to 19.36%. However, as officers already noted above, these windows are currently obscure glazed and, given the potential privacy issues, likely to remain as such.

187-197 High Street

6.5.21 A three-storey building with retail on the ground floor and two floors of residential above. All of the windows to the upper floors would comfortably meet the BRE criteria for daylight and sunlight amenity.

Sunlight

6.5.22 The BRE sunlight tests should be applied to all main living rooms and conservatories which have a window facing 90° due south. The guide states that kitchens and bedrooms are less important, although care should be taken not to block too much sunlight. The BRE Guide states that sunlight availability would be adversely affected if the centre of a window receives less than 25% of annual probable sunlight hours (APSH) or less than 5% of probable sunlight hours between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year of over 4%.

6.5.23 The results of the survey demonstrate that all of the relevant windows tested within these properties will show full compliance to the BRE Guidelines on APSH (Sunlight Criterion).

Overshadowing of amenity spaces

6.5.24 In terms of overshadowing assessment, the BRE guidance suggests that for a space to appear sunlit throughout the year, at least 50% of the amenity area should receive at least 2 hours of direct sunlight on 21st March. It states that the “availability of sunlight should be checked for all open spaces”, which usually includes gardens, sitting-out areas, parks or playgrounds.

6.5.25 Drawing no. 401 appended to the report demonstrates that all of the rear gardens of properties Nos 38 - 44 (even) Vinson Close would comfortably meet the BRE criteria for permanent overshadowing to amenity spaces.

General noise and disturbance

6.5.26 Although the proposed housing use on site would introduce a greater level of activity to the surrounding area, officers acknowledge that the proposed development would be car free (with the exception of two car parking spaces for disabled residents) and the main point of residential access would be situated off High Street which due to its location within a major town centre already experiences significant level of activity from both existing pedestrian and vehicular sources.

6.2.27 In order to minimise noise from the use of the proposed external shared amenity space, it is recommended that a 2m boundary fence to the southern boundary of No.38 Vinson Close is installed. In officers view, subject to an appropriate boundary treatment the additional activity and any potential disturbance generated by the development would not be of such significance as to result in a harmful impact on the amenity of existing neighbours.

6.2.28 Proposed “at source” noise mitigation measures including works to the plant equipment serving the adjacent Pato Lounge would lead to a reduction in the levels of noise and are supported.

6.2.29 Overall, the proposals are considered to satisfactorily respond to the constraints of the site without resulting in any material harm to the residential amenities currently enjoyed by the existing neighbouring occupiers.

6.6 Transport and Highways - Acceptable

6.6.1 The development site lies within the Orpington Major Town Centre and benefits from a PTAL ranging between 4 and 5, indicating 'good' and 'very good' level of accessibility. The site is well connected by bus routes, with most bus routes running through the High Street. The nearest rail station to the application site is Orpington Rail Station located 1.2km from the site.

Access

6.6.2 Vehicular access to two disabled bays is sought via Vinson Close which would remove any use of Roberts Mews by the development. The proposed access arrangements would afford appropriate visibility with swept path analysis confirming appropriate manoeuvring space within the site. The Council's Highway division considered that this part of the proposal is acceptable, and no objection is raised in respect of this element.

Trip generation and parking impacts

6.5.3 TRICS-based assessment indicates the proposed development is likely to generate around 12 vehicle movements during the weekday morning peak, and 18 during the weekday evening peak (see Tab.1 below). Based on these results, it is anticipated that, assuming no linked trips and ignoring existing trip attraction, the proposed development would add one vehicle to the transport network roughly once every three minutes during the peak hours, which is not considered significant. The development net change is estimated to generate an additional three vehicle movements during morning and evening peak times, essentially adding one vehicle to the transport network once every 20 minutes during peak hours. It is considered that these increases in traffic levels are unlikely to have any material impact on the operation of the local highway network.

Total	Weekday Morning Peak 08:00 – 09:00		Weekday Evening Peak 17:00 – 18:00		24hr	
	Arrivals	Departures	Arrivals	Departures	Arrivals	Departures
Vehicles	7	5	8	10	101	101
Cyclists	2	2	4	4	39	39
Pedestrians	25	48	75	55	741	795
Public Transport	46	34	41	48	567	531

Tab.1. Anticipated Total Trip Generation for the proposed development.

6.5.4 In terms of the servicing trips the proposed development is anticipated to decrease in OGV (Heavy Goods Vehicle) movements of two per weekday but to increase in LGV movements of five per weekday compared to the historic use of the site. This is not anticipated to give rise to any material harm on the adjacent highway network.

Car parking

- 6.5.5 As advised in Paragraph 10.6.4 of the London Plan, when calculating general parking provision within the relevant standards the starting point should be the highest existing or planned PTAL at the site. As such, noting that the highest current PTAL rating at this site is 5, the proposed development should be car-free with the exception of accessible parking.
- 6.5.6 London Plan Policy T6.1.G states that residential disabled persons parking should be provided at grade. A minimum of 3 percent disabled parking spaces should be provided from the outset and the proposal should demonstrate how the proposal could provide the remaining 7 percent disabled persons parking spaces as part of the parking design and management plan, should demand arise.
- 6.5.7 As submitted, the development proposals include the provision of 2 disabled persons parking spaces on-site, equating to a provision of 5% of units. Mayer Brown's Technical Note on Accessible Parking Provision provided in support of the scheme argues that the application of Policy T6(G) would require the provision of 1 accessible space from the outset (40 units x 3%), with an additional 3 spaces being made available should provision become insufficient.
- 6.5.8 Notwithstanding this position, as a further safeguard allowing for potential future need for additional disabled spaces (on-street within convenient proximity of the application site), Mayer Brown's note confirms the applicant's offer to provide a commuted sum for the provision of on-street spaces as and when the need arises. In addition to this, the note proposes a permit allocation strategy, as well as annual demand review methodology that would ensure the provision of up to two additional accessible car parking bays within the immediate vicinity should demand exceed supply. The note asserts that there are some significant sections of Vinson Close which are subject to single yellow lines that could be converted to disabled bay provision, should it be necessary.
- 6.5.9 In light of the requirements of London Plan Policy T6.1(H)(3), which allows the residential disabled persons parking bays to be provided on-street, subject to applicant's funding, officers consider that, whilst not fully supported, this approach can be accepted in this particular instance, given the constraints of the site.
- 6.5.10 As part of the proposal and to mitigate the demand for parking, the applicant has confirmed the following would be provided for each of the proposed residential units:
- Two years free car club membership per dwelling;
 - Twenty free car club driving hours per dwelling in the first year;
 - Rights to apply for residents parking permits be removed;
- 6.5.11 In line with London Plan Policy T6.1 the two car parking spaces proposed would be fitted with electric charging points. A condition would be attached to secure the delivery of these provisions.

Cycle Parking

6.5.12 The development proposals include the provision of 94 residential cycle parking spaces within two internal bike stores, each containing double stack racks and individual bike lockers, along further 4 spaces via two Sheffield stands located in the rear garden for visitors to the residential units. Commercial element of the scheme would be provided with parking for 8 bikes (6 for the retail use and 2 for the office use) via Sheffield stands installed on the high street frontage adjacent to the pedestrian crossing.

6.5.13 To supplement the proposed provision, there are currently 4 Sheffield stands (8 spaces) located some 130m to the north of the site and 5 Sheffield stands (10 spaces) 40m to the south of the site located on High Street, which could be utilised by visitors to the site, whether a dedicated trip, or linked with other retail/High Street activities.

Servicing and delivery

6.5.14 The transport assessment indicates that general servicing/deliveries for the residential element would be undertaken from either Vinson Close or the existing service layby immediately adjacent to the site on High Street. Council's highway officers have raised no objection to this element of the proposal and consider that the details of servicing and delivery arrangement should be secured by a planning condition.

Waste management

6.5.15 Commercial waste would be privately collected off the High Street. The refuse storage area for the residential element of the scheme would be separated from the retail storage area and would be provided internally at ground floor level close to the main residential entrance. The proposed provision would accommodate 7 x 1100 litre General, 15 x 240 litre for Recycling and 2 x 240 litre for Food Waste.

6.5.16 Bins would be moved from the refuse store on collection day to a bin holding area on Vinson Close, from where the refuse vehicle would be able to collect the bins. The distance between the bin collection point and the back end of the waste collection vehicle would be 12.1m, therefore below the threshold of 18m between the enclosure and refuse vehicle, as set out in the 'The Storage and Collection of Refuse from Residential and Commercial Buildings Guidance' provided by Bromley. Additionally, residents would not be required to carry waste greater than a 30m distance, in line with manual for streets guidance.

6.5.17 Officers consider that a waste strategy covering the measures to assist in waste collection on collection dates and management responsibility should be secured by a planning condition.

Construction and Environmental Management Plan

- 6.5.18 A Draft Construction Management Plan setting out details of the measures relating to the demolition and construction process for the site has been submitted for consideration, however a condition requiring submission of a Construction and Environmental Management Plan prior to commencement of development is recommended, given the need to address the environmental impacts arising during construction phase. The Council's Highway division also notes that a dropped kerb required from Vinson Close would need to be strengthened to withhold HGV's, as it would be used during the construction phase.
- 6.5.19 Concerns were raised during public consultation in relation to the potential impact of the construction process upon businesses and the free movement of all users within Robert's Mews. In response, officers note that the draft Construction Management Plan submitted with the planning application shows scaffolding on the northern elevation fronting Robert's Mews to be set in from the boundary and cantilevered out at a height of 3.7 metres above ground level to avoid interference with vehicles using Robert's Mews. The hoarding along this northern boundary line would follow the line of the proposed pedestrian walkway.
- 6.5.20 Based on the findings in the Transport Statement, the development proposals are unlikely to result in any adverse traffic impacts on the operation of the local highway network. Whilst the proposal would intensify the use of the site and increase the general demand for parking spaces and traffic in the area, it is considered that the car-free development should be promoted at this town centre location. Subject to the mitigation measures and the required planning conditions and obligations to be secured by a legal agreement, it is considered the proposed level of parking provision would be acceptable at this location.

6.6 Trees

- 6.6.1 The application is accompanied by an Arboricultural Impact Assessment which shows that five trees within the site, as well as the 3rd party tree would need to be removed to facilitate development. All of these trees are identified as being category C, i.e. of low quality and amenity value because of multiple stems and weak unions. The group of six Cypress trees at the boundary with no. 42 Vinson Close is to be retained and protected from direct damage by the existing boundary fence. The no dig surface would be installed prior to any site works further enhancing the protection of these trees.
- 6.6.2 The Council's tree officer wished to raise no objections to the proposal. Subject to the details of a landscaping plan confirm the sizes, species and type of the replacement trees and a detailed arboriculture method statement be secured by a planning condition, the proposal is considered acceptable.

6.7 Biodiversity - Acceptable

- 6.7.1 The Ecological Assessment produced by Ecology Solutions outlines that extended Phase 1 surveys undertaken did not identify any significant habitat or

species present at the site. The survey was undertaken in June 2020 and is reasonably considered to still be valid one year later.

- 6.7.2 The application site comprises a largely vacant commercial premises, a car park / yard and a narrow strip of unmanaged land dominated by scrub and trees. Habitats within the application site are of very limited ecological value and losses are not considered significant in ecological terms.
- 6.7.3 In terms of protected species, the application site is considered to be largely unconstrained, with the detailed surveys demonstrating that the site is of negligible value to foraging and commuting bats. Specific mitigation focussed on the timing of works has been recommended in relation to the potential for impacts on nesting birds, but no other protected or notable species issues have been identified.
- 6.7.4 The biodiversity enhancements as part of this proposal include the provision of landscaped areas with tree planting across the site, the provision of green roofs within available roof areas (circa 375 sqm), as well as climbing and trailing plants upon the western and northern elevation of the building, both of which would be suitable for invertebrates. To expand on these targeted enhancements, the development proposals would provide of a variety of artificial nesting opportunities for bats and birds, particularly swifts and sparrows within the site. The enhancements for invertebrates would include bee nest boxes and invertebrate hibernation boxes within areas of greenspace.
- 6.7.5 In numerical terms, the percentage net biodiversity gain would equate to 95% which would go above and beyond the requirements of London Plan Policy G6. A detailed scheme of biodiversity enhancements would be covered by planning condition along with a condition (LEMP) for long-term site management. A condition preventing site clearance during nesting season would also be included (as recommended within the PEA).
- 6.7.6 The proposed development would achieve an Urban Greening Factor score of 0.4, which is the recommended target score for a predominantly residential development as prescribed by London Plan Policy G5.

6.8 Energy and Sustainability - Acceptable

- 6.8.1 The revised Energy Statement by Hodkinson confirms that a range of advance energy efficiency measures proposed would allow CO2 emission reductions of 13.6% for residential, and 30.7% for non-residential element, therefore exceeding London Plan requirements. It is proposed to install 35 kWp of solar PV. The space heating demand for the residential element would be provided by individual electric panel heaters to each dwelling, while space heating and cooling for the non-residential units would be supplied by an Air Source Heat Pump. Officers are satisfied that a suitable number and variety of measures have been considered for the proposed development.
- 6.8.2 The Carbon Offsetting payment-in-lieu figure for the residential element breaks down as follows:

- On site regulated carbon dioxide emissions (Building Regs 2013 Compliant Development) = 45.3 tCO₂ per annum
- Proposed on site reduction of carbon emissions from energy demand/CHP/renewables = 16.2 tCO₂ per annum
- On site shortfall = 29.1 tCO₂ per annum
- Payment-in-lieu amount calculated as 29.1 (tCO₂) x £95 (per tCO₂) x 30 (years) = **£82,935**

6.8.3 The Carbon Offsetting payment-in-lieu figure for the non-residential element breaks down as follows:

- On site regulated carbon dioxide emissions (Building Regs 2013 Compliant Development) = 9.4 tCO₂ per annum
- Proposed on site reduction of carbon emissions from energy demand/CHP/renewables = 3.1 tCO₂ per annum
- On site shortfall = 6.2 tCO₂ per annum
- Payment-in-lieu amount calculated as 6.2 (tCO₂) x £95 (per tCO₂) x 30 (years) = **£17,670**

6.8.4 The Carbon Offsetting payment-in-lieu figure for the entire development would amount to **£100,605**. The Council's Energy officer has been consulted and no objection is raised to the proposal and recommended the total carbon offsetting payment be secured by a legal agreement. A condition is also recommended to secure the carbon saving measures as set out in the energy assessment can be delivered.

6.9 Environmental Issues - Acceptable

Air Quality

6.9.1 The site is located within an Air Quality Management Area (AQMA), however, it is not located within an Air Quality Focus Area (AQFA) (an area declared by the GLA where air pollutants are exceeding the environmental standards and where there are also high levels of human exposure). An Air Quality Assessment prepared by IDOM Merebrook Limited has been submitted which assess the likely effects of the proposals for the proposed end-users, and to assess potential impacts as a result of the development.

6.9.2 The assessment concludes that baseline concentrations of air pollutants are below the annual mean AQO for NO₂, PM₁₀ and PM_{2.5} at the subject site. The proposed development has been demonstrated to be 'air quality neutral' and the effect of the operational development of local air quality to be 'not significant'. There is considered to be a 'low' risk of dust impacts during all phases of construction in the absence of mitigation. However, provided mitigation is employed for the duration of the construction works, the overall effect on local air quality is judged to be 'not significant'.

6.9.3 The AQA has been reviewed by the Council's Environment Health and no objection has been raised. It is recommended however, that in order to minimise the impact of the development on local air quality within an Air Quality

Management Area any gas boilers must meet a dry NO_x emission rate of <40mg/kWh and any Non-Road Mobile Machinery used must comply with the emission standards. Subject to these conditions as well as the dust measures being secured through the Construction and Environmental Management Plan condition, the proposed development would comply with relevant national and local planning policies, and is considered acceptable from an air quality perspective.

Noise

- 6.9.4 A noise impact assessment undertaken by Mayer Brown confirms that the western portion of the application site has a 'low' (unmitigated) noise risk, with the eastern part of the site closest to the High Street possessing a 'medium' (unmitigated) noise risk. The dominant noise source associated with the site are road traffic noise and commercial noise from adjacent uses. Noise from adjacent commercial noise sources has been identified as giving rise to potential "significant adverse impacts" from existing plant noise at the Pato Lounge at Nos. 202-206 High Street and existing plant noise emission from condensers and entertainment noise break out from the GPO.
- 6.9.5 In respect of the existing plant noise emissions from the Pato Lounge, proactive measures have been taken to reduce noise at source. As discussed earlier in the report (See Proposal section) the red line boundary of the development has been extended to include the ground floor roof area of the Pato Lounge to enable the "at source" noise mitigation measures to be implemented. At this stage of the development the final selection of the of the proposed acoustic mitigation required is not available but measures are likely to include:
- Re-location and re-orientation of the cellar ACCU from the western elevation to the roof;
 - Re-specification of the ventilation plant with quieter fans, additional silencer, coupled with acoustic insulation and re-located intake and discharge points;
 - Erection of an acoustic louvred screen on the roof edge between the plant and the proposed development.
- 6.9.6 The above mitigation measures would reduce the noise impact from a "significant observed adverse effect level" (SOAEL) to below the "lowest observed adverse effect level" (LOAEL). The indicative plan showing where noise mitigation is to be implemented have been provided, however it is recommended that a suitable safeguarding condition be imposed to detail the final design specification of necessary plant mitigation.
- 6.9.7 Internally, the proposal would introduce a commercial and residential separation between ground and first floor to mitigate the noise transfer between uses. The internal layout has been configured so that non-habitable rooms and communal circulation space is used to provide an internal noise buffer to external noise sources on the noisier elevation overlooking the alley way and the GPO bar.
- 6.9.8 For units which directly overlook the dominant noise sources adjacent to the site, external amenity spaces were incorporated into the internal floorspace.

Whilst it is recognised that it will be technically challenging for the balcony noise levels (especially for those located close to the High Street) to fall below the recommended noise threshold, officers acknowledge that as per the guidance set out in BS8233: 2014 the noise standards must be applied flexibly taking into account the site restraints associated with town centre living. In higher noise areas, such as city centres or urban areas adjoining strategic transport network development should be designed to achieve the lowest practicable levels, but should not be prohibited. In this instance officers consider that provision of balconies would be of significant advantage to the residential amenities of the future occupiers and therefore, on balance, no objections are raised in this regard.

- 6.9.9 The proposed building would be fitted with enhanced double glazing with appropriate sound attenuation combined with a Mechanical Ventilation and Heat Recovery System (MVHR). This would protect residents from ambient noise levels within the High Street and the commercial operation of the Pato Lounge, the Orpington GPO Bar and Royal Mail Sorting Office at the rear.
- 6.9.10 A representation was made by Cushman and Wakefield on behalf of the Royal Mail, which raised concern about the potential noise impact of the adjoining sorting office on the proposed development and “Agent of Change” implications. London Plan Policy D13 ‘Agent of Change’ places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. Development should be designed to ensure the established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.
- 6.9.11 Potential noise sources include the use of the yard area to the rear of the site and potential noise transfer between the party wall that separates the sorting office and a section of the southern elevation of the proposed building.
- 6.9.12 The yard comprises a staff parking area and loading bays with an associated ramp for staff to load and unload vehicles. The NIA reports that monitoring undertaken on the western boundary of the site did not show any significant noise events suggestive that the potential noise impact of external activities at the Sorting Office would result in intrusive noise to future occupants of the development.
- 6.9.13 With regard to internal activities, the first-floor area of the sorting office which would create a new party wall separation to the proposed development is used for the manual sorting of mail which is characterised by modest levels of noise which would be readily controlled by the substantial masonry party wall construction. It was established that the operational activities consist of a bank of sorting cages located against the party wall, this involves the manual sorting of letters by staff with no operational machinery used. It was concluded that this activity would result in negligible noise transfer through the structure, particularly given that the party wall is of a typical masonry construction.

6.9.14 The Council Environmental Health were consulted and considered the proposed noise mitigation measures outlined in the NIA as acceptable. Subject to recommended conditions being attached to the planning consent, should it be granted, the proposed development can include provisions to mitigate and reduce noise impacts in line with planning policy objectives, specifically “Agent of Change” obligations.

Land Contamination

6.9.15 The Council's Environmental Health Officer advises that risk associated with contaminants are negligible to low, however, if during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed, and an appropriate remediation scheme submitted to the Local Authority for approval in writing. A condition is recommended to secure such requirement.

6.10 Flooding and Drainage - Acceptable

6.10.1 A Surface Water Strategy (SWS) by Mayer Brown Ltd submitted in support of the application confirms that the site is ‘at a very low risk of surface water flooding’ and concludes that by implementing the below surface water and foul water drainage strategy the proposed development can be appropriately drained without increasing the risk of flooding to downstream/surrounding properties.

6.10.2 In terms of the surface water disposal, it is proposed that the entire impermeable area on site would discharge to a new manhole on an existing Thames Water surface water sewer located in the High Street to the east of the site. If following a drainage survey, the existing surface water connection from the site can be utilised, the proposed pipes would be removed / adjusted as appropriate. Surface water would be attenuated in a subsurface tank and be restricted via a Hydrobrake to 2.0l/s before discharging to the Thames Water sewer.

6.10.3 The entire drainage network proposed would be sufficient to attenuate and drain the site for up to the 1in100yr+40% Climate Change event. In the unlikely event the capacity of the proposed surface water drainage network is exceeded, the excess water would escape from the chambers located below the hydraulic gradient and spill out onto High Street, leaving properties unaffected.

6.10.4 In terms of the foul water disposal, it is proposed that the foul flows generated by the development would discharge via gravity to an existing Thames Water sewer.

6.10.5 The Council’s drainage officer and Thames Water have raised no objection to the proposal, except conditions to secure the details of the drainage strategy works be implemented, ground water source protection strategy and a pilling method statement be provided in consultation with Thames Water. Subject to

the conditions and informatives, it is considered that the proposal would be acceptable with regards to the surface water run-off and drainage.

6.11 Archaeology – Acceptable

6.11.1 The planning application lies in an area of archaeological interest and the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. A desk-based archaeological assessment report and a subsequent Advice Note by HCUK Group submitted sought to map out the steps and stages necessary to keep alive the potential of preservation in situ, if the archaeological evidence required such a consideration.

6.11.2 The material submitted was reviewed by Historic England (Archaeology) Team and it is recommended that the on-going archaeological interest can, on this occasion, be secured by pre-commencement conditions.

7. Planning Obligations and CIL

CIL

7.1 The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

7.2 The London Borough of Bromley Community Infrastructure Levy (CIL) proposals were approved for adoption by the Council on 19 April 2021, with a date of effect on all relevant planning permissions determined on and after 15 June 2021.

Heads of Terms

7.3 The following planning obligations will need to be secured as part of an S106 legal agreement, which the applicant has agreed to in principle, should permission be granted:

- Early and late stage affordable housing viability review;
- 2 years free car club membership per dwelling;
- Twenty free car club driving hours per dwelling in the first year;
- Rights to apply for residents parking permits be removed;
- Commuted sum for the provision of up to two additional accessible on street car parking bays: £5000 each;
- An annual demand review methodology for accessible car parking;
- Carbon off-setting payment in-lieu £100,605; and
- Monitoring fee: £500 per head of terms.

8. Planning balance and conclusion

8.1 The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing, including Policy 1 Housing

Supply of the Bromley Local Plan, as being 'out of date'. In terms of decision-making, where a plan is out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole.

- 8.2. The proposed development would deliver 40 residential dwellings including a good range of housing size intended for two to five persons and this would represent a significant contribution to the supply of housing within the Borough. This is considered a significant benefit of the scheme.
- 8.3 Although the scheme does not propose any Affordable Housing on site as confirmed by an independent assessor, planning permission would be subjected to early and late viability mechanisms in order to determine whether any additional affordable housing can be provided at a later stage.
- 8.4 The proposal would provide high quality replacement retail floorspace on the ground floor fronting the High Street which would secure future viability of the commercial unit whilst maintaining the primary shopping frontage and strengthening the role of Orpington as a Major Town Centre. The additional residents residing within the town centre would also help to stimulate the local economy by making the area more diverse and dynamic. Significant weight should be placed on the need to support economic growth and productivity.
- 8.5 The proposed scale and mass of the proposal is considered to be an appropriate response to the surrounding as well as the emerging context within the wider Orpington Town Centre and the need to optimise the development potential of all available brownfield sites, particularly in highly accessible locations such as this. Officers consider the proposed design to be of high quality and support the material palette.
- 8.6 The proposed layout demonstrates a good quality of internal amenity alongside a generous provision of external and internal shared amenity spaces and children play areas. The proposal would have an acceptable impact on the neighbouring residential amenities in terms of daylight/sunlight conditions, privacy and outlook.
- 8.7 Two off-street car parking spaces for disabled persons would be provided with allowance for electric charging. The proposed development would be car free and a total of 106 cycle parking spaces would be provided across the development.
- 8.8 Whilst the proposal as outlined in the heritage assessment section of this report would lead to a less than substantial harm to the setting of the adjoining non-designated heritage asset and the views from the nearby conservation area, the planning benefits from this proposal would significantly outweigh the impact arising from this proposal from a heritage stance.
- 8.9 There are also no other adverse impacts of the scheme that are considered to significantly and demonstrably outweigh the economic, social and environmental benefits of the scheme when considering the objectives of the

NPPF as a whole. The balance test is therefore tilted towards granting planning permission and the scheme is considered acceptable overall.

- 8.10 Subject to compliance with the recommendations in the technical reports and implementation of the recommended works undertaken where necessary, it is considered that the application should be approved, subject to planning conditions and a completion of a S106 legal agreement.

9. RECOMMENDATION:

PERMISSION SUBJECT TO PLANNING CONDITIONS AND S106 LEGAL AGREEMENT

SUMMARY OF CONDITIONS AND INFORMATIVES

Standard Conditions:

1. Time limit of 3 years
2. Drawing numbers

Pre-Commencement Conditions:

3. Slab level
4. Construction and Environmental Management Plan
5. Archaeology - Foundation Design
6. Archaeology - Community Engagement
7. Ground water source protection strategy
8. Pilling method statement
9. Arboriculture method statement/tree protection plan

Above Ground Construction Conditions:

10. Details and samples of external materials including balcony balustrade
11. Green roof
12. Hard and soft landscaping including green wall and maintenance plan
13. Child Play and management plan
14. Mechanical ventilation details
15. Water infrastructure
16. Lighting Scheme
17. Noise assessment including façade treatment, specification of glazing, internal sound insulation
18. Details of the re-specification of the kitchen extract and ventilation plant and cellar cooler serving the Pato Lounge
19. Boundary treatment

Prior to occupation conditions:

20. Servicing and delivery plan
21. Refuse strategy and management
22. Wheelchair units
23. Electric charging points (active)
24. Secure by Design
25. Travel plan
26. Ecology enhancements
27. Common and ancillary spaces management plan, including servicing of the lift.
28. Privacy screens

Compliance conditions:

29. Fire statement
30. Air Quality Assessment
31. Surface Water Drainage
32. Energy Strategy

33. Parking spaces
34. Cycle storage
35. Hardstanding for wash-down facilities for construction vehicles
36. Boilers
37. All Non-Road Mobile machinery to comply with relevant emissions standards
38. Use of the commercial floor space as retail Class E(a) only
39. Use of the office floor space as office Class E(g)(i and ii) only
40. Removal of PD right for upward extensions
41. Fixed plant noise
42. Highway drainage
43. Car free housing
44. Contamination
45. No works in nesting season

Informatives

- Mayoral CIL
- Dust Monitoring
- Vehicle crossover strengthened
- Thames Water (various)
- The contractor shall consult with the Health and Safety Executive when removing asbestos materials

Agenda Item 8

Committee Date	01/12/2021	Agenda Item:
Address	32 Homefield Rise Orpington BR6 0RU	
Application number	21/03220/FULL1	Officer Jessica Lai
Ward	Orpington	
Proposal	Demolition of number 34 and 36 Homefield Rise, retention of number 32 Homefield Rise. Formation of new access and erection of a part 3/part 4 storey block containing 17 apartments with 14 car parking spaces, cycle store and refuse store.	
Applicant	Agent	
Lansdown Goldman Klein & Clarion Housing Group Press House Crest View Drive Petts Wood BR5 1FE	Robinson Escott Planning Downe House 303 High Street Orpington BR6 0NN	
Reason for referral to committee	Major Application. Outside Delegated Authority	Councillor call in Yes

RECOMMENDATION	<u>Approve, subject to planning condition and s106 legal agreement.</u>
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KEY DESIGNATIONS
Area of Archaeological Significance Biggin Hill Safeguarding Area London City Airport Open Space Deficiency

Residential Use – Phase 3 (No. 32, 34 and No. 36 Homefield Rise)			
	Number of bedrooms per unit (habitable room)		
	1 bed	2 bed	Total
Market	5 unit (16 habitable room)	6	11
Affordable rent	3	1	4
Intermediate	0	2	2
Total	8	9	17

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	N/A	14	+ 14
Disabled car spaces	N/A	1	+1
Cycle	N/a	24	+24

Electric car charging points	100 percent (3 Active and 11 Passive)
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Representation summary	A 28 day neighbouring consultation letters were sent on the 20 th August, 2021. A site notice was placed at the application site on the 30 th September, 2021. The application was also advertised in the News Shopper on the 25 th August 2021.	
Total number of responses		30
Number in support		10
Number of objections		20

Section 106 Heads of Term	Amount	Agreed in Principle
Carbon offset	£ 7,125	Yes
Affordable housing	6 affordable housing comprise of 4 affordable rent (3 x 1 bed and 1 x 2 bed) and 2 intermediate units (2 bed).	Yes
Affordable housing viability	Review mechanism	Yes
Legal monitoring fee	£ 500 per head of term	Yes
Total	£ 8,625	Yes

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The site forms part of an allocated site for housing development in the Bromley Local Plan for around 100 residential units. The principle to redevelop the site to make more efficient use of the land is therefore supported.
- The existing two houses (N0. 34 and 36 Homefield Rise) would be replaced by the proposal. Number 32 Homefield Rise would be retained. The applicant remains open for further discussion with the remaining owner of Site 11.
- The proposal would provide 17 residential unit including 6 affordable housing and this provision including review mechanism would be secured by a s106 legal agreement. The proposal would positively contribute to the Council's five year housing land supply.
- The design, layout, scale and appearance of the proposal would echo the approved phase 1 and phase 2 development. The proposal is designed to achieve a good quality living environment and would not have a significant impact on the neighbouring residential amenities.
- The site is located within a highly sustainable location with easy access to public transport networks as there are 13 bus routes within 5 minutes walk from the site and access to local amenities. Adequate parking and cycle storage facilities would be provided on site and the proposal would not have an adverse effect on the local highway network.
- A landscaping plan with mature trees would be secured by planning condition to ensure adequate replacement planting can be provided across the entire site.
- The development is considered acceptable from a sustainability, air quality and environmental health perspective. Subject to the planning conditions, s106 legal agreement and planning conditions, it is considered that the benefits of the proposal would outweigh the impact arising from this proposal and planning permission should be granted.

1. LOCATION

- 1.1 The site forms part of the allocation site in the adopted Bromley Local Plan 2019 - (Site 11 – Homefield Rise for housing development providing around 100 residential units).
- 1.2 The application site comprises of three semi-detached houses (number 32, 34 and 36 Homefield Rise) and measures approximately 1, 800sq.m in area. The site is adjoining to number 30 Homefield Rise to the west and is situated between the approved Phase 1 and Phase 2 development, which was approved in November 2011 (ref:20/02697/FULL1). This approved development would provide 68 residential units. The demolition works for Phase 1 have commenced in the past few weeks.
- 1.3 The site is adjoining to the rear gardens of the detached houses on Lancing Road. Opposite to the site is a part 4 to part 9 storey residential

block and there is a public accessible surface level car park adjacent to this building. The site is located to the south of Walnuts Shopping Centre, Orpington College and adjacent to Orpington Town Centre.

- 1.4 The site is located on a slope. The ground level of the site drops down from east to west and also drops down from south to north. The ground level of the houses on Homefield Rise is lower than the houses on Lancing Road. There are no trees with Tree Preservation Orders within the site.
- 1.5 The public transport accessibility of the site on Homefield Rise is rated at 4. There are 17 bus routes (numbered 51, 61, 208, 353, 368, B14, R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11) within a 2 to 5 minute walk from the site. Orpington Railway Station is approximately 1,010 metres away from the site.
- 1.6 The site is located within Flood Zone 1. The site is not subject to surface water flooding. The road outside the application site is subject to low risk surface water flooding.
- 1.7 The site is located within a public open space deficiency area and falls within the Orpington, Goddington and Knoll Renewal Area in the Local Plan
- 1.8 The site is adjacent to an Archaeological Priority Area, not located within or adjacent to any Conservation Area. There are no listed buildings within the site. The nearest locally listed building from the site is No.235 to 237 Orpington High Street (Nat West Bank). The Priory Conservation Area is located over 530 metres north from the site.



Photo 1. Front of the application site, including Phase 1.

2. PROPOSAL

- 2.1 Full planning permission is sought for the demolition of number 34 and number 36 Homefield Rise, erection of a part three and part four storey building to provide 17 private residential flats with 14 off-street parking spaces.
- 2.2 The proposed building would be part three storey and part four storey in height with a private car park and an area of outdoor space located to the rear of the proposed building. The proposed building would measure approximately 21 metres wide, 22 metres long, 9.5 metres high to the top of third floor and 12.6 metres high to the top of fourth floor. The height of the proposed building would drop down from east to west which reflects the topography of the site and the approved development in Site 2. The external finishes of the building would be brick and brown in colour.
- 2.3 A total of 17 residential units (43 habitable rooms) would be provided comprising of 8 x 1 bed/2 person unit, 5 x 2 bed/3 person and 4 x 2 bed/4 person. The proposal would provide 6 affordable housing units (15 by habitable rooms), achieving 35 percent affordable housing with a mixture of 1 bed or 2 bed affordable rent and intermediate units.
- 2.4 The internal floor spaces of the proposed units including the private outdoor spaces are well laid out and would meet the required internal and private outdoor space requirements. A child play area will also be provided within the site.
- 2.5 A private car park would be provided to the rear of the building with a total of 14 parking spaces including a disabled parking space provided within the site. Three active electric charging points would be provided, and the remaining eleven spaces would be provided with passive electric charging points.



Homefield Rise Proposed Street Scene:

Fig 1. Proposed street elevation

3. RELEVANT PLANNING HISTORY

- 3.1 Full planning permission was granted for the demolition of 4 pairs of semi-detached two storey houses and one detached bungalow and erection of one part 3/part 4 storey building at 18-28 Homefield Rise comprising 37 x 1 and 2 bedroom apartments with 22 parking spaces (Block A/Phase 1). Erection of one part 3/part 4 storey building at 38-44 Homefield Rise comprising 31 x 1 and 2 bedroom apartments with 20

parking spaces (Block B/Phase 2). Erection of cycle and refuse stores. Associated landscaping and tree planting (Amended Description) on the 20th December 2020 (20/02697/FULL1).

The approved housing and affordable housing mix for Phase 1 and Phase 2 is as follows:

Phase I	1 bed	2 bed	Total
Private	2	12	14
Rent	4	9	13
SO	2	8	10
Total			37
Phase 2 (Private Only)	1 bed	2 bed	Total
Private	8	23	31

- 3.2 Outline planning permission (ref: 16/04563/OUT) was refused on the 25th July 2017 for the demolition of numbers 18-44 Homefield Rise and the construction of 103 residential apartments in four separate three and four storey blocks to be served by two accesses, together with associated car parking, cycle parking, refuse storage and private communal amenity space. The subsequent planning appeal was dismissed on the 13th February 2018 (ref 3183366).

The main issues/grounds in dismissing the previous 2016 scheme can be summarised as follows:

Issue 1: The effect of the proposal on the character and appearance of the area

- The previous scheme was not considered acceptable due to its design, scale, massing and close proximity to Homefield Rise.
- The residential density was 388 units per hectare and was above the recommended density level. The existing dwellings are set back from the carriage way, in combination with the college car park opposite and the mature landscape highway verges providing a sense of openness and spaciousness on the approach into the town centre from Homefield Rise to Lych Gate Road.
- The roofscape of the previous scheme did not reflect the topography of the site as it drops down with the 2 central blocks much taller than Block D.
- The site was identified in the emerging local plan for housing development. However, the local plan was not adopted at the time the appeal was determined in 2018 and less weight was given by the Inspector to the emerging plan policy which required development at this site to create an effective transition between the adjacent town centre and the low rise residential area as well as respecting the amenity of adjoining properties.

Issue 2: The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to privacy and outlook.

- The habitable room windows on the flank wall of Block A and D including balconies were considered to result in overlooking to No. 10, 12, 16 and 48 Homefield Rise. The rear windows of Block B and C were considered to result in overlooking to the houses on Lancing Road given the scale of the buildings which were also considered to be substantial including the siting of the buildings and the depth of Block A and D. The proposal was considered to result in a sense of enclosure, perception of overlooking and a loss of privacy.

3.3 Full planning permission (ref: 19/00732) was withdrawn on the 1st August 2019 for the demolition of Nos. 18-22 Homefield Rise and the construction of 9 x 4 bed houses with associated access and car parking (REVISED PROPOSAL to increase number of bedrooms per unit from 3 to 4 and increase height to 3 storeys with accommodation in the roof space).

4. CONSULTATION SUMMARY

a) Statutory

4.1 Highway – No objection

Access

The existing accesses to individual houses will need to be stopped up at the cost of the developer. A communal access to the car park would be provided off Homefield Rise. A Stage 1 Road Safety Report is provided and has demonstrated the proposal would not have an adverse impact on highway safety. Swept Path Analysis is provided and confirmed vehicles can enter and leave the site in a forward gear.

Parking

The proposed parking ratio is 0.82 spaces per dwelling. The right for the future residents to apply for a parking permit should be removed. A car park management plan, service and delivery plan should be secured by a planning condition.

Cycle parking

Dedicated cycle storage area would be provided and this provision should comply with the London Plan requirements.

Waste Storage

The Council's Waste services should be consulted regarding to waste provision.

4.2 Drainage (lead local flood authority) – No objection

Prior to any development commencing on site, the design detail and measures to be implemented and in line with the submitted Flood Risk Assessment (issue 2 revision 4 dated 11/06/2021) shall be submitted to and approved by the Local Planning Authority.

4.3 Historic England (Archaeology) – No objection

Based on the information submitted, it is considered that no further assessment or conditions are therefore necessary.

4.4 Thames Water – No objection

Waste comments

Thames Water would advise that no objection is raised if the developer follows the sequential approach to the disposal of surface water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

There are public sewers crossing or close to the site and it is important that the risk of damage is minimized. Thames water will need to check the development does not limit repair or maintenance activity or inhibit the services provided in any other way. A petrol / oil interceptor be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

The proposed development is located within 15 metres of a strategic sewer. A piling method statement should be secured by a planning condition prior to any piling works took place.

Thames water raise no objection with regard to waste water network and sewage treatment works infrastructure capacity. Developer is reminded that a permit will be required for the discharge of ground water.

Water comments

Thames water must be notified prior to the use of mains water for construction purposes or potential fines may be issued for improper usage. Based on the information provided, no objection is raised to water network and water treatment infrastructure capacity. An informative advising Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes shall be attached. The developer should take

account of this minimum pressure in the design of the proposed development. The development boundary falls within a Source Protection Zone for groundwater abstraction which means these zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

b) Local groups

- **Lancing resident association - Objection**

It appears the members of DCC were misled in agreeing Phase 1 and Phase 2 development in November 2020. The developers have advised that Phase 3 covering number 30 to 36 Homefield Rise would be purchased and replaced by 22 apartments with a height on par with the existing houses, enabling a full redevelopment of Homefield Rise and avoid an undesirable situation of having existing housing between blocks of flats

The current proposal covers half of the Phase 3, replacing two houses for 17 apartments with an added storey. This will result in two semi-detached houses (numbers 30 & 32) being located between blocks of flats on each side. The proposal would represent a cramped development and of a high density which was previously rejected by the Planning Inspectorate in determining the earlier scheme in 2016. Lancing Road Residents Association and the residents objected to this proposal and considered that the proposal would be refused for the following reasons:

- a) the proposal is materially different from the information presented and agreed by the Council;
- b) replacing 2 houses with 17 flats represents over development and is denser than originally expected;
- c) the added height will create overlooking issues to neighbouring properties;
- d) Impact on street scene with 2 semi-detached properties surrounded by blocks of flats and this represent very poor design / planning.

The proposal is significantly different when Phase 1 and Phase 2 development was considered. The proposal would represent an undesirable development and should not be supported.

c) Adjoining Occupiers

Ten (10) letters of support have been received and the grounds are summarised as below:

1. The proposal will provide much needed housing and improve the area

2. The proposal would be in keeping with the High Street.
3. The site is allocated in the Local Plan for housing. The proposal would be in keeping with Phase 1 and Phase 2 development.

Twenty (20) letters of objection have been received and the grounds are summarised as below:

Grounds

1 Highway and traffic (addressed in section 6.5)

- Turning right from Gravel pit way to Homefield is already a hazard and the proposal would increase the traffic/pedestrian link in this area.
- No parking provision for 32 Homefield rise
- Increase traffic, parking pressure, accident and road hazard in the area

2 Impact of residential amenities (addressed in section 6.4)

- The location of proposed play space would be close to number 30 Homefield rise causing noise, disturbance, loss of privacy and impact on the wellbeing.
- Loss of sunlight to no. 30 Homefield Rise
- Loss of outlook and privacy

3 Infrastructure (addressed in section 7)

- Inadequate infrastructure to support the development

4 Overdevelopment (addressed in section 6.1 and 6.3)

- Phase 3 development is far denser than the approved development in Phase 1 and 2. The overall density and development at the remaining Phase 3 would exceed the original agreed units that was envisaged by the council when permission was granted for Phase 1 and Phase 2.
- Number 30 Homefield Rise is not sold to the developer. There is no assurance the remaining phase 3 can be developed and is much denser than the 2016 dismissed scheme.
- The approved plan indicates that the proposal would provide 22 units including Number 30 and 32 Homefield Rise.
- It appears the members were misled in approving Phase 1 and Phase 2 development.
- Additional storey is added.

- Cramp development and the proposal is deviated from the original proposal in terms of height, density and appearance with a much larger footprint.
- The pandemic has proven outdoor spaces is needed instead of flats.
- The proposal would be taller than the Phase 1 and 2 development
- The proposal would not provide family housing.

Other

- The former residents of Homefield Rise should not be taken into account.
- The owner/occupiers of homefield road are being forced out of their homes for this development.
- The original plans for phase 3 should be implemented.
- The submitted planning statement para 6.12 states “The scheme that now comprises Phase 3 simply replicates the layout and design style of the consented buildings. Indeed, the Phase 3 proposal was shown indicatively on the overall Masterplan at the time that Phases 1 & 2 were approved. This statement is grossly misleading.

5. POLICIES AND GUIDANCE

5.1 National Policy Framework 2021

5.2 NPPG

5.3 The London Plan 2021

- SD6 Town Centres and high streets
- SD10 Strategic and local regeneration
- D1 London’s form
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D11 Safety, securing and resilience to emergency
- D12 Fire safety
- D14 Noise
- H1 Increasing housing supply
- H4 Delivery affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H7 Monitoring of affordable housing
- H10 Housing size mix
- S4 Play and informal recreation
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands

- G9 Geodiversity
- SI-1 Improving Air quality
- SI-2 Minimising greenhouse gas emissions
- SI-3 Energy infrastructure
- SI-8 Waste capacity and net waste self-sufficiency
- SI 13 Sustainable drainage
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- Accessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking
- T7 Deliveries, servicing and construction
- DF1 Delivery of the plan and planning obligations
- M1 Monitoring

5.4 Mayor Supplementary Guidance

- Housing (March 2016)
- Affordable Housing and Viability Supplementary Planning Guidance (Aug 2017)
- Energy Assessment Guidance (Oct 2018)
- Accessible London: Achieving an Inclusive Environment (2014)
- Sustainable Design and Construction (2014)
- Shaping Neighbourhoods: Character and Context (2014)

5.5 Bromley Local Plan 2019

- 1 Housing Supply
- 2 Affordable Housing
- 4 Housing Design
- 30 Parking
- 31 Relieving congestion
- 32 Road Safety
- 33 Access for all
- 34 Highway Infrastructure provision
- 37 General Design of Development
- 46 Ancient Monuments and Archaeology
- 59 Public open space Deficiency
- 72 Protected Species
- 73 Development and Trees
- 74 Conservation and Management of Trees and Woodlands
- 77 Landscape Quality and Character
- 78 Green Corridors
- 79 Biodiversity and Access to Nature
- 113 Waste Management in New Development
- 115 Reducing Flood Risk
- 116 Sustainable Urban Drainage Systems

- 117 Water and Wastewater Infrastructure Capacity
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 122 Light Pollution
- 123 Sustainable Design and Construction
- 124 Carbon reduction, decentralised energy networks and renewable energy
- 125 Delivery and Implementation of the Local Plan

5.6 Bromley Supplementary Guidance

- Planning Obligations (2010) and subsequent addendums

6. Assessment

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

- Principle of Development
- Housing
- Design and layout
- Impact on neighbouring amenities
- Transport and highways
- Trees and biodiversity
- Energy and sustainability
- Environment health
- Drainage

6.1 Principle of development – Acceptable

6.1.1 Site 11 covering No.18 to No. 44 Homefield Rise is allocated for housing development in the Bromley Local Plan (2019). Proposals in Site 11 will be required to: -

- Deliver around 100 residential units;
- Create an effective transition between the adjacent town centre and lower rise residential area; and,
- Respect the amenity of adjoining residential properties.

6.1.2 An earlier planning application associated to part of this allocated site covering the properties between number 18 to 28 Homefield Rise (Phase 1) and number 38 to 44 Homefield Rise (Phase 2) for 68 residential units was granted in November 2020 (ref: 20/02697/FULL1).

6.1.3 A phasing plan was submitted in this earlier approved scheme (ref: 20/02697/FULL1) which shows how the development within Site 11 are intended to be connect to subsequent phases of the development. An illustrative block and massing of “Phase 3” (covering No 30, 32, 34 and 36 Homefield Rise) was illustrated on the phasing plan. It is important to note that “Phase 3” as illustrated in the earlier scheme does not form

part of the earlier approved development which was set out in the published planning committee report (Para 2.2, 6.12, 6.13 and 6.14 in the earlier report).

- 6.1.4 The current application site (Phase 3) forms part of the remaining allocated site (Site 11). The site comprises of number 32, 34 and 36 Homefield Rise. Number 34 and 36 Homefield Rise will be demolished and replaced by a part 3 and part 4 storey building. Number 32 Homefield Rise will be retained. The applicant had negotiated with the remaining freeholder for the redevelopment of the remaining Site 11. The applicant remains open for negotiation and discussion, should relevant parties decide to come forward. Irrespective of the outcome of the negotiation and discussion, the merit of current proposals should be considered in line with the adopted Development Plan without further delay.
- 6.1.5 The current proposal would provide 17 residential units and is designed to ensure the current proposal would not result in the future development if progressed coming forward. The quantum of housing development for Site 11 in the Local Plan is around 100 units. Along with the approved Phase 1 and Phase 2 development, the proposal would achieve a total of 85 residential units. As such, the quantum of this proposal is considered to be proportionate to the allocated site plan requirements. An informative would be attached to any decision advising the applicants of the Site 11 Policy requirements.

6.2 Housing – Acceptable

Housing Supply

- 6.2.1 The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 2nd November 2021. The current position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units, or 3.99 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply.
- 6.2.2 The NPPF sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

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

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.2.4 The Mayor recognises the pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford. The new London Plan's minimum target for Bromley is 774 new homes per annum (between 2019/20 – 2028/29).

6.2.5 Bromley Local Plan Policy H1 resists the loss of housing unless the housing is replaced at existing or higher densities with at least equivalent floor space. The proposal would replace 2 dwellings with 17 new residential units. This would represent an uplift of 15 residential units including 6 affordable housing units (4 affordable rent unit and 2 intermediate units).

6.2.6 The redevelopment of this allocated site making more efficient use of the land is considered acceptable and would positively contribute to the housing and affordable housing supply in the Borough. The site allocation policy requirements, planning merits and impacts of the proposal will be considered and assessed in line with the development plan. The overall planning balance of the proposal having regard to the presumption in favour of sustainable development is set out in the following sections of this report.

Affordable housing and tenure

6.2.7 The Council's Housing Strategy 2019-2029 recognises that there is an increasing need for housing and affordable housing in the Borough due to the rising population of Bromley. The latest Annual Monitoring report published by the Greater London Authority in March 2021 (Year 2018/2019) indicates that the net housing completion in Bromley was above the minimum housing target at 709 units. However, it should be noted that the number of affordable housing delivery remains lower than anticipated.

- 6.2.8 London Plan Policy H4 sets a strategic target for 50 percent of all new homes delivered across London to be genuinely affordable. A minimum of 30 percent affordable housing of which a minimum of affordable rent or social rent, a minimum of 30 percent intermediate products should be provided. The remaining 40 percent to be determined at local level.
- 6.2.9 London Plan Policy H5 requires development to provide an early stage viability review if an agreed level of progress on implementation is not made within 2 years of the permission being granted or agreed with the LPA. This approach covers the proposal which is considered under the "Fast Track Route". Should planning permission be approved and in line with the GLA's SPG guidance, a clause to manage and monitor the progress on implementation of the development should be secured in the S106 agreement.
- 6.2.10 Policy 2 of Bromley Local plan seeks 35 percent of affordable housing to be provided by habitable room with a split of 60 percent affordable rent and 40 percent intermediate unit. In line with London Plan and the Mayor of London's Affordable Housing and Viability SPG (2017), if a scheme delivers 35 percent affordable housing and meets the tenure and mix requirements, it is able to proceed through the viability fast track route and does not need to provide viability information, subject to an early-stage review mechanism being secured in a legal agreement.
- 6.2.10 A total of 17 residential units (43 habitable rooms) including 6 affordable housing units (15 by habitable rooms) with a mixture of 1 bed or 2 bed affordable rent and intermediate units. This would achieve 35 percent affordable housing provision and a split of 60 percent affordable rent and 40 percent intermediate requirements. In line with the London Plan, an early review mechanism is required to be secured by s106 and this approach is consistent with the approved development in Phase 1 and Phase 2.
- 6.2.11 It is noted that there are no larger family units (3 bedrooms or more) provided and the proposed housing size and mix would be limited to one and two bed units. However, it should be noted that the proposed accommodation would include a range of housing sizes up to 4 person occupancy and an acceptable range of tenures would be provided. London Plan Policy H10 states that a higher proportion of one and two bed units is generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity. It also highlights the role of one and two bed units in freeing up family housing. The Council's Housing Division was consulted, and no issue was raised in respect of the proposed housing mix at this location. Given that the site is located within a highly sustainable location with good access to the local amenities and transport, it is considered that the proposed housing mix would be acceptable at this location.
- 6.2.12 Objections were raised regarding to the density of the proposal. The new London Plan promotes higher density development, particularly in

locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. There is no density matrix in the London Plan and a design-led approach is applied to determine the optimum development capacity of site. It is noted that the proposed residential density would be significantly higher than the existing. However, it should be noted that the quantum of the proposed housing within the site would reflect the policy requirement for around 100 units. As such, it is considered that making more efficient use of this allocated site at this suitable location would not be inappropriate with good connections to services and transport in the area.

Standard of accommodation - Internal floor area

6.2.13 The NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a ‘high standard’ of amenity for existing and future users.

6.2.14 In March 2015, the Government published 'Technical housing standards - nationally described space standard.' This document sets out requirements for the gross internal (floor) area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. This is supported by the Mayor's 'Housing' SPG 2016 reflect the national guidance and BLP Policies 4 and Policy 37.

6.2.15 All of the proposed units would meet or exceed the National Housing Standards minimum internal space standards and adequate internal living space would be provided. The ranges of the proposed internal floor areas would be as follows.

	Policy requirements	Proposed internal floor area
1 bed /2 person	50sq.m	50 to 62sq.m
2 bed /3 person	61sq.m	61sq.m
2 bed /4 person	70sq.m	72 to 74sq.m

Wheelchair unit and inclusive living environment

6.2.16 Many households in London require accessible or adapted housing to lead dignified and independent lives. London Plan Policy D7 states 10 percent of proposed new dwellings to meet Building Regulation requirement M4(3) Wheelchair users dwelling standard. The remaining dwellings should meet Building Regulation M4(2) accessible and adaptable dwellings.

6.2.17 Paragraph 2.3.10 under Standard 11 of the London Housing SPD states that LPAs should seek to ensure that dwellings accessed above or below the entrance storey in buildings of four storeys or less have step-free access. A private wheelchair user unit will be provided on the ground floor with a dedicated disabled parking space. An internal lift would be

provided and would be accessible to all floor providing level access to all the proposed unit. It is considered that the proposal would provide an inclusive living environment for the future occupiers.

Private outdoor space

6.2.18 Standard 26 and 27 of the London Housing SPD requires a minimum of 5sq.m private outdoor space to be provided for a 1 to 2 person dwelling and an extra 1sq.m to be provided for each additional occupant. The minimum depth and width of all balconies and other private extension spaces should be 1,500mm.

6.2.19 Paragraph 2.3.31 of the Housing SPD states "Private open space is highly valued and should be provided for all new housing development. Minimum private open space standards have been established in the same way as the internal space standards, by considering the spaces required for furniture, access and activities in relation to the number of occupants"

6.2.10 The proposed residential units would all be provided with a private balcony or terrace. The proposed balcony is designed to comply with the minimum balcony/terrace requirements. The sizes would be as follows:

	Policy requirement	Proposed balcony
1bed/2 person	5sq.m	5 to 7sq.m
2bed/3 person	6sq.m	6sq.m
2bed/4 person	7sq.m	7sq.m

Child play

6.2.11 London Plan Policy S4 states that development proposals that are likely to be used by children and young people should:

- a. increase opportunities for play and informal recreation and enable children and young people to be independently mobile;
- b. for residential development, incorporate good-quality, accessible play provision for all ages. At least 10 square metres of play space should be provided per child.

6.2.12 The London Mayor’s Shape Neighbourhoods: Play and Informal Recreation SPG (2012) suggests that there should be a clear requirement for all new residential developments generating more than 10 children to provide suitable play space as part of a new development. Developments with an estimated child occupancy of less than 10 children should be required to make an appropriate financial contribution to off-site play provision in line with the Play and Inform recreation SPG.

6.2.13 The estimated child yield of this proposal would be 2.6 child and a minimum of 26sq.m of child play area should be provided. The proposed

site layout plan indicates that an on-site child play area approximately 80sq.m would be provided. Subject to a planning condition securing the details of play equipment focusing on ages between 0 to 4 years old and 5 to 11 years old including its maintenance of the facilities, it is considered that the proposal would provide a good quality living environment and play space for the future occupiers.

Dual Aspect

6.2.14 Natural light is vital to a sense of wellbeing in the home and this may be restricted in densely developed parts of the city. Dual aspect development should be encouraged and single aspect north facing units should be minimised in line with Standard 29 of the London Housing SPD.

6.2.15 The proposed floor plan indicates that 65 percent of the proposed units (11 out of 17 units) are designed to achieve dual aspect. It is considered that the layout of the proposal would provide a good quality living environment for the future occupiers.

Secured by Design

6.2.16 London Plan Policy D3 states measures to design out crime should be integral to development proposals and be considered early in the design process. Development should reduce opportunities for anti-social behaviour, criminal activities, and terrorism, and contribute to a sense of safety without being overbearing or intimidating. Developments should ensure good natural surveillance, clear sight lines, appropriate lighting, logical and well-used routes and a lack of potential hiding places. This approach is supported by BLP Policy 37 (General Design).

6.2.17 The proposed layout indicates the private, communal and public spaces are well defined. The design out crime officer was consulted, and no objection was raised in respect to the proposed layout, subject to a planning condition requiring the proposed development to achieve Design Out Crime accreditation. As such, it is considered that the siting and layout of the proposal would be acceptable and would comply with the policy.

Fire Safety

6.2.18 London Plan Policy D12 states in the interest of fire safety and to ensure the safety of all building users. All development proposals must achieve the highest standard of fire safety and a fire statement detailing how the development proposal will function. The matter of fire safety compliance is covered by Part B of the Building Regulations. However, to ensure that development proposals achieve highest standards of fire safety, reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape which all building users can have confidence in, applicants should consider issues of fire safety

before building control application stage, taking into account the diversity of and likely behaviour of the population as a whole.. A fire statement is submitted which indicates the means of escape route, control of fire spread, fire services access including water supplies for firefighting purposes are provided and is considered acceptable. The fire brigade were consulted and did not comment. Compliance to the fire statement will be conditioned however, compliance with the Building Regulations will still be required at the appropriate stage of the development.

6.3 Design and Layout – Acceptable

- 6.3.1 London Plan Policy D3.D.1 states development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types forms and proportions. BLP Policy 37 states all development proposals will be expected to be of a high standard of design and layout. Criteria (a) to (b) states that developments will be expected to be imaginative and attractive to look at, of good architecture quality and should complement the scale, proportion, form layout and materials of adjacent buildings and the area; positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features.
- 6.3.2 This allocated site is positioned between the town centre where high density development and night time economy is expected to take place in Orpington Town Centre and domestic properties where large scale development or non-residential activities are generally discouraged on residential roads such as Homefield Rise and Lancing Road, Walnuts Road to the east and beyond.
- 6.3.3 The site allocation policy does recognise the opportunities and challenging positions of this allocated site in delivering around 100 new homes, as part of the Council's 5 year housing land supply. The policy requires development to create an effective transition between the town centre and residential area, and to respect to the neighbouring residential amenities, and these are the key planning consideration in determining this proposal. The appeal decision associated to the 2016 scheme and the approved development for Phase 1 and Phase 2 are also relevant in considering this proposal.
- 6.3.4 The proposal is designed to echo the approved development for Phase 1 and Phase 2 and address the shortcomings of the 2016 scheme in terms of the impact on character of the area and residential amenities on the neighbouring properties in terms of the perception of being overlooked and sense of enclosure.

Proximity to the road

- 6.3.5 The front of the existing houses is positioned approximately 7 metres from the pavement. The domestic houses in the area are well spaced out with their front gardens and spacious rear garden areas which form part of the key local character and appearance as identified by the Planning Inspector. Para 11 of the appeal decision states “*The set back of the dwellings from the carriage way, in combination with the college car park opposite and maturely landscape highway verges coming to provide a sense of openness and spacious on the approach into and past the town centre from Homefield Rise and Lych Gate Road*”.
- 6.3.6 The buildings associated to the 2016 scheme were positioned very close to Homefield Rise with buildings positioned 1 metre from the pavement. The siting of the buildings failed to take into account the sense of openness and spaciousness of the site. The approved buildings associated to Phase 1 and 2 development range between 5.5 metres to 8 metres.
- 6.3.7 The front building line of the proposed building would be sited approximately 4.8 and 5.6 metres from the road. It is noted that the distance towards the road would be less than the approved development. It should be noted that the building line would be staggered and a good spatial distance would be maintained. The area between the front of the proposed building and the pavement would also provide adequate opportunities to introduce adequate replacement planting providing a good visual value when view from the road. It is considered the siting of the proposed building has taken into account the existing characteristics of the site and a good degree of spaciousness between the front of the proposed buildings and pavement on Homefield Rise can be maintained.

Roofscape

- 6.3.8 The tallest buildings (Block B and C) were placed at the centre of the site and did not correspond to the site topography in the 2016 scheme. Para 16 of the appeal decision states that “*there would be little rhythm to the roofscape as it steps down Homefield Rise, with the blocks set a different height and the 2 central blocks much tallest than Block D*”.
- 6.3.9 The building height of the approved development in Phase 1 and 2 is part 4 and part 3 storey. The approved development is designed to reflect the topography of the land. The application site is located on a slope and situated between Phase 1 and Phase 2. The height of the proposed building would drop down from four to three storeys which echoes the topography of the land and the approved development in Phase 1 and Phase 2. It is noted that the existing building at 32 Homefield Rise would be retained, and the current application does not include No. 30 Homefield Rise. However, it should be noted that the proposal is designed to ensure the proposal would not compromise the future development of the remaining Site 11 when the remaining site is ready

to come forward. As such, it is considered the proposed roofscape would be acceptable.

Scale and massing

6.3.10 The maximum depth of Block A and Block D in the 2016 scheme was approximately 34.2 metres, with the rear walls positioned 8 metres from the boundary with Lancing Road. The maximum building height of the previous scheme was up to 13.9 metres.

6.3.11 The height of the proposed building would measure between 9.5 and 12.6 metres in height. The maximum depth and width of the proposed building would both measure approximately 21 metres. The maximum depth of Block A and Block D in the 2016 scheme was approximately 34.2 metres, with the rear walls positioned 8 metres from the boundary with Lancing Road. The maximum building height of the previous scheme was up to 13.9 metres. The rear elevation of the proposed building would be positioned approximately 22 metres from its rear boundary towards the back garden of houses on Lancing Road, of a comparing distance when compared with the approved Phase 1 and Phase 2 development (range between 15 metres and 23.5 metres).

6.3.12 Whilst the height, scale and bulk of the proposed building would be increased when compared with the existing and surrounding houses, it should be noted that the scale and massing of the proposed buildings has been designed to address the issue raised in the previous appeal and would be compatible with the approved development in Phase 1 and Phase 2. It is considered that the proposed medium rise buildings would sit well in between high-rise development in the town centre and lower rise development with domestic houses to the south of the site and this would create a good transition between the town centre and the domestic houses in the area.

6.3.13 With regard to the external appearance of the proposed building, the elevational treatments are designed to echo the approved building in phase 1 and 2. The arrangement of windows and balconies would provide a sense of rhythm, scale and proportion of the buildings and adequately reflect the approved scheme, which is under construction. It is considered that the scale and massing of the proposal would not be inappropriate at this allocated site. The design of the proposal would also provide a good degree of transition between the contrasting character of Town Centre and domestic residential area and would comply with its policy requirements.

6.4 Impact on Neighbouring Amenities

Loss of sunlight and daylight

6.4.1 The nearest residential properties that would be affected by this proposal are the residential flats in Sapphire House located opposite the site, the

domestic house at no. 30 Homefield Rise and houses to the rear on Lancing Road. The distance between the proposal and the neighbouring properties are as follow:

- The distance between the proposed building and Sapphire House opposite to the site measures approximately over 33 metres;
- Side of the proposed budling would be located approximately 15 metres to the side boundary of No.30 Homefield Rise.
- The back to back distance between the proposed building to the rear of the houses on Lancing Road measures between 40 metres to 44 metres.

6.4.2 Due to the distances between the proposed building and the neighbouring properties, it is considered that the proposal would not have an adverse impact on neighbouring amenities in terms of loss of sunlight and daylight.

Loss of privacy to the neighbouring gardens, overlooking and sense of enclosure

6.4.3 Paragraph 22 of the appeal decision states that “ the flank elevation of Block A and D would contain habitable room windows serving habitable accommodation and in Block D, balconies would be located at first second and third floor level which would result in overlooking to Number’s 10, 12, 16 and 48 Homefield Rise.’

6.4.4 The proposed building would be sited between Phase 1 and Phase 2 and adjoining to Number 30 Homefield Rise. The proposed building would not impinge on the 45 degree line from the rear of the neighbouring rear windows, including Number 32 Homefield Rise which forms part of the application site to be retained. It should be noted that the secondary habitable room windows would be installed with obscured glazed windows.

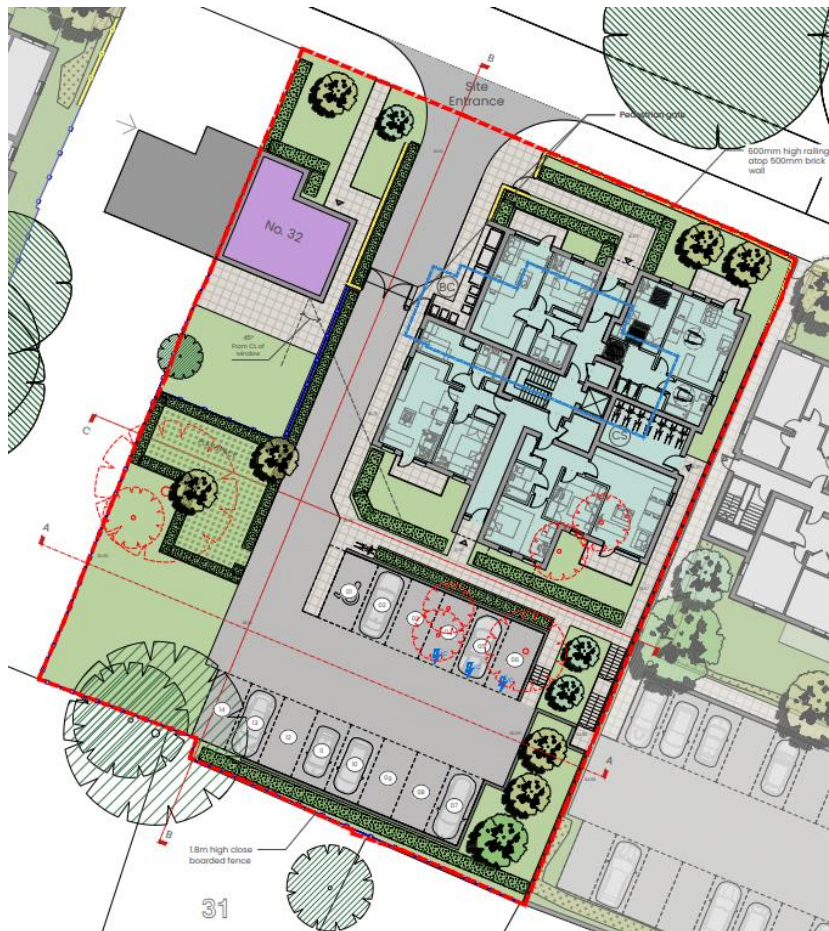


Fig 2. Proposed site layout and 45 degree line (NEED CHANGE)

- 6.4.5 Angled windows and louvred privacy screens would also be introduced on the rear elevations of the proposed buildings. It is considered that these measures would ensure a degree of privacy can be maintained between the proposed buildings and the neighbouring properties. Having regard to the above, the development is considered acceptable in that it would not have any significantly adverse impacts on the amenities of local residents including those occupiers of the adjacent sites.
- 6.4.6 Having regard to the above, the development is considered acceptable in that it would not have any significantly adverse impacts on the amenities of local residents including those occupiers of the adjacent sites.
- 6.4.7 In the event that the remainder of the site remains undeveloped, the proposed floor plans indicate that the proposals would not have an adverse impact on the neighbouring residential amenities of the existing dwellings. A good distance between the proposed development would be maintained and adequate size of garden would be retained for the existing dwelling at Number 32 Homefield Rise. It is considered that the

proposal would not have an adverse impact on neighbours' residential amenities.

6.5 Transport and Highways

Access

- 6.5.1 BLP Policy 32 states the Council will consider the potential impact of any development on road safety and will ensure that it is not significantly adversely affected.
- 6.5.2 A communal vehicular access would be created leading to the proposed car park located to the rear of the building. A Stage 1 Road Safety Audit and Transport Statement are submitted and have been reviewed by the Council Highway division. A swept path analysis confirming vehicles can enter and leave the site in a forward gear was provided. Subject to a Stage 2 and Stage 3 Road Safety Audit, the proposed access is considered acceptable and would not have an adverse impact on highway safety. The cost to remove the existing vehicular accesses to the houses should be removed at the cost of the development. These details will be secured by a planning condition.

Parking provision

- 6.5.3 London Plan Policy T1 states that 80 percent of all trips in London should be made by foot, cycle or public transport by 2041. The London Plan seeks to encourage more sustainable travel, enabling car-free lifestyles that allow an efficient use of land and improve well-being by encourage cycling and walking. London Plan Policy T6.1 and Table 10.3 of the London Plan sets the maximum parking standard for new residential development.
- 6.5.4 The maximum London Plan parking standard is 1 spaces (between 0.5 to 0.75 spaces per new dwelling). A total of 14 parking spaces including a disabled parking space and 2 parking spaces for 32 Homefield Rise would be provided. This provision will meet the London Plan standard. A car club management plan confirming its management would be secured by a planning condition.
- 6.5.5 London Plan sets the standards for electric charging facilities for residential development, a minimum of 20 percent (3 spaces) parking spaces should have active charging with passive provision for all remaining spaces (11 spaces). This standard is indicated in the transport statement and will be secured by a planning condition.

Cycle

- 6.5.6 London Plan Policy T5 set the standard for cycle parking. A minimum of 21 long stay spaces (1 space per 1 bed and 1.5 spaces per 2 bed unit).

A minimum of 2 short stay spaces should be provided for development provided 5 to 40 dwellings.

- 6.5.7 The planning application form indicates that 24 cycle storage spaces will be provided. Whilst a cycle storage area is indicated on the proposed layout plan, the storage area within the building does not appear to be accommodate the required spaces. Having reviewed the proposed layout of the site, the required provision can be accommodated to the rear of the building. A condition requiring this provision will be secured by a planning condition.

Waste services

- 6.5.8 BLP Policy 113 states major development proposal will be required to implement site waste management plans to reduce waste on site and manage remaining waste sustainability. New development will be required to include adequate space to support recycling and efficient waste collection.
- 6.5.9 Dedicated, secured, adequate location and size of waste storage area should be provided for new residential development. A dedicated waste storage area accommodating 3 x 1,100 litre non-recycle waste, 3 x 240 litre for bottle and 3 x 240 for paper would be provided. The proposed storage area would be located next to the vehicular entrance gate. The Council's waste services have raised no objection to its location and size of storage area, subject to a condition requiring this provision be provided prior to first occupation and confirming the storage area would be secured and not abused by non-residents.

6.6 Trees and Biodiversity

- 6.6.1 BLP Policy 72 states planning permission will not be granted for development that will have an adverse effect on protected species, unless mitigation measures can be secured to facilitate survival, reduce disturbance, or provide alternative habitats.
- 6.6.2 A tree survey including a tree constraint and protection plan is submitted which indicates 7 category C tree (T8 – Apple, T10 – Pear, T13 – Twisted Willow, T21 - Holly, T22 - Cherry and T23 - Hawthorn) and 2 category C hedges (G7- Privet and G20 - Privet) would be removed from the site.
- 6.6.3 The submitted tree survey indicates that 2 category B trees (T19 Birch and T25 Maple, 1 category U trees (T25 – Maple) and 1 category C hedge are located in the neighbouring gardens and near to the rear boundary. Any removal or treatment of this planting would be subject to agreement with the relevant owners. Root protection plans are provided to ensure the longevity of these trees during construction works.
- 6.6.4 An indicative landscaping plan is provided which indicates new planting will be incorporated within the sites. Officers consider that native species

of suitable quality and quantity should be incorporated and provided in order to ensure a 10 percent biodiversity net gain can be achieved and value of the sites can be maintained. Subject to the details of the landscaping plan, it is considered that the proposal would be acceptable.

6.6.5 The Council's tree officer has reviewed the tree survey and raised no objection to the proposed works, subject to a satisfactory landscape plan. There are opportunities to incorporate high quality trees into the local street scene and a degree of supervision is likely to be required from an arboricultural consultant.

6.6.6 A preliminary ecological appraisal (June 2021) was submitted with the application which considers any likely impact of the scheme upon protected species inclusive of bats and badgers. The assessment found that the site does not lie within or adjacent to any statutory or non-statutory designated sites. The site is comprised mainly of amenity grassland, scrub and ruderal habitats, buildings and hardstanding. There are areas of taller grassland and scrub identified within the site along with a number of scattered trees.

Bats

6.6.7. The records from Greenspace in Greater London highlight the presence of common and soprano pipistrelles in a 1km radius within the last 10 years, both of which are commoner species, particularly in more developed areas. Although it is possible that additional species are present using site, no known roosts of more significant species such as Bechsteins, barbastelle or horseshoe bats exist in the local area. It is considered unlikely that large numbers of bats are using the site, with habitat of limited suitability for bats largely consigned to the margins of the site in the rear gardens and around scattered trees.

6.6.8 The previous surveys indicate that the site did not identified any of the buildings with supporting evidence of roosting bats, both internally or externally. The activity and emergency survey undertaken in 2020 did not records any bats utilising the site. The most recent external survey also found there to be negligible potential for roosting bats no further surveys of these buildings is therefore recommended.

Badgers

6.6.9 There are no confirmed evidence of badgers, such as setts, latrines or snuffle holes, was identified at the time of the survey. A number of holes was identified in the rear garden of several of the houses, and a number of the rear gardens could not be fully accessed due to dense scrub and fly tipping. It is recommended that dense pockets of scrub are sensitively cleared to assess whether there are more holes present. The works should be undertaken by a suitably qualified ecologist.

Reptiles

6.6.10 The majority of the habitats on site were considered sub-optimal for foraging reptiles. Hardstanding, amenity grassland and buildings do not support significant numbers of invertebrates and provide little in the way of cover. The areas of tall ruderal grassland, and compost heap identified in the garden of house number 36, could provide some foraging habitat for reptiles, especially slow worms. Given the small size of these suitable areas and their isolation from each other and other suitable habitats it is considered unlikely reptiles are present. It is recommended that a sensitive working practice for the removal of the vegetation is undertaken in the unlikely event of a reptile being found.

6.6.11 The site is not considered to be constrained by dormice, great crested newts, stage beetles or any other protected species such as otters. It is considered that no further survey work for these species is required.

6.6.12 The following enhancement works are proposed:

- Nesting birds may use the trees and scrub on site. It is recommended that clearance work on site be undertaken outside of the breeding bird season (March-September inclusive) or immediately after a nesting bird check by a suitably qualified ecologist.
- Native species such as beech (*Fagus sylvatica*), hornbeam (*Carpinus betulus*), rowan (*Sorbus aucuparia*), field maple (*Acer campestre*), London plane (*Platanus x Hispanica*), broad leaved privet (*Ligustrum lucidum*) and alder (*Alnus* species.)
- Nest boxes and bricks should be installed in order to provide new nesting opportunities for birds
- The use of raised beds and planters could be incorporated into the design of the scheme where green space on site is limited.

6.6.13 Should the application be considered acceptable overall, tree and ecology conditions, to include the requirement for new and additional planting along the site boundary and the provision of ecological enhancements such as bat and bird boxes, would be recommended. Overall, it is considered that the impact of the proposal on biodiversity would be acceptable.

6.7 Energy and Sustainability

6.7.1 BLP Policy 72 states planning permission will not be granted for development that will have an adverse effect on protected species, unless mitigation measures can be secured to facilitate survival, reduce disturbance, or provide alternative habitats.

6.7.2 BLP Policy 124 and London Plan Policy SI 2 requires major development should be net zero- carbon, reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the energy hierarchy.

- 1) Be Lean: use less energy and manage demand during operation;
- 2) Be Clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly;
- 3) Be Green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site;
- 4) Be Seen: monitor, verify and report on energy performance.

6.7.3 London Plan requires a net zero-carbon target for all new major developments with at least a 35% on-site reduction beyond Part L 2013 of the Building Regulations. Under the Be Lean measures, residential development should achieve 10 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on site, any short fall should be provided in agreement with the borough, either:

- 1) Though a cash in lieu contribution to the borough's carbon offset fund or
- 2) Off-site provided that an alternative proposal is identified and delivery is certain.

6.7.4 An updated Energy Assessment following the GLA's energy hierarchy has been received and have been reviewed by the Council's Energy officer. Under the "Be Lean" category, a range of passive design features would be employed to reduce the heat loss and demand for energy. The measures include building fabric performance and insulation, glazing design and specification, wall and pipework insulation, are proposed to reduce the carbon emission of the proposed development. A minimum 10 percent reduction is required for domestic development requirement as outlined in the GLA energy guidance and this is considered acceptable.

6.7.5 As there is no district network in the area, it is not possible to achieve any carbon reduction under the "Be Clean" category at the present time and no carbon reduction can be awarded under this category.

6.7.6 Under "Be Green" category, a range of on-site renewable energy technologies. It is considered that the use of air source heat pumps, and solar photovoltaic (PV) would be the most feasible options for this site.

6.8.8 The source heat pumps would operate by extracting heat energy from the surrounding air and transferring that for space and water heating. The solar panel capacity would be 13kW peak.

6.8.9 The updated energy assessment indicates that the total regulated carbon saving on the site would achieve 85.8 percent (15.1 tonne on-site carbon saving) against Part L 2013 of the Building Regulations Compliant Development. In line with the GLA Energy Assessment Guidance, the shortfall of 14.2 percent carbon saving, equivalent to 2.5

tonne (£7,125) would be secured by a S106 legal agreement. The breakdown is as follow:

- On site regulated carbon dioxide emissions (Building Regs 2013 Compliant Development) = 17.6 tCO₂ per annum
- Proposed on site reduction of carbon emissions from energy demand/ASHP/Solar PV renewables = 15.1 tCO₂ per annum
- On site shortfall = 2.5 tCO₂ per annum
- Payment-in-lieu amount calculated as 2.5 (tCO₂) x £95 (per tCO₂) x 30 (years) = £7,125

6.7.6 A condition is recommended to secure the carbon saving measures as set out in the energy strategy report. Details of the siting and design of solar panel and related equipment to be installed at the site should also be secured by condition to ensure a satisfactory visual impact is achieved.

6.8 Environmental Health - Air Quality

6.8.1 The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality. Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality.

6.8.2 BLP Policy 120 states developments which are likely to have an impact on air quality or which are located in an area which will expose future occupiers to pollutant concentrations above air quality objective levels will be required to submit an Air Quality Assessment. Developments should aim to meet “air quality neutral” benchmarks in the GLA’s Air Quality Neutral report. London Plan Policy SI-1 also echo this requirement.

6.8.3 An air quality assessment is submitted which assess the likely effects of the proposals on the site and the surrounding area in terms of air quality. The Air Quality assessment is submitted which indicates the proposal would not have an adverse impact on air quality, except mitigation would be required during the construction phase of the development. The assessment has been reviewed by the Council’s Environment Health have considered and no objection has been raised, planning condition requiring the following should be secured by a planning conditions:

- Any gas boiler must meet a dry NO_x emission rate of <40mg/kWh.
- Electric charging point should also be secured by condition,. subject to a construction management plan in line with the Council’s Control of Pollution and noise from demolition and construction site code of practice 2017.

- all construction plant would need to adhere to the emissions standards for NO₂ and PM₁₀ (particles with a diameter up to 10µm) and PM_{2.5} (particles with a diameter up to 2.5µm) set out for non-road mobile machinery (NRMM).
- Construction management plan.

6.8.4 Subject to the planning conditions, it is therefore considered the likely effect of construction plant on local air quality would not be significant. Overall, the development is considered acceptable from an air quality perspective.

Noise and light pollution

6.8.5 London Plan Policy D13 agent of change principle places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise sensitive development. Development should be designed to ensure the established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.

6.8.6 A noise impact assessment including a noise survey was carried out which indicates the accommodation would be suitable for the proposed use. The noise survey was carried out on a 24 hour basis for 4 days during the weekend. The Council's Environmental Health Division have reviewed the detail provided and considered that an acoustic assessment is acceptable at application stage. A noise assessment to include noise survey during the night time weekend hours should be submitted to confirm the adequacy of mitigations measures, as necessary in light of the results of assessment, (covering façade, glazing and ventilation specifications to achieve suitable internal noise levels in line with guidance in BS8233:2014). Subject to the planning condition, it is considered that the proposal would be acceptable.

6.8.7 In term of impact upon the neighbouring properties, the proposed use is considered to be compatible with its surrounding. It is noted that a child play area and a car park would be provided. The access to these areas would be gated and would only be provided for the residents living within the site. As such, it is considered that the proposal would not have an adverse impact on noise and disturbance. The details of external lighting in the car park would be secured by a planning condition.

6.9 Drainage

Surface water drainage

6.9.1 The NPPF states that major development should incorporate sustainable drainage systems which should take into account of advice from the lead flood authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to

ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits. London Plan Policy SI-13 and BLP Policy 116 states development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

6.9.2 The application site is located within Flood Zone 1 where the probability of river or sea flooding is less than 0.1% (1 in 1000) chance in any given year as defined by the Environment Agency. A flood risk assessment is submitted which indicates the site is not subject to surface water flooding. The surrounding highway network outside the site is subject to low to high risk of surface water flooding.

6.9.3 The submitted flood risk assessment indicates that the impermeable area would be increased from approximate 986sq.m to approximately 1,050sq.m. The proposal would follow the drainage hierarchy. Infiltration is the preferred option to deal with the water at source. As there are no watercourses within close proximity to the site and there is no opportunity to discharge surface water to an existing water course. The proposed drainage strategy would employ the following measures:

- Water butts (from 100 litres to up to 2, 000 litre);
- Permeable surface for the car park and access road; and,
- A 140 cubic metres geo - cellular storage crate.

6.9.4 The Council's drainage officer have reviewed the submitted flood risk assessment and considered that details are acceptable at application stage. The design detail and measures to be implemented and in line with the submitted Flood Risk Assessment (issue 2 revision 4 dated 11/06/2021) shall be submitted to and approved by the Local Planning Authority before development commence on site. No objection is raised by Thames Water and have requested a piling method statement be submitted and provided in consultation with Thames Water prior to commencement of the development. A number of informatives are also requested which outlined in the consultation response section of this report. Subject to the conditions and informative, it is considered that the proposal would be acceptable.

7 Planning Obligations and CIL

CIL

7.1 The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

7.2 The Council's local CIL is adopted on the 15th June 2021 and the development is subject to local CIL.

Head of Terms

- 7.3 The following planning obligations will need to be secured as part of a legal agreement under s106 of the Town and Country Planning Act
- Carbon offset £7,125;
 - Affordable housing provision;
 - Review mechanism- early stage;
 - Monitoring fee: £500 per head of terms; and,
 - Legal fee TBC.
- 7.4 These obligations meet the statutory tests set out in Government guidance, i.e. they are necessary, directly related to the development and are fairly and reasonably related in scale and kind to the development.

8. Conclusion

- 8.1 The redevelopment of the site to provide more housing would accord with the Site Allocation policy requirements in the Bromley Local Plan. The proposal would provide much need housing including affordable housing to meet the need of the Borough at a sustainable location. The proposal would positively contribute to the Council's five year housing land supply.
- 8.2 The proposal would cover number 32, 34 and 36 Homefield Rise and does not cover number 30 Homefield Rise. The applicants have continued negotiations with the freeholder associated to the remainder of Site 11. The applicants remain open for negotiations and discussion to bring the remainder site forward.
- 8.3 The proposal is designed to address the shortcomings of the 2016 scheme and the approved development in Phase 1 and Phase 2. The siting of the proposed building has taken into account the issues raised in the previous appeal in respect to the character and appearance and impact on neighbours' residential amenities.
- 8.4 The proposed would provide adequate internal and external living spaces and would provide adequate parking spaces to accommodate the need for the future occupiers. The proposed would provide adequate internal and external living spaces and would provide adequate parking spaces to accommodate the need for the future occupiers.
- 8.5 Subject to compliance with the recommendations in the technical reports and implementation of the recommended works and survey being undertaken where necessary, no protected species would be adversely affected and the development has the potential to enhance the biodiversity value of the site.
- 8.6 Furthermore, the development is considered acceptable from a sustainability, air quality and environmental health perspective.

- 8.7 Consequently, there are no material planning considerations which indicate that the application should be refused. The application is recommended for permission, subject to conditions and the prior completion of a S106 legal agreement.

RECOMMENDATION: PERMISSION SUBJECT TO LEGAL AGREEMENTS

SUMMARY OF CONDITIONS AND INFORMATIVES

Standard Conditions:

1. Time limit of 3 years
2. Drawing numbers and documents

Pre-Commencement Conditions:

3. Construction and Environmental Management Plan
4. Pilling method statement in consultation with Thames Water
5. Design details associated to flood risk assessment
6. Noise impact assessment
7. Arboricultural method statement and Tree Protection Plan including the rear boundary treatment
8. Land contamination

Above ground

9. Stage 2 Road Safety Audit (moved from pre-commencement as requested by applicant)
10. Secure by Design
11. Details of external materials
12. Electric charging points (active and passive)
13. Privacy screening
14. Landscaping
15. Bicycle parking
16. Child play provision and equipment
17. Ecology supervision, enhancement and biodiversity net gain including bird box and swift bricks.

Prior to occupation conditions

18. Car park management plan
19. Stopping-up of existing access
20. Stage 3 Road Safety Audit
21. Refuse storage provision confirming its enclosure
22. Energy Statement verification (moved from above ground)

Compliance

23. Hardstanding for wash-down facilities for construction vehicles

24. All Non-Road Mobile machinery to comply with relevant emissions standards
25. Wheelchair units
26. Parking spaces
27. Air quality
28. Fire strategy

Informatives

- Mayoral and Local CIL
- Secured by Design
- Environmental Health
- Vehicle crossover application
- Thames Water (various)
- Site 11 policy requirement

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Report No.
HPR2021/064

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **Wednesday 1st December 2021**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **DELEGATED ENFORCEMENT ACTION (JULY 2021 TO
SEPTEMBER 2021)**

Contact Officer: John Stephenson, Head of Planning and Development Support Team
Tel: 0208 313 4687 E-mail: John.Stephenson@bromley.gov.uk

Chief Officer: Tim Horsman, Assistant Director Planning & Building Control Housing,
Planning and Regeneration.

Ward: (All Wards);

1. Reason for report

Enforcement action has been authorised under Delegated Authority for the following alleged breaches of planning control. In accordance with agreed procedures Members are hereby advised of the action taken.

2. **RECOMMENDATION(S)**

Members to note the report.

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Quality Environment
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Planning – Appeals and Enforcement Section
 4. Total current budget for this head: ££385k
 5. Source of funding: Existing revenue budget 2014/15
-

Staff

1. Number of staff (current and additional):
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Town and Country Planning Acts
 2. Call-in: Not Applicable:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

3. COMMENTARY

Enforcement action and prosecutions have been authorised by the Assistant Director Planning under Delegated Authority during the period 1st July 2021 to 30th September 2021 in respect of development undertaken without the benefit of planning permission at the following sites:-

ENF Ref	Complaint	Site	Ward	Recommendation	Decision date
21/00300	mobile home	Shire Lane, Keston	FARNBOROUGH & CROFTON	MCU	Jul-21
21/00300	hardstanding	Shire Lane, Keston	FARNBOROUGH & CROFTON	OPDEV	Jul-21
21/00300	gate	Shire Lane, Keston	FARNBOROUGH & CROFTON	OPDEV	Jul-21
20/00038	residential curtilage	Eastcroft Villas, Luxted Road, Downe	DARWIN	MCU	Jul-21
20/00038	hardstanding	Eastcroft Villas, Luxted Road, Downe	DARWIN	OPDEV	Jul-21
21/00387	event hire	Foxbury Avenue, Chislehurst	CHISLEHURST	PCN	Jul-21
20/00172	roof terrace	Gowland Place, Beckenham	CLOCK HOUSE	OPDEV	Jul-21
20/00421	large hmo	Southlands Road, Bromley	BICKLEY	PCN	Jul-21
20/00789	tree house	Queen Anne Avenue, Shortlands	SHORTLANDS	OPDEV	Jul-21
21/00529	fencing	Croydon Road, Bromley	HAYES & CONEY HALL	OPDEV	Jul-21
21/00590	windows	High Street, SMC	CRAY VALLEY EAST	OPDEV	Jul-21
19/00133	roof terrace	Kimberley Road	CLOCK HOUSE	OPDEV	Jul-21
21/00307	untidy land	Thicket Road, Penge	CRYSTAL PALACE	S215	Jul-21
16/00034	untidy land	Holly Crescent, Beckenham	KELSEY & EDEN PARK	PROSECUTION	Jul-21
21/00385	extension	Croydon Road, Bromley	KELSEY & EDEN PARK	OPDEV	Aug-21
21/00422	hardstanding	Jail Lane, Biggin Hill	DARWIN	PCN	Aug-21
21/00362	outbuilding	Jail Lane, Biggin Hill	DARWIN	OPDEV	Aug-21
21/00345	residential	Fairfield Road, Beckenham	COPERS COPE	PCN	Aug-21
20/00381	extension & forecourt	Petts Wood Road, Orpington	PETTS WOOD & KNOLL	OPDEV	Aug-21
20/00381	windows	Petts Wood Road, Orpington	PETTS WOOD & KNOLL	FCCN	Aug-21
21/00672	church	Kangley Bridge Road, Sydenham	PENGE & CATOR	MCU	Aug-21
20/00060	church	Kangley Bridge Road, Sydenham	PENGE & CATOR	MCU	Aug-21
20/00030	outbuilding	Southwater Close, Beckenham	COPERS COPE	OPDEV	Aug-21

21/00082	untidy site	Farnaby Road, Bromley	BROMLEY TOWN	PROSECUTION	Aug-21
19/00567	untidy site	The Close	KELSEY & EDEN PARK	S215	Aug-21
21/00557	untidy site	The Close	KELSEY & EDEN PARK	S215	Aug-21
21/00300	hardstanding	Shire Lane, Keston	FARNBOROUGH & CROFTON	OPDEV	Aug-21
21/00270	earth bunds	Hockenden Lane, Swanley	CRAY VALLEY EAST	OPDEV	Aug-21
21/00270	storage	Hockenden Lane, Swanley	CRAY VALLEY EAST	MCU	Aug-21
21/00270	deposits of soil	Hockenden Lane, Swanley	CRAY VALLEY EAST	PCN	Aug-21
21/00044	extension	Maple Road, Penge	PENGE & CATOR	OPDEV	Aug-21
21/00703	residential	Luxted Road, Downe	DARWIN	PCN	Sep-21
20/00681	Not in accordance with plans	Jackson Road, Bromley	BROMLEY COMMON & KESTON	FCCN	Sep-21
21/00717	office + hardstanding	Station Road, Orpington	ORPINGTON	PCN	Sep-21
20/00120	untidy site	Blandford Road, Beckenham	CLOCK HOUSE	PROSECUTION	Sep-21
20/00251	business	Birch Tree Avenue, West Wickham	HAYES & CONEY HALL	MCU	Sep-21
21/00685	business	Queensway, West Wickham	HAYES & CONEY HALL	PCN	Sep-21
20/00867	untidy site	Spinney Way, Cudham	DARWIN	S215	Sep-21
21/00760	untidy site	Crown Road, Orpington	CHELSEFIELD & PRATTS BOTTOM	S215	Sep-21

3.2 For further details of any of the above cases please contact John Stephenson (details as above).

Non-Applicable Sections:	Policy, Financial and Personnel
Background Documents: (Access via Contact Officer)	N/A

Report No.
DRR000000

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: 1st December 2021

Decision Type: Non-Urgent Non-Executive Non-Key

Title: COUNCILLOR PLANNING APPLICATION 'CALL INS'

Contact Officer: Tim Horsman, Assistant Director (Planning)
Tel: 020 8313 4956 E-mail: Tim.Horsman@bromley.gov.uk

Chief Officer: Director of Housing, Planning & Regeneration

Ward: (All Wards)

1. Reason for report

Following Planning Service Improvements, Councillor 'call-ins' for planning applications are regularly reported to Development Control Committee for information.

2. **RECOMMENDATION**

Members note the report.

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council:
-

Financial

1. Cost of proposal: Applications considered at committee cost more than those determined under delegated authority
 2. Ongoing costs: Recurring Cost:
 3. Budget head/performance centre: Planning / Development Management
 4. Total current budget for this head: £1.7m
 5. Source of funding: Existing budget
-

Personnel

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
 2. Call-in: N/A
-

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 A report is regularly brought to DCC summarising the number of Councillor planning application 'call ins' and this figure broken down by Ward. Officers have delegated authority to determine applications in a range of circumstances except where a Councillor makes a written request to 'call in' a specific application to committee.
- 3.2 The data provided below is for 'call ins' relating to applications determined by the Council in the two most recent six month batches. The data below provides the most recent data and compares it with previous data and provides totals for 2019 and 2020. This now includes the number of applications determined per ward and the call ins as a percentage of this.
- 3.3 The data includes all cases which were subject to a 'call in' request (including 'conditional' call ins) and thus includes cases which may not ultimately have been determined at committee.

Figure 1 - Planning application 'call ins' for applications determined within period

Ward	Total 2019	Total 2020	Number of call ins Jul-Dec 2020	Jan-Jun 2021		
				No. call ins	Total Apps Decided	Call ins as % of total
Bickley	11	14	9	4	118	3%
Biggin Hill	9	7	5	2	23	9%
Bromley Common and Keston	8	11	3	5	112	4%
Bromley Town	10	3	2	4	124	3%
Chelsfield and Pratts Bottom	10	7	3	2	129	2%
Chislehurst	28	29	13	22	171	13%
Clock House	1	2	1	0	108	0%
Copers Cope	3	8	4	2	77	3%
Cray Valley East	4	4	1	2	74	3%
Cray Valley West	0	2	1	1	77	1%
Crystal Palace	7	4	3	1	30	1%
Darwin	12	12	7	0	66	0%
Farnborough and Crofton	5	6	4	1	124	1%
Hayes and Coney Hall	3	2	1	1	139	1%
Kelsey and Eden Park	2	16	8	6	146	4%
Mottingham and Chislehurst North	2	1	1	0	44	0%
Orpington	3	3	0	1	92	1%
Penge and Cator	2	5	2	1	84	1%
Petts Wood and Knoll	30	18	10	25	164	15%
Plaistow and Sundridge	3	7	3	2	79	3%
Shortlands	8	9	3	4	74	5%
West Wickham	2	5	4	4	141	3%
Total	163	175	88	90	2196	3% (Av)

4. FINANCIAL IMPLICATIONS

Applications determined at committee result in a higher cost per application than those determined under delegated powers.

5. PERSONNEL IMPLICATIONS

Applications determined at committee result in more staff time and in particular a greater requirement for staff working outside of normal hours.

Non-Applicable Sections:	Impact On Vulnerable Adults and Children; Policy Implications; Legal Implications; Procurement Implications
Background Documents: (Access via Contact Officer)	N/A