



THE LONDON BOROUGH
www.bromley.gov.uk

BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333

CONTACT:

stephen.wood@bromley.gov.uk

kevin.walter@bromley.gov.uk

DIRECT LINE: 020 8 313 4316

DATE: 13 July 2022

To: Members of the
PLANS SUB-COMMITTEE NO. 3

Councillor Christine Harris (Chairman)

Councillor Tony Owen (Vice-Chairman)

Councillors Dr Sunil Gupta FRCP, Alisa Igoe, Julie Ireland, Mike Jack, Charles Joel, Kate Lymer and Alexa Michael

A meeting of the Plans Sub-Committee No. 3 will be held at Bromley Civic Centre on
THURSDAY 21 JULY 2022 AT 7.00 PM

TASNIM SHAWKAT

Director of Corporate Services & Governance

Members of the public can speak at Plans Sub-Committee meetings on planning reports, contravention reports or tree preservation orders. To do so, you must have

- already written to the Council expressing your view on the particular matter, and
- indicated your wish to speak by contacting the Democratic Services team by no later than 10.00am on the working day before the date of the meeting.

These public contributions will be at the discretion of the Chairman. They will normally be limited to two speakers per proposal (one for and one against), each with three minutes to put their view across.

To register to speak please telephone Democratic Services on 020 8 313 4316 or 0208 461 7588

If you have further enquiries or need further information on the content of any of the applications being considered at this meeting, please contact our Planning Division on 020 8313 4956 or e-mail planning@bromley.gov.uk

Information on the outline decisions taken will usually be available on our website (see below) within a day of the meeting.

Copies of the documents referred to below can be obtained from
<http://cds.bromley.gov.uk/>

A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF MINUTES OF MEETING HELD ON 19TH MAY 2022**
(Pages 1 - 14)
- 4 **PLANNING APPLICATIONS**

Report No.	Ward	Page No.	Application Number and Address
4.1	Chislehurst;	15 - 38	36 Camden Park Road, Chislehurst, BR7 5HG
4.2	Orpington;	39 - 76	169 HIGH STREET, ORPINGTON, BR6 0LW
4.3	Chislehurst;	77 - 90	THE ROSES, KEMNAL ROAD, CHISLEHURST, BR7 6LT

5 **CONTRAVENTIONS AND OTHER ISSUES**

Report No.	Ward	Page No.	Application Number and Address
	NO REPORTS		

6 **TREE PRESERVATION ORDERS**

Report No.	Ward	Page No.	Application Number and Address
	NO REPORTS		

The Council's [Local Planning Protocol and Code of Conduct](#) sets out how planning applications are dealt with in Bromley.

PLANS SUB-COMMITTEE NO. 3

Minutes of the meeting held at 7.00 pm on 19 May 2022

Present:

Councillor Christine Harris (Chairman)
Councillor Tony Owen (Vice-Chairman)
Councillors Alisa Igoe, Julie Ireland, Charles Joel, Kate Lymer,
Alexa Michael and Mark Smith

Also Present:

Councillor Simon Jeal

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Cllr Mike Jack and Cllr Mark Smith attended as substitute.

2 DECLARATIONS OF INTEREST

The Chairman and Cllr Owen declared an interest as they were both present at the opening of the Crystal Palace Academy.

Cllr Mark Smith declared an interest with respect to Item 4.3 which was Babington House School. He read out a statement that had been checked by the legal department. Mr Smith had previously been approached by some local residents asking for support in objecting to some developments at the school. He said that given the rules around pre-determination, he would consider both the arguments in support and objection to the application with an open mind. He said that in the interests of transparency and probity he would retain the right to speak on the application but not to vote.

Cllr Joel declared a non-pecuniary interest in Item 4.3: Babington House School

3 CONFIRMATION OF MINUTES OF MEETING HELD ON 3rd MARCH 2022

The minutes of the Plans 3 meeting held on March 3rd 2022 were agreed and signed as a correct record.

4 PLANNING APPLICATIONS

**4.1
CHELSFIELD**

**(20/04944/FULL1) - 21 Windsor Drive, Orpington,
BR6 6EY**

The application was for a rear extension to provide enlarged restaurant space on the ground floor and staff live/work accommodation on the first floor with ventilation ducting. The application had been called in and was recommended for permission. The Chairman was happy to move for approval which was seconded by Cllr Owen.

Members, having considered the report, objections and representations, **resolved that PERMISSION BE GRANTED** for the reasons and subject to the conditions and informatives set out in the report of the Assistant Director, Planning.

Condition 3 (restriction on occupation to employees of restaurant) deleted.

**4.2
DARWIN**

**(21/01062/FULL1) - Luxted Farm, Luxted Road,
Downe, Orpington, BR6 7JT**

The proposed application was for a partial rebuild and restoration of a barn. It included the erection of dormer windows and fenestration alterations, including enlarged doors, glazed roof panels and alterations to windows. Change of use had been requested from an agricultural barn to a dwelling house with an integral garage. This was a part retrospective application in the Greenbelt and had been recommended for approval.

Oral representations in support of the application were heard at the meeting.

A written objection to the application from Cllr Jonathan Andrews was read out at the meeting as follows:

I am writing to you in your capacity as Chairman of Plans 3 as understand the above planning application will be discussed at Plans 3 tomorrow evening, having been called in by my ward predecessor Cllr Scoates. I wanted to write to confirm that I am also of the opinion that this application should be refused. I am unable to attend Plans 3 tomorrow as I am attending a local residents meeting in Pratts Bottom, but I would ask that the below written report be read out indicating my opposition to the application for the following reasons:

- *As noted in the report, the proposal (which is also stated to be “part-retrospective”, meaning work on this must have commenced without planning permission being sought) would constitute inappropriate development in the Green Belt.*
- *Again, as noted in the report, the proposal “would have actual harm to [the Green Belt’s] openness impacting detrimentally on the character of the area and visual amenities of the Green Belt which are formed of its essential characteristics including its openness and its permanence” - not least given that the proposed building would be larger and of different design to the original barn and therefore will have a greater impact upon the Green Belt.*
- *As the National Planning Policy Framework (NPPF) notes, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in “very special circumstances” which require any potential harm to the Green Belt which would result from the proposal to be “clearly outweighed” by other considerations. This is clearly a high bar to pass and I do not consider that it is met in this case as no exemptions or exceptions would appear to apply.*

Members, having considered the report, objections and representations, **RESOLVED THAT PERMISSION BE GRANTED** for the reasons and subject to the conditions and informatives set out in the report of the Assistant Director, Planning.

**4.3
CHISLEHURST;**

**(21/02452/FULL1) - Babington House School,
Grange Drive, Chislehurst, Bromley, BR7 5ES**

The application was for the erection of a single storey extension to the south east elevation to provide a permanent classroom. The officer recommendation was that the application should be approved.

The Assistant Director, Planning’s Representative mentioned that additional objections had been received and that there was a current travel plan in place for the school although this was due to elapse in

July 2022. A new travel plan had been submitted which was being considered. It was noted that the temporary classroom would be removed when the construction of the permanent classroom was completed. It was also noted that any permission granted would include a condition that the current and new travel plans would be accepted and implemented.

Oral representations objecting to the application were received at the meeting.

Ward Councillor Mark Smith attended the meeting as a substitute committee member.

Cllr Alisa Igoe expressed the view that although a travel plan existed, travel/road conditions outside of the school at certain times were chaotic. The Chairman pointed out that granting permission for the extension would not result in an increase in pupil numbers.

Cllr Julie Ireland was in favour of the application being deferred until the new Travel Plan had been approved. The Assistant Director, Planning's representative commented that this was an option, but could result in a significant delay to the application.

Cllr Alexa Michael moved that the application be approved and this was seconded by the Chairman.

Members, having considered the report, objections and representations, **RESOLVED THAT PERMISSION BE GRANTED** for the reasons and subject to the conditions set out in the report of the Assistant Director, Planning.

Approval was subject to the following additional condition:

An up-to-date Travel Plan shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the decision notice. The Plan should include as a minimum:

- Measures to promote and encourage the use of alternative modes of transport to the car:
- A timetable for the implementation of the proposed measures and details of the mechanisms for implementation and for annual monitoring and

updating.

The details of the plan as agreed shall be fully implemented concurrently with the operation of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure appropriate management of transport implications of the development and to accord with Policy 31 of the Bromley Local Plan.

**4.4
BECKENHAM TOWN &
COPERS COPE;**

**(21/02760/FULL1) - National Westminster Bank
Sports Ground, Copers Cope Road, Beckenham,
BR3 1NZ**

The application was for the construction of an open-air canopy covering for a spectator seating stand. The recommendation was for approval. It was noted that the application was part of the Crystal Palace Training Ground. The entrance site was on Metropolitan Open Land. The development was not ideal for MOL, but it was considered that the benefits of the application outweighed this. The officers had recommended that the application be approved.

Oral representations in support and objection to the application were heard at the meeting.

Ward Cllr Will Connolly said that the application should be deferred to allow more time for consultation between the football club and local residents.

Councillor Alexa Michael said that she had visited the site and felt that there was nothing unacceptable about the application. She moved that the application be approved and this was seconded by Cllr Charles Joel.

Members, having considered the report, objections and representations, **RESOLVED THAT PERMISSION BE GRANTED** for the reasons and subject to the conditions set out in the report of the Assistant Director, Planning.

**4.5
ORPINGTON;**

**(21/03035/FULL1) -169 Orpington High Street, BR6
OLW**

The proposed application was for the demolition of the existing buildings and construction of a four-storey building to provide two ground floor retail units and

sixteen apartments above with associated refuse, cycle, storage and amenities spaces.

The application had been recommended for refusal.

Oral representations in support of the application were received at the meeting.

Cllr Alexa Michael suggested deferring the application so that the number of units could be reduced to create more space. The Chairman seconded deferral.

Members having considered the report, objections and representations, **RESOLVED that the application BE DEFERRED** without prejudice to any future consideration, to seek revisions to the proposal to allow negotiation for a satisfactory internal and external living space standard, reduction in residential units and floor and an adequate fire statement.

4.6 BROMLEY TOWN

(21/04517/FULL1) Oaklands Court, 6 Oaklands Road, Bromley, BR1 3SW.

The application was for the construction of two storey building with accommodation within roof space at rear of Oaklands Court to provide 4 no. residential flats with associated car parking, hard landscaping, cycle and refuse storage and including re-configuration of car parking layout associated with Oaklands Court. REVISED DRAWINGS RECEIVED 9/3/22

Oral representations in support of the application were received at the meeting.

The application had been recommended for approval.

Members, having considered the report, objections and representations, **RESOLVED THAT PERMISSION BE GRANTED** for the reasons and subject to the conditions set out in the report of the Assistant Director, Planning.

The application is subject to the following amendment to Condition 7:

Prior to the installation of any air source heat pump(s) details of the MCS020 assessment shall be provided to the Local Planning Authority for approval. Where the MCS020 assessment does not meet the noise criteria set out then full details of the proposed unit(s)

and details of anti-vibration mounts and other noise attenuation measures will be required. The scheme shall be implemented as approved and thereafter maintained as such thereafter.

Reason: In order that the acoustic performance can be assessed in the interest of the residential amenities of prospective occupiers and neighbouring residential properties, to comply with Policies 37 and 119 of the Bromley Local Plan.

**4.7
PETTS WOOD AND KNOLL;**

(21/04669/FULL6) - 49 Priory Avenue, Petts Wood, Orpington, BR5 1JE

The proposed application was for a single storey rear extension with patio/steps and first floor rear extension. The application had been recommended for permission.

Members, having considered the report objections and representations, **resolved that PERMISSION BE GRANTED** for the reasons and subject to the conditions and informatives set out in the report of the Assistant Director, Planning.

With the additional informatives:

- 1- It is recommended that the applicant engages in a Party Wall agreement.
- 2- It is recommended that the applicant seeks the relevant agreement from Thames Water.

**4.8
PETTS WOOD AND KNOLL**

(21/05058/FULL6) - 35 St John's Road, Petts Wood, Orpington, BR5 1HS

The Assistant Director, Planning's representative explained that the application was for alterations to the existing roof including half hipped gables, 2 front dormer extensions, front rooflight and rear dormer extension to provide enlarged accommodation within the roof space.

It had been recommended that the application be permitted.

Oral representations in support of the application were received at the meeting.

Members, having considered the report, objections and representations, **RESOLVED THAT**

PERMISSION BE GRANTED for the reasons and subject to the conditions and informatives set out in the report of the Assistant Director, Planning.

**4.9
CHELSFIELD;**

**(21/05099/ADV) - Green Street Green Common,
Sevenoaks Road, Orpington**

The proposal was for the display of a non-illuminated post mounted double sided 'Welcome' sign.

Oral representations in objection to the application were received at the meeting.

Cllr Lymer proposed that the application be deferred to allow for more consultation with Friends Groups. Cllr Owen proposed approval which was seconded by Cllr Michael. A vote was taken for deferral and it was 4 for and 4 against. A vote was taken for approval and this was also 4 in favour and 4 against. The Chairman used her casting vote for approval.

**RESOLVED THAT ADVERTISEMENT CONSENT
GRANTED** □

**4.10
PENGE AND CATOR;**

**(21/05464/FULL1) Dover House, Anerley Road,
Penge, London, SE20 8EN.**

The Assistant Director, Planning's representative explained that the proposed application was for the construction of an addition storey (5th floor) which would incorporate two additional 2 bedroom flats and one additional one bedroom flat. It also included proposed elevational alterations including the extension of a parapet and external stairs, works to the roof including the relocation of water tanks and the formation of a lift shaft together with the relocation of existing telecommunications apparatus onto the new roof. Associated works included the provision of cycle and refuse storage and level access path from Anerley Road. (Revised Drawings received 6/4/2022 indicating building layouts and addition of level access path from Anerley Road). It was also noted that the application would be a minor contribution to the housing supply if granted.

Officers had recommended that the application be permitted.

Oral representations in objection to the application were received on the night.

Ward Cllr Simon Jeal objected to the application on behalf of the residents of Dover House, some of the neighbouring properties and a local church. He said that he was objecting due to the height of the application and the adverse effect that this would have on neighbours. Cllr Jeal focussed on the impact that the installation of the lift would have on the amenity of the residents of Dover House. He said that the officers had commented on the matter of noise reduction in the report from a technical perspective, but not from a planning perspective. He pointed out that the lift shaft would operate in close proximity to two bedrooms. Sound proofing was not the same as sound elimination and it was clear in his view that disturbance caused by noise from the lift was inevitable. Cllr Jeal highlighted that none of the residents had submitted any comments supporting the application. Cllr Jeal stated that in the event of a fire or the lift breaking down, he would have concerns as to how a disabled resident on the fifth floor would evacuate in a safe and timely manner. Cllr Jeal also stated that there was also a lack of parking spaces in the application. Cllr Jeal proposed that the application be refused, but if the Committee were minded to permit the application then he asked that it be agreed that it be permitted with the conditions requested by the Residents' Association.

The Assistant Director, Planning's representative replied that in the plans documents details had been laid out concerning noise and sound insulation and that these could be expanded upon if this was a concern. He said that with reference to lighting and access points, conditions had been drafted to cover these as well. Cllr Jeal responded that although there were plans for noise insulation, these would not get rid of all of the noise from the lift.

Members, having considered the report, objections and representations, **RESOLVED THAT PERMISSION BE GRANTED** for the reasons and subject to the conditions and informatives set out in the report of the Assistant Director, Planning.

The application is subject to the following amendment to Condition 4:

Prior to the commencement of the development, measurements of existing noise levels at the intended

location of the lift shall be taken and these, along with details of the predicted/resultant noise levels associated with the lift operation, any relevant drawings and technical specifications of the installation, and of proposed works of sound insulation against airborne and structure-borne noise arising from the lift, shall be submitted to and approved in writing by the Local Planning Authority. Sound insulation works shall meet as a minimum the provisions of Table 5 of BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' in adjacent habitable rooms and works shall be implemented in complete accordance with the approved details and maintained as such thereafter.

Reason: In the interest of the residential amenities of the adjacent flats and to accord with Policies 37 and 119 of the Bromley Local Plan and to avoid an unacceptable increase in noise and disturbance to neighbouring residents.

**4.11
HAYES AND CONEY HALL;**

**(21/05711/FULL1) - 172 Pickhurst Lane, Hayes,
Bromley, BR2 7JB.**

The application was for the construction of three, 3 bedroom detached dwellings, with associated parking, bin storage and cycle storage facilities with new vehicular and pedestrian access way. The application had been recommended by officers for permission. The Assistant Director, Planning's representative advised that additional objections had been received. The application included six parking spaces.

Oral representations in favour and in objection to the meeting were received at the meeting.

Members expressed concern regarding the difficulty that a refuse truck would have in gaining access to the proposed dwellings.

Ward Councillor Alexa Michael stated that the application was called in by the previous ward members. She had visited the site on the previous Saturday. Cllr Michael stated that she would focus her comments on issues concerning traffic road safety and overlooking. It was clear that Pickhurst Road was a main road where traffic flowed very quickly. In her view the difficulty with vehicular access was a serious issue. She said that there was a tree located between 170 and 172 and this would cause visibility issues for

drivers emerging from 170. She felt that there was a case for refusing the application under the Road Safety Act. Cllr Michael said that the Planning Inspector had voiced some concerns with respect to overlooking. It had to be born in mind that the objector had a large bathroom that was not glazed which would be used by their 14 year old daughter. She moved that the application be refused and this was seconded by Cllr Owen who felt that the mitigation measures would still result in the badgers being disturbed.

The Assistant Director, Planning's representative pointed out that a relevant condition had been drafted to mitigate against disturbing the nearby habitat of badgers. Cllr Lymer was also concerned that not enough was being done to protect the badgers and that the application should be refused. It was decided that the application should be refused on grounds of road safety, overlooking and loss of amenity.

Members having considered the report, and representations received, resolved that **PERMISSION be REFUSED AGAINST OFFICERS' RECOMMENDATION.**

The proposed development by reason of the location of the houses at the rear and introduction of publicly accessible areas to the rear and side of the existing property into predominantly rear garden curtilage in close proximity to neighbouring buildings and rear property boundaries would result in an excessive increase in noise and disturbance from multiple users of the development, increased and detrimental overlooking resulting in a serious and adverse effect on the privacy and amenity enjoyed by the occupiers of adjoining properties that they might reasonably expect to be able continue to enjoy contrary to Policies 3, 4, 8 and 37 of the Bromley Local Plan and Policies 7.4 and 7.6 of the London Plan and the NPPF (2019).

The development at the scale proposed will have an adverse impact on protected species in and adjacent to the site due to the close proximity of the proposed dwellings to habitat. Mitigation measures proposed are not considered sufficient measures to facilitate survival and reduce disturbance to protected species contrary to Policy 72 of the Bromley Local Plan and London Plan Policy G6.

Members of the Committee considered from local knowledge, the proposed development would be detrimental to the safety and free flow of traffic along Pickhurst Lane and the width of the highway access would be inadequate making it difficult to manoeuvre round the site thereby contrary to Policy 32 of the Bromley Local Plan Unitary Development Plan and T2 and T3 of the London Plan.

5 CONTRAVENTIONS AND OTHER ISSUES

NONE

6 TREE PRESERVATION ORDERS

6.1 Confirmation of Tree Preservation Order (TPO) 2766 - 54 Baston Road, Bromley, BR2 7BE

This application was to seek confirmation of the TPO at 54 Baston Road, Bromley, BR2 7BE. Objections had been received from the owner of the tree and an independent building surveyor.

Oral objections to the confirmation of the TPO were heard at the meeting.

Ward Councillor Alexa Michael attended the meeting. She said that all trees have roots and all trees would grow. She supported the confirmation of the TPO. She suggested that an application be submitted to prune the tree instead and that cutting down the tree should only be last resort. Cllr Michael moved to confirm the TPO and this was seconded by Cllr Owen.

RESOLVED that the TPO be confirmed as recommended.

The meeting ended at 9.30 pm

Chairman

This page is left intentionally blank

Committee Date	21.07.2022	
Address	36 Camden Park Road Chislehurst BR7 5HG	
Application Number	21/02834/FULL1	Officer - Lawrence Stannard
Ward	Chislehurst	
Proposal	Demolition of the existing dwelling and construction of a replacement 2 storey detached 6 bedroom dwelling with accommodation within the roof and basement levels.	
Applicant	Agent	
Mr and Mrs Kallar	Mr Peter Swain	
36 Camden Park Road Chislehurst BR7 5HG	90 Borough High Street London SE1 1LL	
Reason for referral to committee	Call In	Councillor call in
	Call In	Yes

RECOMMENDATION	Refused
-----------------------	---------

<p>KEY DESIGNATIONS</p> <p>Chislehurst Conservation Area Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Smoke Control SCA 16</p>

Representation summary	<ul style="list-style-type: none"> • Neighbour notification letters were sent on the 5th July 2021. • A Press Ad was published on the 14th July 2021. • The site notice was displayed on the 10th July 2021.
Total number of responses	16
Number in support	9
Number of objections	7

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The application would result in the demolition and loss of the existing dwelling, which is located within the Chislehurst Conservation Area, causing less than substantial harm to the designated heritage asset (the Conservation Area) to which there would be no public benefits.
- The proposed replacement dwelling would neither preserve or enhance the character and appearance of the Chislehurst Conservation Area within which it lies.
- The proposal is therefore contrary to the aims and objectives of Section 16 of the National Planning Policy Framework (2021), Policy HC1 and D4 of the London Plan and Policies 4, 8, 37 and 41 of the Bromley Local Plan, as well as the Chislehurst Conservation Area SPG.
- The proposed development would result in an unacceptable risk of harm to a valuable category A TPO tree by way of root damage / soil compaction during demolition, digging and construction, and from future pruning pressure, and insufficient information has been submitted to provide reassurance that any such risk can be controlled to within acceptable levels. The proposal is therefore contrary to Policies 43 and 73 of the Bromley Local Plan.

2 LOCATION

- 2.1 The application site currently hosts a detached Arts and Crafts style dwelling located on the southern side of Camden Park Road.
- 2.2 The site lies within the Chislehurst Conservation Area.
- 2.3 The Chislehurst Conservation SPG outlines the character of the Conservation Area, with paragraph 3.21 referring to residential areas developed on former country estates during the nineteenth and early twentieth centuries, particularly examples which are of historical and/or architectural note (such as Camden Park Road).
- 2.4 Paragraph 3.4 discusses Mead Road as standing out, though notes that it underwent a very similar period of development in the late 19th and early 20th centuries to the Camden estate, and has similarities of character with Camden Park Road.
- 2.5 Paragraph 3.57 further outlines the character of Camden Park Road and notes the size of plots and grandeur of residences with most architecturally noteworthy houses being towards the upper end of Camden Park Road.



Figure 1: Site Location Plan



Figure 2: Front of existing dwelling



Figure 3: Rear of existing dwelling

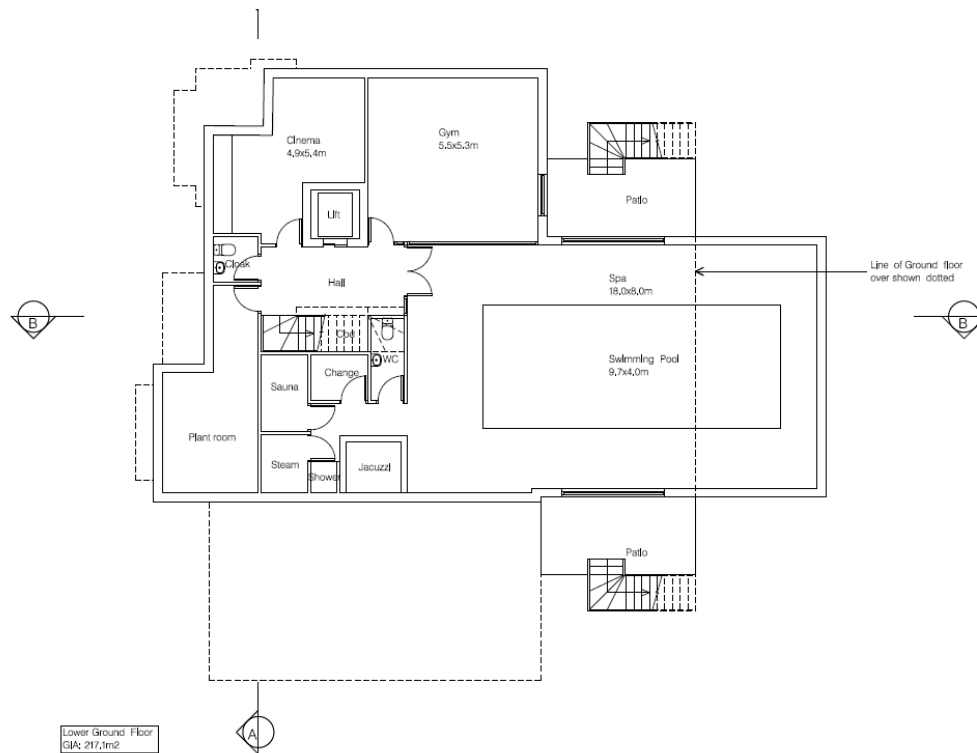


Figure 4: Lower Ground Floor Plan

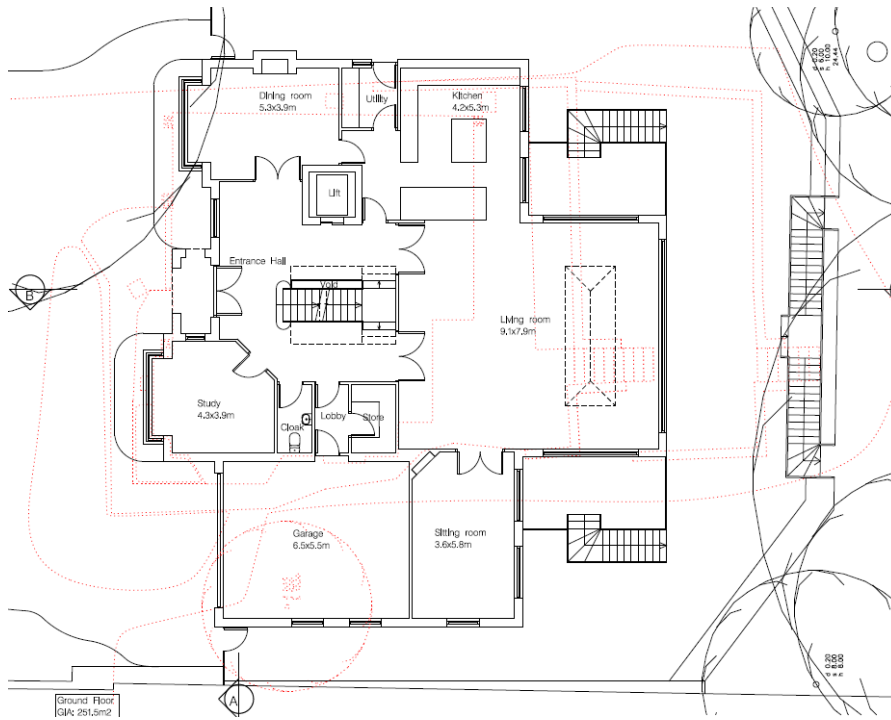


Figure 5: Proposed Ground Floor Plan

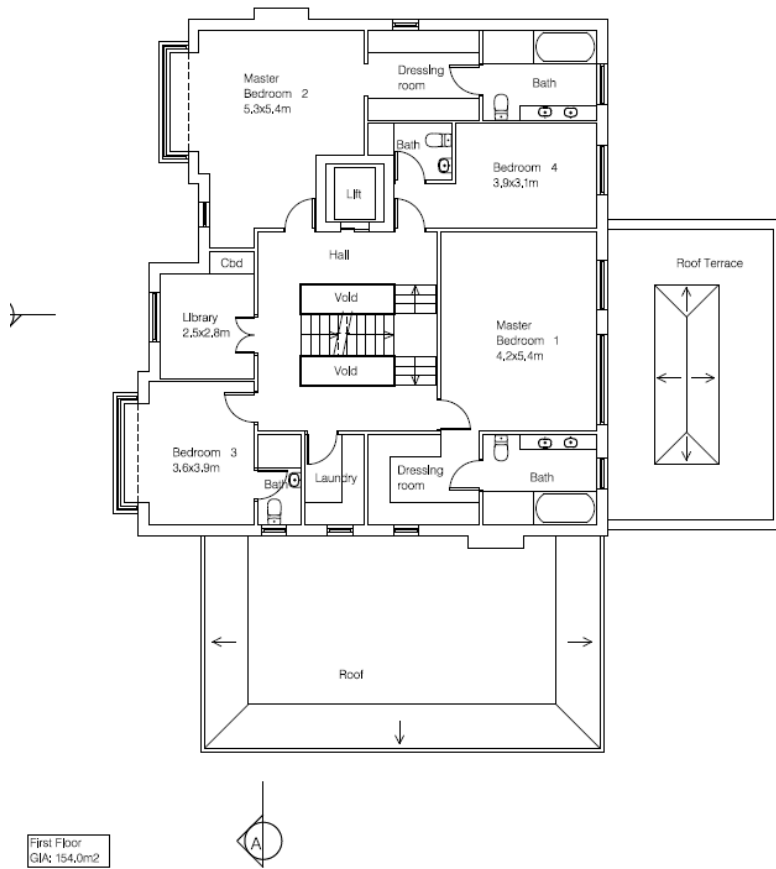


Figure 6: Proposed First Floor Plan

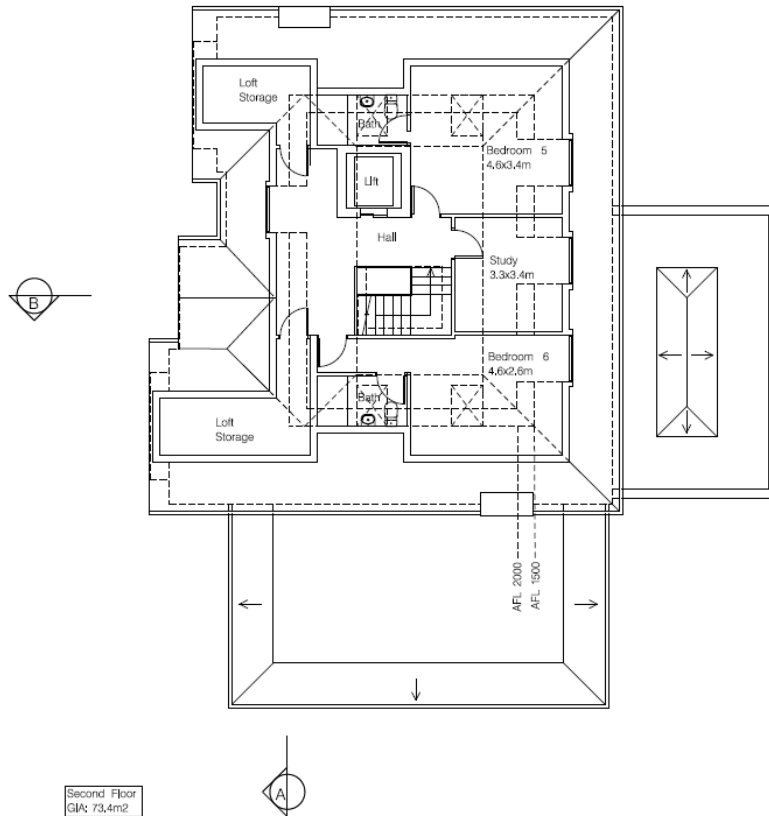


Figure 7: Proposed Second Floor Plan

3 PROPOSAL

- 3.1 The application seeks permission for the demolition of the existing dwelling and construction of a replacement 2 storey detached 6 bedroom dwelling with accommodation within the roof and basement levels.
- 3.2 The proposed dwelling would project approx. 20.25m in width (including the 5.8m wide single storey garage to its side). It would have a depth of approx. 13.5m at two storey level, with an additional 4.7m single storey projection to its rear.
- 3.3 The proposed basement level would include additional accommodation to provide a cinema, gym and swimming pool, and would have a similar footprint to the ground floor, though would project beyond the rear of the single storey rear element.

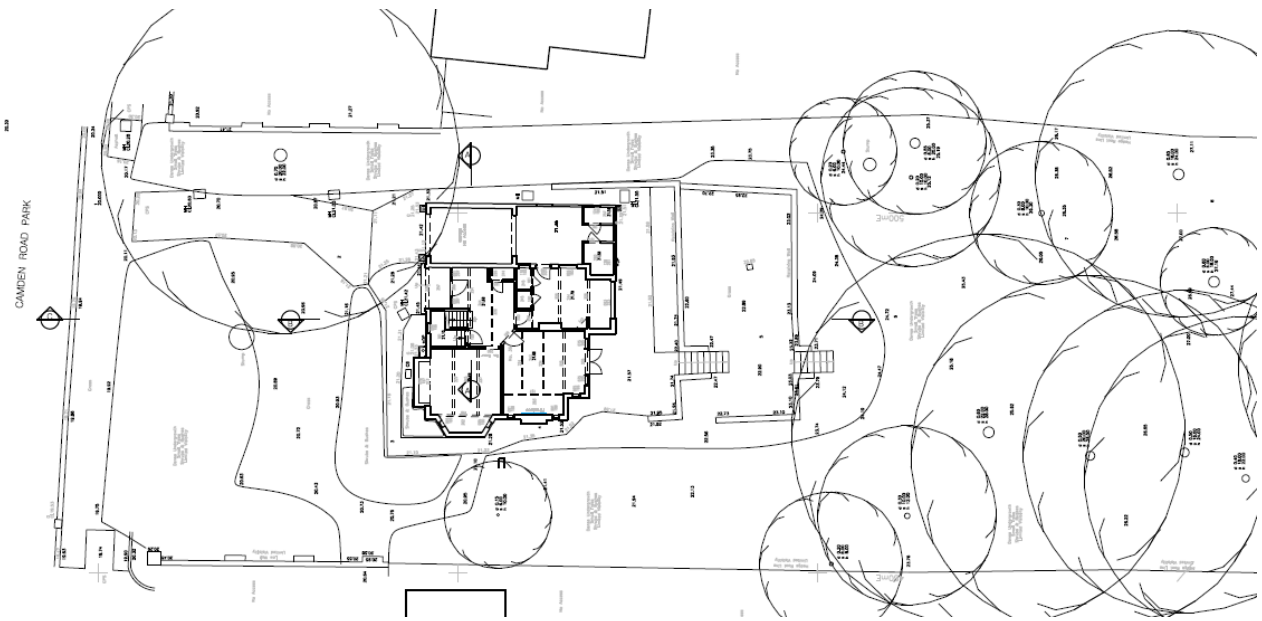


Figure 8: Existing Site Plan

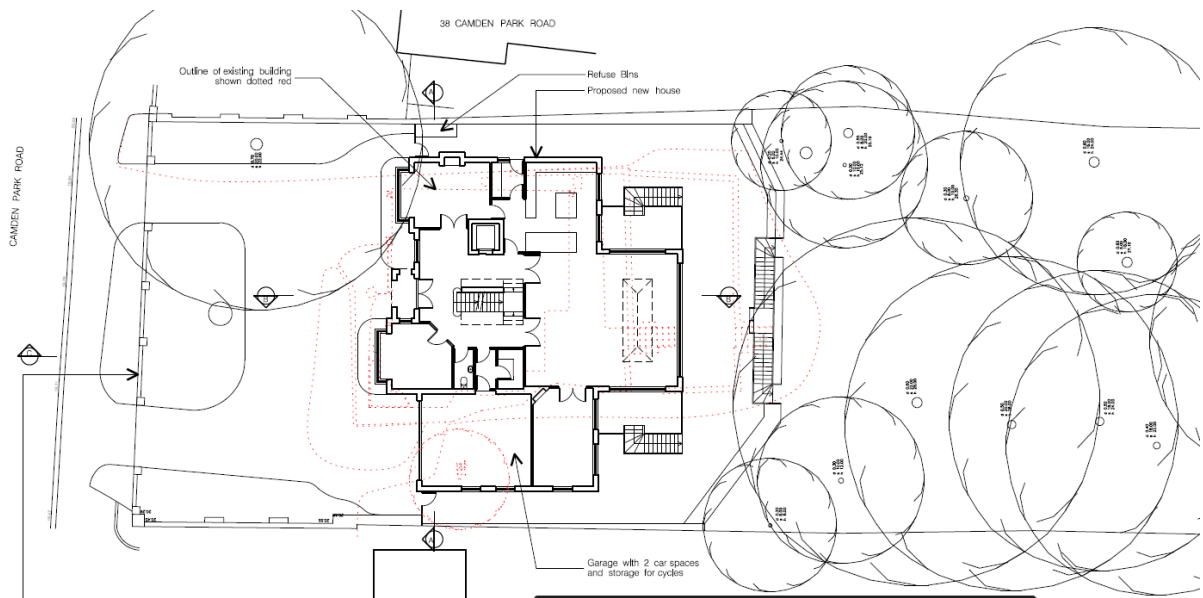


Figure 9: Proposed Site Plan



Figure 10: Existing and Proposed Front Elevations

4 RELEVANT PLANNING HISTORY

4.1 The application site has the following relevant planning history;

- 21/05317/TREE - Large Beech tree in front garden (approximately 17m in height) - Remove lowest lateral branch back to boundary. Reduce the length of the branches above on the south-eastern side and extending up to the top of the tree by approximately 3-4m. Reduce the length of the branches on the western side by up to 1m. – Authorised.
- 22/01362/TPO – T1 Beech (approximately 17m in height) in front garden - Reduce length of lower lateral branch extending over garage of No. 38 back to near boundary to a suitable union (one cut approximately 250-300mm). Reduce branches on the south-east side of tree by approximately 3-4m and remove similar amounts at the top

(numerous cuts approximately 50-75mm). Reduce branches on the west side by 1m (one cut approximately 50mm). – Refused

The above application (22/01362/TPO) was refused on the following grounds;

1. The proposed works are considered unnecessary at this time, have not been sufficiently justified and would therefore have an undue impact on the amenity of the local area. This application would negate the objectives of the TPO and conflict with Policies 73 and 74 of the Bromley Local Plan (adopted January 2019) and Policy G7 of the London Plan (adopted March 2021).

5 CONSULTATION SUMMARY

A) Statutory

Drainage Officer:

- We welcome the proposed use of SUDS to attenuate for surface water run-off.
- Please impose condition PC06 (Surface water drainage).

Highways Officer:

- The proposed dwelling would have an “in & out drive” with parking for a number of vehicles including a double garage.
- Camden Park Road is recorded as private with a right of way on foot over the footway outside the property.
- The Council has no jurisdiction over the road and the applicant will need to take the necessary measures to ensure no damage is caused to the road or obstruction to its users during or after construction.
- I would have no objection to the application.

Conservation Officer:

- In principle objection to this proposal from the heritage point of view as this house is an original 1930s house and makes a positive contribution in the CA with its attractive leaded light windows and asymmetrical design. The interior is also very attractive and historically and architecturally important.
- I also consider that the swept catslide rear roof to the rear with the accompanying attractive dormer windows with smaller swept roofs to the front and rear is a very attractive feature.
- The condition of this house is not a matter for heritage as paragraph 196 of the NPPF clearly says.
- Paras. 3.21 and 3.40 of the SPG is relevant and refers directly to this road in the Arts and Crafts context including this house which I consider is of special interest. This house is an integral part of the Arts and Crafts character of this Conservation Area in my view and its demolition would therefore be unacceptable.
- I consider that this proposal causes substantial harm to the designated heritage asset which is the Conservation Area and I see no particular justification and that NPPF guidelines.
- Appeal Ref: APP/G5180/W/19/3244027, Pucks Cottage, Hazel Grove, Orpington BR6 8LU is directly relevant.

- This house makes a direct positive contribution to the Arts and Crafts character.

A response to the above comments was received on the 17th September, and following this the Conservation Officer has confirmed that their view would not change and the above comments would remain. The Conservation Officer also confirmed that;

- “When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset’s significance may also damage its economic viability now, or in the future, thereby threatening its on-going conservation (PPG, paragraph: 013).”
- In my view if this proposal was allowed this would damage the designated heritage asset and in line with the advice given above in the PPG would also damage its economic viability and threatened its ongoing conservation.
- Camden Park Road is specifically mentioned in para 3.21 of the SPG as being of particular architectural note and containing a number of locally listed properties by notable Arts and Crafts architects and this particular house undoubtedly does have some Arts and Crafts features of note as mentioned in my previous reports.

APCA:

- Objection.
- The house is a fine example of Arts & Craft design and should be regarded as a Non Designated Heritage Asset as well as a building which makes a positive contribution to the character or appearance of the CA and adjacent houses.
- Demolition is unacceptable and contrary to Local Plan Policy and NPPF policy as well as Historic England Guidance (previously English Heritage as updated).
- The proposed replacement is, by contrast, a plain and uniform development which will detract from the high quality of the street scene in this part of the CA.

Trees:

- Whilst the north side of the proposed footprint does not appear to extend any further than the existing footprint it is understood existing foundations would be completely removed so there is a risk of root damage in this process.
- Pruning of the crown to provide clearance from scaffolding may also be required which would be more extensive than would otherwise be required for minimum clearance from the existing dwelling and, for such a high value tree sensitive to pruning, a potential cause for objection.
- The drive is proposed to be extended within the RPA of the Beech which is unfavourable.
- The AIA states that existing ground levels will be preserved but even if permeable surfacing is proposed the change would bring about a reduction in the capacity of soil surface for gaseous exchange. Anything but the most porous of surfaces and subbases would also lead to a reduction in water infiltration. Both these factors would not have an immediate visual impact on the tree but would create less favourable conditions which would not be acceptable for this high value aged tree.
- Furthermore, a risk of future pressure exists by virtue of the extension of the driveway underneath the tree. Increased use of the land beneath the canopy would only increase this nuisance.

- Even with the proposed protection measures, risk remains: of root damage and/or soil compaction during demolition, digging and construction, from the proposed pruning and from future pressure.
- Therefore, an objection is raised by Tree Officers on the basis that there is a risk of unacceptable harm to a highly valuable cat A tree.

A response to the Tree Officers comments was received from the agent on the 5th July. Following this, the Tree Officer confirmed that whilst the points raised are noted, given the high value and relative sensitivity of this particular tree there is insufficient justification for the proposal and that the risk is unacceptable in this instance.

Thames Water:

- Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water.
- 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.
- We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.
- 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.
- 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.

B) Local Groups

The following comments were received from local groups.

The Chislehurst Society

- Consider it should be approved as it formed a more cohesive approach to the current needs of the application concerning modernisation of the accommodation.
- Subject to inclusion of adequate protection against loss of amenity due to overlooking adjoining buildings.
- Acknowledge trees have already been removed which formed a screen – this matter can be dealt with by restrictions on windows including use of frosted glass and that the windows only provide secondary lighting to the house.

C) Adjoining Occupiers

The following comments were received from local residents;

Design / Impact on Conservation Area (Addressed in Para 7.1);

- House is too big overall.
- Beauty of the road is that houses compliment each other and have substantial space between them.
- Building will compromise spacing between buildings and large gardens which are important features of the Camden Park Estate.
- Overdevelopment.
- House may be in poor condition but it is of special interest and its total demolition is unnecessary.
- Inserting a new build in this line of properties (even of an Arts and Crafts style) would spoil the balanced look of the road.
- Other houses have been more sympathetically developed.

Impact on neighbouring property (Addressed in Para 7.3);

- Loss of privacy.
- May be acceptable if they are made of frosted glass / the windows in the roof space are angled to not overlook.
- Concerns over first floor roof terrace and impact on privacy.

Other Matters (Addressed in Para 7.6)

- Concerns over disturbances to the ground of digging a basement / impact on foundations etc.
- Plot is believed to be over Chislehurst Caves.
- Have had previous issues with drainage and water flooding the road.
- Can't understand why so many people who would not have been advised of the application and don't live near the site feel they need to make a comment.

The following comments were received in support of the application:

- Designed in a sensitive manner which is appropriate in scale and setting.
- Arts and Crafts styling positively contributes to the Chislehurst Conservation Area.
- Would be more sustainable than the old house.
- Design is in keeping with other buildings.
- Doesn't impact on neighbours.
- Already plenty of houses in the area with basements.
- Plenty of other buildings in Camden Park Road which use the whole width of the plot.

6 POLICIES AND GUIDANCE

- 6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

6.3 The development plan for Bromley comprises the London Plan (March 2021) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.

6.4 The application falls to be determined in accordance with the following policies:-

6.5 **National Policy Framework 2019**

6.6 **The London Plan**

- D1 London's form and characteristics
- D4 Delivering good design
- D5 Inclusive design

6.7 **Bromley Local Plan 2019**

- 4 Housing Design
- 8 Side Space
- 37 General Design of Development
- 43 Trees in Conservation Areas
- 44 Areas of Special Residential Character
- 73 Development and Trees
- 123 Sustainable Design and Construction

6.8 **Bromley Supplementary Guidance**

- Supplementary Planning Guidance 1 - General Design Principles
- Supplementary Planning Guidance 2 - Residential Design Guidance
- Chislehurst Conservation Area SPG

7 ASSESSMENT

7.1 Demolition of existing dwelling, Impact on Conservation Area/Heritage Impact, and Design – Unacceptable

7.1.1 The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

7.1.2 Paragraph 202/203 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate,

securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 7.1.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 7.1.4 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 7.1.5 Policy HC1 of the London Plan states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.
- 7.1.6 Policy 41 of the Bromley Local Plan states that proposals for development in Conservation Areas should preserve and enhance its characteristics and appearance by respecting or complementing the layout, scale, form and materials of existing buildings and spaces; respecting and incorporating in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and using high quality materials.
- 7.1.7 The Chislehurst Conservation Area SPG outlines various areas of the Conservation Area which include notable groups of Arts and Crafts houses, with Paras. 3.21 and 3.40 of the SPG referring directly to Camden Park Road where it notes that the road contains a number of locally listed properties by Arts and Crafts architects, with dwellings such as this existing property considered of special interest.
- 7.1.8 The existing 1930s dwelling is considered to make a positive contribution to the Chislehurst Conservation Area with its attractive leaded light windows and asymmetrical design. The interior is also very attractive and historically and architecturally important, and the swept catslide rear roof to the rear with the accompanying attractive dormer windows with smaller swept roofs to the front and rear is also considered a very attractive feature which contributes positively to its appearance and the overall character of the Conservation Area.
- 7.1.9 The existing dwelling is an integral part of the Arts and Crafts character of this Conservation Area. Accordingly, this dwelling is one of the only remaining original dwellings within the road, its many Arts and Crafts features are considered worthy of retention and make a positive contribution to the conservation area and as such it is considered that its demolition would result in an unacceptable level of harm to the character of the Conservation Area.

- 7.1.10 It is noted that the application is supported by a Heritage Statement and Design and Access Statement, and a further document in response to initial concerns raised by the Conservation Officer was also received on the 17th September 2021, to which consideration has been given. It is further noted that this relates to case law, which is considered a material consideration, however it is important to assess the application on its own merits and whilst the points raised regarding the removal of the host dwelling not being the only consideration are noted, it is considered that the replacement dwelling would not be of a design that would positively contribute to the character of the Conservation Area as much as the existing dwelling.
- 7.1.11 With regards to the recent application in the London Borough of Bromley at Pucks Cottage, Hazel Grove, BR6 8LU referred to within the submission, it is considered that this has some relevance – though it is noted that it lies within a different Conservation Area. However, within the original appeal decision it is considered that relevant comments were made by the Planning Inspector, who stated that "the loss of the existing building and its arts and crafts elements would eliminate the positive contribution of the site to the Conservation Area where this style of architecture is widely featured" and that "although the proposed dwelling would use high quality materials and would be in keeping with the size and design of some other replacement properties within the area, its contribution to the Conservation Area would be neutral".
- 7.1.12 It concludes therefore that the character of the Conservation Area would not be preserved, and these comments are considered applicable to the scheme proposed within this submission. It is noted that approval was subsequently granted for a replacement dwelling at Pucks Cottage under ref: 21/03075/FULL1 following the plans-sub committee meeting on the 25th November 2021, however the points raised by the Inspector in the original appeal are considered relevant for this application.
- 7.1.13 A further recent application at 1 Beech Dell, ref: 22/00781, included the demolition of the existing house and replacement with a new detached house within the Keston Park Conservation Area is also considered somewhat relevant to the current application. The application was refused at a recent plans-sub committee on the 23rd June with grounds including the demolition of the existing dwelling resulting in an unacceptable impact upon the Conservation Area.
- 7.1.14 Whilst these cases are considered material considerations, the application site lies within a separate Conservation Area and is required to be assessed on its own merits. It is considered that the retention of the existing dwelling is considered important within the Chislehurst Conservation Area and Camden Park Road, and significant weight is given to this.
- 7.1.15 It is noted that several permissions within the road are referred to within the submitted D&A statement, in particular No.46 Camden Park Road (originally approved under ref: 12/01893/FULL1). However, these appear to have been granted prior to current planning policies including the current Bromley Local Plan and in any case other examples the original dwellings such as No.20 Camden Park Road (15/02282/FULL1) were not considered to positively contribute to the character of the Conservation Area in the same way as the existing dwelling at the application site.
- 7.1.16 Furthermore, Planning Policy Guidance outlines that "When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also

need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its on-going conservation" (PPG, paragraph: 013).

- 7.1.17 As discussed previously, the existing dwelling is considered to have a significant positive contribution to the Chislehurst Conservation Area and Camden Park Road in particular. It is therefore considered by the Conservation Officer that the proposed development to include the loss of the existing dwelling would damage the designated heritage asset and in line with the advice given above in the PPG would also be considered to damage its economic viability and threaten its ongoing conservation.
- 7.1.18 Notwithstanding the above, in terms of the concerns raised over the loss of the existing dwelling and its harmful impact on the conservation area, the design and scale of the replacement dwelling must also be assessed.
- 7.1.19 The general design and overall scale would not be unduly out of character with some other large properties in the area and the design would have elements of an asymmetrical design which is not considered unduly inappropriate for its location. However, it is considered that the overall design would not have a significant positive contribution to the Conservation Area given that it would fail to respect the modest nature and Arts and Crafts character of the existing house.
- 7.1.20 Policy 8 of the Bromley Local Plan normally requires proposals of two or more storeys in height to have a minimum 1m space from the side boundary of the side for the full height and length of the building, and where higher standards of separation already exist (such as within Camden Park Road) a more generous side space will be expected.
- 7.1.21 The proposed dwelling would provide approx. 1.8 and 2m separations to each of its flank boundaries, with a greater separation (7.7m) at first floor level to the western elevation given the design to include a single storey attached garage on this side. The existing dwelling features significantly larger separation distances at present (approx. 4.4m and 7.1m) and the current spatial standards contribute to the overall character and visual amenity of the area.
- 7.1.22 The proposed development would result in a significant increase in the width of the property which would reduce the high spatial standards that currently exist; however it is considered on balance that the retained separation distances, particularly at first floor level, would not result in it appearing overly cramped in its plot and that it would comply with Policy 8 of the Bromley Local Plan.
- 7.1.23 Having regard to the above, on balance it is considered that the siting and separation distance to the flank boundaries of the site would comply with Policy 8 and would not harm the spatial standards of the area.
- 7.1.24 However, it is considered that the development would cause less than substantial harm (as defined by the NPPF) to the designated heritage asset which is the Conservation Area given that the resulting harm to the character of the Conservation Area would outweigh any benefit of the new dwelling.
- 7.1.25 The proposal is therefore contrary to the aims and objectives of Section 16 of the National Planning Policy Framework (2021), Policy HC1 of the London Plan and Policy 41 of the Bromley Local Plan, as well as the Chislehurst Conservation Area SPG.

7.2 Standard of Accommodation - Acceptable

- 7.2.1 In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It 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. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.
- 7.2.2 Policy 4 of the Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.
- 7.2.3 The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.
- 7.2.4 The application proposes a 6 bedroom detached dwelling set over 4 floors (including the basement). For reference, the minimum space standard for a 3 storey, 6 bedroom, 8 persons unit is 138sqm.
- 7.2.5 The proposed dwelling would significantly exceed the required standards in terms of internal space and the indicated shape, room size and layout of the rooms in the proposed building are also considered satisfactory. Furthermore, the property would benefit from a generous garden space and would have sufficient private amenity space.
- 7.2.6 The proposed replacement dwelling would therefore provide a suitable level of residential amenity for future owner / occupiers.

7.2 Residential Amenity – Acceptable

- 7.3.1 The rear building line of the existing dwelling projects a similar distance to the rear elevations of the neighbouring properties. The proposed dwelling would have a similar rear building line at two storey level, though the single storey rear element would project beyond this by approx. 4.8m. The single storey element would be well set in from either flank boundary and it is therefore considered that the rearward projection of the dwelling would not result in any unacceptable level of harm to the neighbouring properties.
- 7.3.2 Furthermore, whilst the dwelling would be enlarged significantly compared to the existing in terms of its width and ridge height, it would retain sufficient separation

distance from the boundary and the flank windows of neighbouring properties at two storey level to prevent any significant loss of light, outlook or visual amenity occurring.

- 7.3.3 The proposed dwelling would include some first floor flank windows which could provide some opportunities for overlooking. These would serve dressing rooms, bathrooms and a laundry room and therefore it is considered appropriate to a condition in the event permission is forthcoming to ensure that they would be obscure glazed in order to prevent any adverse harm to the privacy of the neighbours. Furthermore, the rear facing windows are unlikely to cause significant additional opportunities for overlooking and therefore subject to the above condition it is considered the scheme would not harm the privacy of neighbouring residents.
- 7.3.4 The proposed dwelling would also include a roof terrace at first floor level above the single storey rear projection. The terrace would be set in from the flank boundaries of the site which would lessen its impact upon privacy somewhat, however it would still provide additional views towards the neighbouring properties. A condition would be recommended to seek details of screening to the flank boundaries of the terrace, and subject to this it is not considered that it would result in any unacceptable harm to the privacy of the neighbouring properties.
- 7.3.5 Having regard to the scale, siting and separation distance of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

7.4 Highways - Acceptable

- 7.4.1 The proposed dwelling would have an "in & out drive" with parking for a number of vehicles on the frontage, as well as an attached double garage.
- 7.4.2 Camden Park Road is recorded as private with a right of way on foot over the footway outside the property. The Council has no jurisdiction over the road and the applicant will need to take the necessary measures to ensure no damage is caused to the road or obstruction to its users during or after construction.
- 7.4.3 Highways Officers have confirmed they would have no objection to the application.
- 7.4.4 Having regard to the above, it is considered the dwelling would provide adequate off-street parking and would not impact detrimentally upon highways matters.

7.5 Trees – unacceptable

- 7.5.1 A Beech tree located to the front of the application site is the subject of a Tree Preservation Order (TPO Ref: 2760) which was confirmed on the 17th February 2022.
- 7.5.2 In terms of the current proposal for the replacement of the dwelling, the north side of the proposed footprint does not appear to extend any further than the existing footprint however it is understood that the existing foundations would be completely removed so there is a risk of root damage in this process.
- 7.5.3 Furthermore, pruning of the crown to provide clearance from scaffolding may be required which would be more extensive than would otherwise be required for minimum

clearance from the existing dwelling and, for such a high value tree sensitive to pruning, a potential cause for objection.

7.5.4 The drive is proposed to be extended within the root protection area (RPA) of the Beech tree which is unfavourable. The Arboricultural Impact Assessment (AIA) states that existing ground levels will be preserved but even if permeable surfacing is proposed the change would bring about a reduction in the capacity of soil surface for gaseous exchange. Anything but the most porous of surfaces and subbases would also lead to a reduction in water infiltration. Both these factors would not have an immediate visual impact on the tree but would create less favourable conditions that for younger or lower value trees could be considered acceptable, but that in this case for a high value aged tree the Council's Tree Officers would not find acceptable.

7.5.5 A risk of future pressure would also exist by virtue of the extension of the driveway underneath the tree.

7.5.6 It is also noted that a recent application under ref: 22/01362/TPO for works to the beech tree was recently refused. It is considered that this application makes clear the extent to which falling debris from the tree is considered a nuisance and an increased use of the land beneath the canopy would only increase this nuisance.

7.5.6 Having regard to the above, it is considered that such extensive demolition and construction work inevitably puts at risk the health of a highly valuable tree. Even with the proposed protection measures, risk remains of root damage and/or soil compaction during demolition, digging and construction, from the proposed pruning and from future pressure.

7.5.7 Therefore, an objection is raised on the basis that there is a risk of unacceptable harm to a valuable tree, contrary to policies 43 and 73 of the Bromley Local Plan.

7.6 Other Matters (Drainage and Impact on Foundations etc). - Acceptable

7.6.1 It is noted that some concerns have been raised in the received representations regarding the impact on drainage and surface water flooding, as well the potential impact on foundations / structural stability on neighbouring properties resulting from the excavation works for the basement.

7.6.2 The Council's Drainage Officer has been consulted and has confirmed that the use of SUDS to attenuate surface water run-off would be welcomed. They have therefore raised no objection in principle, however if permission were forthcoming then a condition to seek full details of a scheme for the provision of surface water drainage prior to the commencement of works would be recommended.

7.6.3 With regards to the impact on foundations / structural stability on neighbouring properties this is not a material planning consideration and would be covered by other legislation and regulations.

7.7 CIL

7.8.1 The Mayor of London's CIL and Bromley's Local CIL are both a material consideration. CIL is payable on this application and the applicant has submitted the relevant form.

8 CONCLUSION

- 8.1 Having had regard to the above it is considered that the development in the manner proposed is not acceptable in that it would result in the loss of fine Arts and Crafts style dwelling which makes a positive contribution to the Conservation Area. The replacement dwelling would not be considered to preserve or enhance the character of the Conservation Area and therefore the development would result in an unacceptable level of harm to its character and appearance.
- 8.1.1 It is acknowledged that the proposed development would not give rise to any significant loss of residential amenity to neighbouring occupiers and would not result in any harmful impact to levels of on-street parking within the area. It would also provide a good standard of accommodation for prospective occupiers.
- 8.1.2 However, these matters would not outweigh the harm that the proposed demolition and loss of the existing dwelling, which is located within the Chislehurst Conservation Area, would cause to the designated heritage asset (the Conservation Area). Whilst the harm would be less than substantial, as stated within paragraph 202 of the NPPF, this harm should be weighed against the public benefits of the proposal, of which there are considered to be none.
- 8.1.3 The proposal is therefore contrary to the aims and objectives of Section 16 of the National Planning Policy Framework (2021), Policy HC1 and D4 of the London Plan and Policies 4, 8, 37 and 41 of the Bromley Local Plan, as well as the Chislehurst Conservation Area SPG.
- 8.1.4 Furthermore, the development would result in an unacceptable risk of harm to a valuable cat A TPO tree by way of root damage / soil compaction during demolition, digging and construction, and from future pruning pressure, contrary to Policies 43 and 73 of the Bromley Local Plan.
- 8.2 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

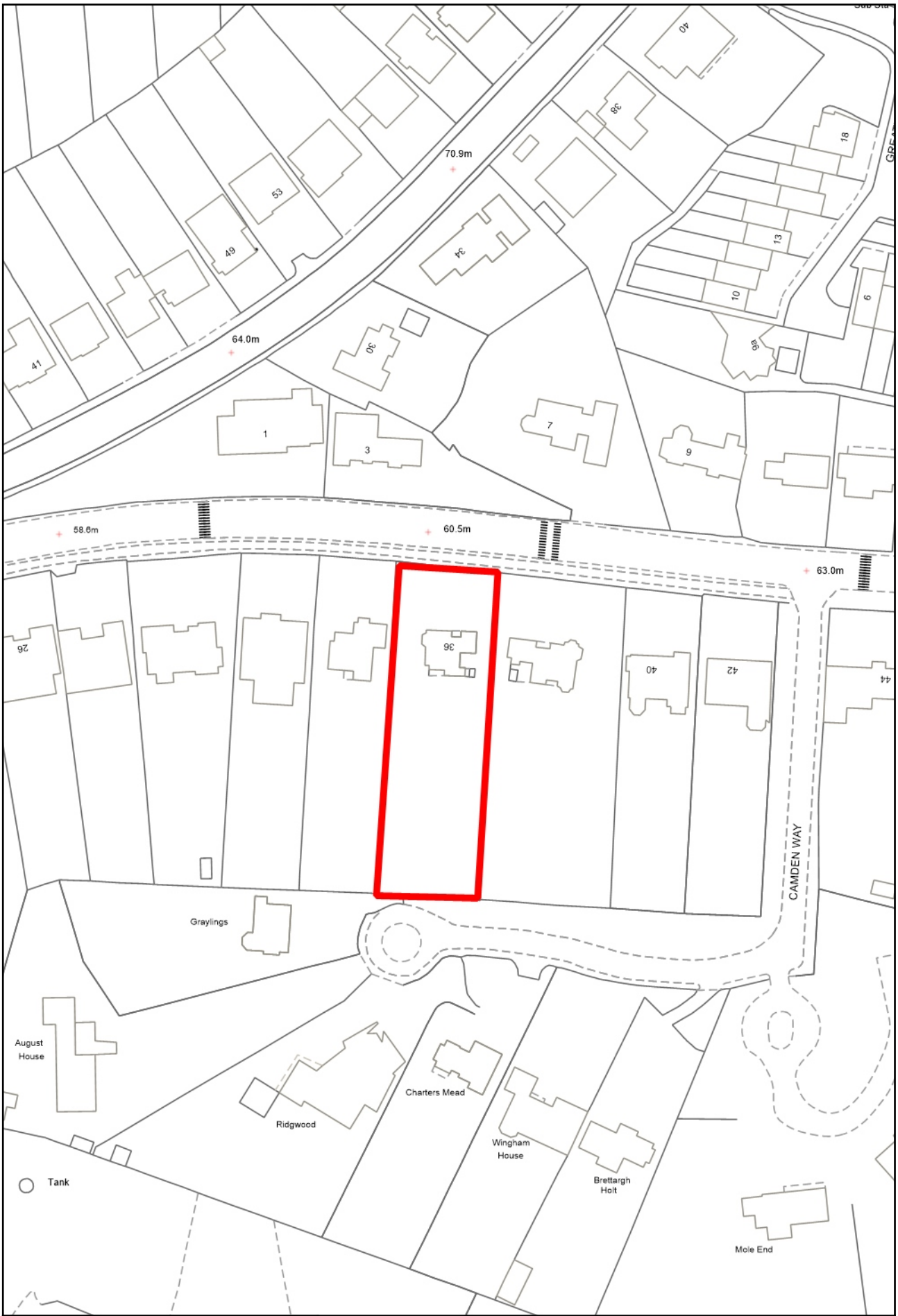
RECOMMENDATION: PERMISSION BE REFUSED

For the following reasons;


- 1. The existing building is a fine Arts and Crafts style dwelling and its historic appearance makes a positive contribution to Camden Park Road and the Chislehurst Conservation Area, which is worthy of retention. Its demolition would deprive the immediate vicinity of an attractive building and negatively harm the character and appearance of the Conservation Area generally, thereby contrary to the aims and objectives of Section 16 of the National Planning Policy Framework, Policy 7.8 of the London Plan and Policy 41 of the Bromley Local Plan.**


- 2. The proposed development would result in an unacceptable risk of harm to a valuable category A protected Beech tree (TPO Ref: 2760) by way of root damage / soil compaction during demolition, digging and construction, and from future pruning pressure, and insufficient information has been submitted to provide reassurance that any such risk can be controlled to within acceptable levels. The proposal is therefore contrary to Policies 43 and 73 of the Bromley Local Plan.**

This page is intentionally left blank




© Crown copyright and database rights 2021.
Ordnance Survey 100017661.


21/02834/FULL1



12 July 2022

1:1250


Page 37

This page is intentionally left blank

Committee Date	21.07.2022	
Address	169 High Street Orpington BR6 0LW	
Application number	21/03035/FULL1	Officer Jessica Lai
Ward	Orpington	
Proposal	Demolition of the existing buildings and construction of a four-storey building to provide 2 ground floor retail units and 16 apartments above with associated refuse, cycle, storage and amenities spaces.	
Applicant	Agent	
Yellow Bridge Partners Old Coffee House Yard London Road Sevenoaks TN13 1AH	Mr Chris Scarr MortonScarr Architects 47 Middle Street Brighton BN1 1AL	
Reason for referral to committee	Major Application	Councillor call in No

RECOMMENDATION	Refuse
-----------------------	---------------

<p>KEY DESIGNATIONS</p> <ul style="list-style-type: none"> • Area of archaeological significance • Biggin Hill Safeguarding Area • London City Airport Safeguard • Orpington Town Centre • Cray Valley Renewal Area • Primary Shopping frontage • Smoke Control
--

Residential Use			
Number of Unit	1	2	Total
Market	9	7	16
Affordable Housing	0	0	0
Total	9	7	16
Commercial Use			
	Existing	Proposed	Total
Retail	2 units (592sq.m including first floor)	2 units (251.41sq.m)	2 units (251.41sq.m)

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	N/A	0	0
Disabled car spaces	N/A	2	+2
Cycle	N/A	24 long stay 4 short stay	+ 24 long stay + 4 short stay

Electric car charging points	TBC
-------------------------------------	-----

Representation summary	A 21 day neighbour consultation letter was sent on the 28 th July 2021. A site notice was printed the 10 th August 2021. The application was advertised in the News Shopper on the 11 th August, 2021.
Total number of responses	1
Number in support	0
Number of objection	1 (this recorded objection does not relate to the subject proposal)
Number of comment	0

Section 106 Heads of Term	Amount	Agreed in Principle
Carbon offset	£ 35, 703 including Be Seen measures	No
Affordable Housing Review mechanism	Early and Late Stage Review Mechanisms	No
Total	£ 35, 703	

REPORT UPDATE

This application was deferred without prejudice by the members of the Plan - Sub No.3 Planning Committee on the 19th of May 2020 for the following reasons:

1. Reduction of residential units and floor space;
2. Revision to provide satisfactory internal and external living space standard, and,
3. Provision of a fire statement.

The previous grounds of refusal are as follow:

1 Design, layout, scale and massing

The proposed development, by reason of its layout, massing, design, relationship between the proposed building blocks and its surrounding area would fail to fully reflect the urban morphology of the High Street. The siting and scale of 2 residential blocks represents an over-intense development beyond the capacity of the site, contrary to London Plan Policy D3, D4, D6, Bromley Local Plan Policies 4 and 37.

2 Standard of accommodation for the new accommodation and impact on residential amenity

The proposed development, by reason of its close proximity of habitable room windows between the proposed building blocks, opposite boundary treatment, wall and site boundary would fail to provide a good standard of living environment in terms of outlook and privacy. The proposal would also fail to achieve the minimum internal living space standard and adequate private outdoor space for the future occupiers including built-in storage space, giving rise to privacy and outlook issues between the proposed development and the neighbouring properties, contrary to London Plan Policy D3, D4, D6 and Bromley Local Plan Policies 4 and 37.

3 Parking standard

The proposed residential parking provision would exceed the maximum parking standard as set out in the Table 10.3 of the London Plan, contrary To London Plan Policy T6.

4 Fire Safety and biodiversity

In the absence of a fire strategy and details of the biodiversity metric, the proposal would fail to demonstrate the development proposal would achieve the highest standard of fire safety and would fail to achieve 10 percent biodiversity net gain, contrary to NPPF Paragraph 174 and London Plan Policies G6 and D12.

5 Planning obligations

Insufficient information is provided to confirm the required planning obligations necessary to mitigate the impacts of the development. As such, the proposal would be contrary to, London Plan Policies DF1 and M1, Bromley Local Plan Policies 125 and Planning Obligations (2010) and subsequent addendums. The following documents are submitted.

Revised drawings and additional documents have been received which indicate the residential internal living spaces and residential parking standard would comply with the policy requirements. The additional documents submitted have also addressed the fire safety and biodiversity issues. The suggested ground 3 and 4 reason of refusal are therefore fully resolved.

The Design and Access addendum report outlines six other additional residential developments with separation distances and an absence of outdoor space. These are not considered to be fully comparable nor should they be used as a benchmark to support an over-intensive development with inadequate design, layout, provision of private outdoor space for a wheelchair user, privacy and outlook for the future occupiers. The revised drawing and documents are as follows:

- Revised proposed ground floor, first floor, second, third floor plan and a drawing schedule;
- Fire strategy and a biodiversity net gain assessment;
- Design and Access statement addendum and a computer-generated image.

The original report is updated below.

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- This is a small-scale major planning application for a residential-led redevelopment in Orpington Town Centre. The proposal would re-provide replacement retail floor space on the ground floor and introduce 16 new private residential units on the upper floors, a net increase of 15 private units.
- The proposal would be four storey in height with a maximum back-to-back/front distances measures approximately 12 metres which is comparable to the length of two standard parking spaces. An accompanied site visit was carried out during the course of this application.
- A number of revised floor plans were received which aiming to address the previous ground of deferral and the identified concerns in terms of the quality of living environment including scale and intensity of the development. Updated documents have been received which addressed ground 3 (parking) and ground 4 (fire safety and biodiversity) of the previously suggested reason of refusal.
- The proposed layout of the residential accommodation including housing units, mix and tenure remain same as the previously considered and would be in a tandem arrangement from the proposed first floor level. Updated

proposed floor plans have been received which annotate the internal living spaces will comply with the minimum internal living space standard. The deficiency in terms of the proposed outlook, privacy and provision of private outdoor space for a wheelchair unit remains unchanged.

- The applicant considers that the current proposal is acceptable with adequate distance between the habitable rooms of the proposed units. The updated proposal, in the applicant's view would fully address the concerns raised by officers, in relation to the overall scale, relationship between the proposed blocks and its surrounding areas as well as the quality of living environment. The applicant also considers that the proposal would represent a betterment when compared with the other approved developments adjoining to the site at No. 173 to 175 High Street (Dated 5th September 2017, ref: 17/02330) and No. 165 to 167 High Street (Dated 29th January, ref: 18/04523). The neighbouring developments are used to convey the design and layout of the current proposal.
- In support of the proposal, a further six developments have been outlined in the Design and Assessment Addendum report. Whilst the principle to redevelop the site to make more efficient use of the land and more housing at a sustainable location is supported, the proposal would provide 16 residential units (a net increase of 15 units) and would attract a moderate weight in this case. However, it should be noted that the weight accorded to this is limited due to the number of additional units to be provided and the proposed tenure would be private. The weight and priority to be given on the layout and quality of new residential development is also a planning consideration in weighting into the overall planning balance. The layout, design, inadequate outlook, private outdoor space and privacy indicates the quantum of the proposal would continue overdevelopment.
- Planning permission is assessed in accordance with the current development plan, taking into account any material considerations. In striking a balance between housing supply and quality of new build development for future occupiers in built up areas including town centres, officers considered that weight should also be given to the standard of living environment, particularly new build development with no identified site constraints preventing the delivery of good quality living accommodation, irrespective of the housing tenure.
- Each application should be considered in line with the current development plan at the time a planning decision is made and on its own merits. The deficiency of the small-scale developments adjoining the site are dated and should not be used as a benchmark or justification to support a cramped and over-intensive development.
- Based on the revised plans and responses received to date, it is considered that the proposed development would be beyond optimising the development potential of the site and would constitute overdevelopment with poor outlook and privacy for the future occupiers. The planning merits generated by this development are limited as a result of its viability assessment with no affordable housing. The proposed layout, design and quantum of the development indicates that the priority to maximize the provision of housing is higher than the delivery of good quality accommodation.

- Consequently, it is recommended that planning permission should be refused with the reasons set out in this report.

1. LOCATION

- 1.1 The application site (No.169 to No.171 High Street) measures approximately 0.069 ha (690sq.m) in area and is located on the eastern side of Orpington High Street. The site backs onto a shared service yard.



Fig 1. Site location plan



Fig 2. Aerial Photo (site outlined in red)

- 1.2 The existing two storey buildings are occupied by two retail shops on the ground floor with ancillary retail accommodation on the first floor and a self-contained residential unit above the shop. The site forms part of the primary retail frontage and is located within Orpington Town Centre and the Cray Valley Renewable Area.
- 1.3 There is a narrow public footpath along the southern side of the site. The existing parking and servicing area associated to the shops are accessed via Lych Gate Road.
- 1.4 To the rear of the site is a multi- storey commercial building as part of the Walnuts shopping complex. The application properties are not listed.

The site is located approximately 168 metres from The Priory Conservation Area and is located within an Archaeological Priority Area.

- 1.5 The site is located within Flood Zone 1. The site is subject to medium risk surface water flooding.
- 1.6 The public transport accessibility of the site (PTAL) is rated at 4, on a scale between 0 to 6b, where 0 is worst and 6b is excellent. Orpington Railway Station is approximately 1, 280m from the site.

2. PROPOSAL

- 2.1 Full planning permission is sought for the demolition of the existing building, erection of a 4 storey building which measures approximately 12.7 metres in height to provide two retail units on the ground floor and 16 private residential units on the upper floors. The proposal would comprise of 9 x 1 bed units and 7 x 2 bed units.
- 2.2 The replacement retail units would be located on the ground floor with its own front and rear door. The proposed retail floor area for Unit 1 measures approximately 146.58sq.m. Unit 2 would measure approximately 104.83sq.m. A communal retail waste storage area, a communal residential bicycle and waste storage area would also be located on the ground floor. The proposed ground floor would measure 17 metres wide, 27 metres deep, 12.6 metres high to the top of flat roof.
- 2.3 The access to the residential units would be via the High Street. The vehicular access to the car park would be via Lych Gate Road. Four disabled parking spaces, including two disabled parking spaces and a shared off-street servicing delivery space would be provided to the rear of the building, accessed via Lych Gate Road.
- 2.4 The proposed residential accommodation would be arranged in two building blocks between first floor and third floor. The proposed front block (Block A) facing the High Street would measure approximately 17 metres wide and 17 metres deep with 8 residential units.

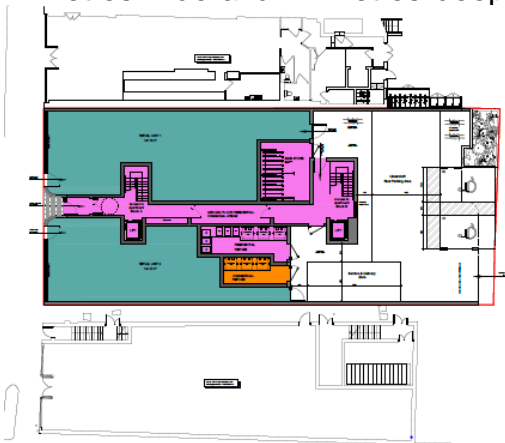


Fig.3 Revised ground floor plan



Fig 4. Revised first floor plan

- 2.5 The proposed rear building block (Block B) would be positioned between 7.9 metres and 12 metres from the rear of the proposed front block (Block A), measuring approximately 17 metres wide, 11.7 metres deep. The proposed floor plan indicates that Block B would project up to 5.8 metres further than the neighbouring properties.
- 2.6 A communal outdoor space would be provided in Block A between the private outdoor area of two residential units on the third/top floor.
- 2.7 A total of 24 secured cycle storage areas including 4 short-stay cycle storage spaces would be provided.

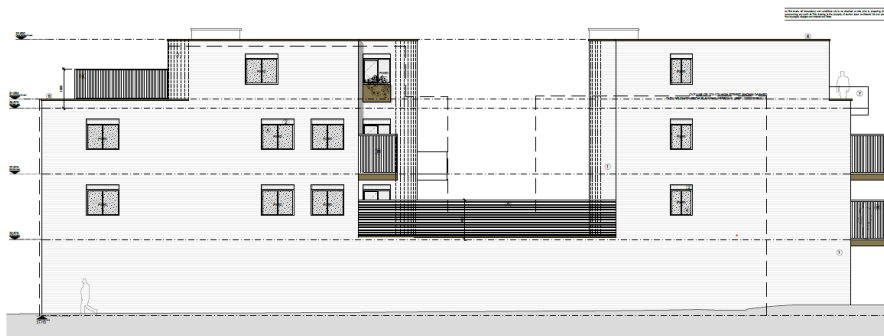


Fig 5. Proposed south elevation plan

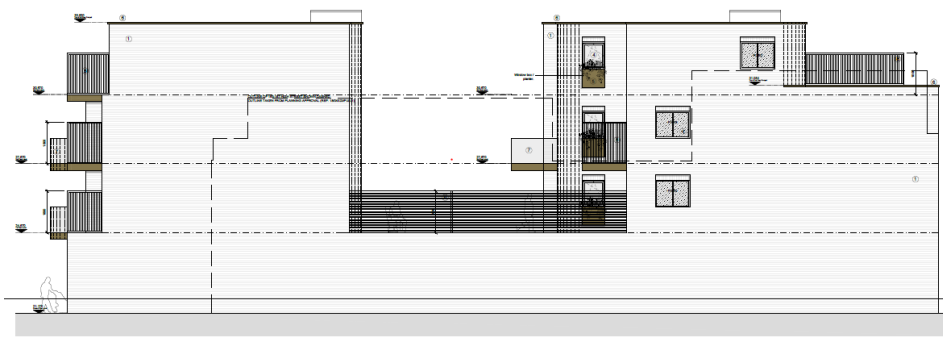


Fig 6. Proposed north elevation plan

3. RELEVANT PLANNING HISTORY

- 3.1 There is no recent planning application at this site. The site is adjoining to the following sites and the relevant planning application records are outlined below:
 - 165- 167 High Street
- 3.2 Full planning permission was granted on the 31st January 2019 (ref: 18/04523) for the erection of second floor extension and refurbishment of existing first floor to provide three x 2 bedroom units and one x 1 bedroom unit across first and second floors, with associated communal amenity space at second floor and roof level, along with associated bin

and cycle store, and alterations to car parking area at rear for use with existing ground floor commercial unit.

N.B. The time period to implement this planning permission has expired and planning permission has not been implemented. Pre-commencement conditions have not been discharged.

- 173 - 175 High Street

3.3 Full planning permission was granted on the 5th September 2017 (ref: 17/02330) for the demolition of the existing building and erection of a 4 storey building with retail on ground floor, with 8 residential units above.

N.B. This planning permission has been implemented.

4. CONSULATION SUMMARY

a) Statutory

4.1 Highways – No objection

The site has a moderate PTAL rating of 4 although it is within the town centre and its amenities. It is difficult to object to the parking provision given the London Plan parking standards. The disabled parking bays are in line with the London Plan. One of the existing crossovers will need to be stopped up. Should planning permission is recommended, the following planning conditions should be attached:

- OC03 Car Parking
- AG12 Cycle Parking
- PC17 Construction management plan
- OC 06 car free housing
- AG24 highway drainage

4.2 Drainage - lead local flood authority – No objection

The Council's drainage officer has advised that permeable paving (with type 3 materials in the sub-base area) should be used for the car park area. Should planning permission be recommended, a pre-commencement condition requiring the detailed design measures should be provided. The details of the proposed green roof should also be secured by planning condition.

4.3 Thames Water – No objection

Waste comment

The site is located within 15 metres of a strategic sewer. A condition requiring piling method statements including the depth and method used shall be submitted and approved by the local planning authority in

consultation with Thames Water. Developer is expected to demonstrate what measures will be undertaken to minimise ground water discharge into the public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, an informative requiring a Groundwater Risk Management Permit from Thames Water should be attached

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.

There is no objection in relation to waste water network and sewage treatment works infrastructure capacity.

Water comment

Thames water must be notified prior to any use of main water for construction purpose or there will be a potential fines for improper usage.

Water network and water treatment infrastructure capacity

No objection but an informative should be attached to this planning permission reminding the developer to take account of the development to enable Thames Water to maintain 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 development boundary falls within a Source Protection Zone for ground water abstraction. These zones may be at particular risk from polluting activities on or below the land surface. The applicant is encouraged to read the Environment Agency approach to ground protection and may wish to discuss the implication for their development with a suitably quality environmental consultant. A condition requiring the details of a foundation design to assess the risk to groundwater resources should be attached. The detail should include:

- Method to be used;
- Depth of the various structure involved;
- Density of piling if used;
- Details of materials to be removed or imported to the site

4.4 Historic England (Archaeology) - No objection

Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available

in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.

b) Local groups

None received

c) Adjoining Occupiers

4.7 One letter of comment has been received which relates to the concerns of the neighbouring development at 173 High Street.

5. POLICIES AND GUIDANCE

5.1 National Planning Policy Framework 2021

5.2 National Planning Practice Guidance

5.3 The London Plan

Policy SD6	Town centres and high streets
Policy SD7	Town centres development principles and development plan documents
Policy D3	Optimising site capacity through the design-led approach
Policy D4	Delivery good design
Policy D5	Inclusive design
Policy D6	Housing quality and standards
Policy D7	Accessible housing
Policy D11	Safety, security and resilience to emergency
Policy D12	Fire safety
Policy D13	Agent of change
Policy D14	Noise
Policy H1	Increasing housing supply
Policy H2	Small sites
Policy H4	Delivering affordable housing
Policy H5	Threshold approach to applications
Policy H6	Affordable housing tenure
Policy H7	Monitoring of affordable housing
Policy H8	Loss of existing housing and estate redevelopment
Policy H10	Housing size mix
Policy S4	Plan and informal recreation
Policy G5	Urban Greening
Policy G6	Biodiversity and access to nature
Policy SI-1	Improving air quality
Policy SI-2	Minimising greenhouse gas emissions
Policy SI-4	Managing heat risk
Policy SI-5	Water infrastructure
Policy SI-13	Sustainable drainage
Policy T4	Assessing and mitigating transport impacts

Policy T5	Cycling
Policy T6	Car parking
Policy T6.1	Residential 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

5.5 Mayor Supplementary Guidance

- London Housing SPG 2016
- Affordable housing and viability SPG 2017
- Accessible London: Achieving an inclusive environment 2011
- Character and context SPG 2014
- Plan and informal recreation SPG
- Energy Assessment Guidance 2020
- The control of dust and emissions in construction SPG

5.6 Bromley Local Plan 2019

Policy 1	Housing Supply
Policy 2	Provision of affordable housing
Policy 4	Housing Design
Policy 5	Parking of commercial vehicles
Policy 13	Renewal areas
Policy 17	Cray Valley renewal area
Policy 30	Parking
Policy 31	Relieving congestion
Policy 32	Road Safety
Policy 33	Access for all
Policy 37	General design of development
Policy 46	Ancient monuments and archaeology
Policy 59	Public open space deficiency area
Policy 72	Protected species
Policy 79	Biodiversity and access to nature
Policy 92	Metropolitan and major town centres
Policy 112	Planning for sustainable waste management
Policy 113	Waste management in new development
Policy 115	Reducing flood risk
Policy 116	Sustainable Urban Drainage systems
Policy 118	Contaminated land
Policy 119	Noise Pollution
Policy 120	Air Quality
Policy 122	Light pollution
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

5.7 Bromley Supplementary Guidance

- Bromley Affordable housing SPD and subsequent addendums

6. Assessment

6.1 Principle of development – Acceptable

6.1.1 Bromley Local Plan (BLP) Policy 92) states new development in Orpington Town Centre will be required to provide a range of uses that contribute towards its role as a major centre. This is consistent with BLP Policy 17 where development is required to support Orpington town centre, servicing the east of the Borough in respect of retailing and community services and developing a thriving retail office and leisure economy.

6.1.2. The application site forms part of the primary shopping frontage and is located along the eastern side of the High Street. The application property is a post-war two storey building and is occupied by two retail units on the ground floor with ancillary accommodation on the first floor and off-street parking and servicing deliveries to the rear of the building. There is an existing first floor residential flat located to the rear of the building.

- *Replacement retail*

6.1.3 It is noted that the existing building would be demolished, and the proposal would result in a reduction of commercial floor spaces from approximately 592sq.m to 251.41sq.m. It is also noted that there are no details relating to the possible storage areas and ancillary welfare facilities that would be provided for each replacement unit. However, it should be noted that the reduction of retail/commercial floor space would be mainly related to existing ancillary storage areas and this reduction is mainly located on the first floor. Given that two replacement retail units would be re-provided, an active shopping frontage along the High Street would be maintained and an off-street servicing and delivery space would be provided to the rear of the building, it is considered that the proposal would not have a significant impact upon the shopping function of this primary shopping frontage or Orpington Town Centre.

- *Heritage*

6.1.4 Historic England has confirmed the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. There was no further assessment or conditions are therefore necessary.

- *Housing*

6.1.5 The proposal would provide 16 private residential units (net increase of 15 units) at a sustainable location. The principle to redevelop the site to

provide more housing and make more efficient use of the land is therefore considered acceptable in land use terms. The planning merits of the current proposal in terms of housing design, residential amenities, highway safety, sustainability, and other issues are outlined in the following sections of this report. It should be noted that the current National Planning Policy Framework was published in 2021, The London Plan was adopted in March 2021 and the Bromley Local Plan was adopted in January 2019.

6.2 Housing - Unacceptable

- 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 this means that the presumption in favour of sustainable development will apply.
- 6.2.2 The NPPF (2021) sets out in paragraph 11a 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 London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 of the Bromley

Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.

6.2.5 Policy H2 requires Boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size). Policy D3 requires all development to make the best use of land by following a design led approach.

6.2.6 This application includes the provision of 16 residential dwellings (net increase of 15) and would make a positive contribution to the Council's housing targets. This element is considered to be a significant benefit of the scheme.

– *Affordable housing*

6.2.7 London Plan Policy H4 sets a strategic target of genuinely affordable homes at 50 percent across London and requires that these should be provided on site. London Plan Policy H5 set the threshold approach to applications with an initial and minimum level of 35 percent by habitable room. The Mayor of London's Affordable Housing and Viability SPG (2017) states that applications not meeting the 35 percent affordable housing and tenure threshold are considered under the Viability Test Route and will be subject to an early and late-stage review. This requirement will be secured by way of a legal agreement should planning permission be granted.

6.2.8 BLP Policy 2 seeks 35 percent of affordable housing to be provided by habitable room with a split of 60 percent affordable rent and 40 percent for intermediate units. London Plan Policy H6 sets the following affordable housing tenure threshold: 1) A minimum of 30 percent low cost rented homes, at either London affordable rent or social rent, allocated according to the need and for Londoners on low incomes. 2) A minimum of 30 percent intermediate projects which meet the definition of genuinely affordable housing, including London Living rent and London Shared ownership 3) The remaining 40 percent to be determined by the borough as low cost rented homes or intermediate product based on identified need.

6.2.9 A Financial Viability Assessment is submitted which indicates that the proposal providing 100 percent private residential units would generate approximately £414k and would not be able to provide any on-site affordable housing. The assessment has been reviewed and assessed by an independent viability consultant appointed by the Council and they have indicated that the inclusion of affordable housing would result in a further deficit. Should planning permission be forthcoming they suggest that in line with the London Affordable Housing and Viability Supplementary Planning Guidance to ensure the maximum level of affordable housing can be provided at the point of implementation, an early and late stage review be secured by a s106 legal agreement. This

is to ensure any future in surplus can be contributed towards affordable housing.

6.2.10 The original Planning Statement states that the Council has a significant shortfall of housing supply in 2019 (appeal decision at the Footsie social club ref: APP/G5180/W/20/3257010). The statement states that this proposal would significantly contribute to the Council's housing target.

6.2.11 Planning policy guidance at Paragraph 34 relates to viability assessment in decision making, it states "*The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances*".

6.2.12 Officers acknowledge that there is planning merits in contributing to the Council's housing stock and this element would attract weight in the planning balance. However, officers would point out this contribution is limited due to it's the overall contribution. Furthermore, the viability assessment also confirms the proposal would not be viable to provide any on-site provision. As such, the planning benefits which can be derived from this proposal to meet the Council's housing supply including affordable housing provision is therefore further limited.

- *Wheelchair unit and inclusive living environment*

6.2.13 London Plan Policy D7 requires at least 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. London Plan paragraph 3.73 also states that "to ensure all potential residents have choice within a development, the requirement for M4(3) wheelchair user dwelling applies to all tenures and should be distributed throughout a development to provide a range of aspects, floor level, locations, views and unit sizes.

6.2.14 BLP Policy 4 states the wheelchair units will be required to comply with the South East London Housing Partnership Wheelchair Home Design Guidance. However, Planning Practice Guidance 31 states that Local Plan policies for wheelchair accessible homes (M4(3) units) should only be applied to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling. As such, the South East London Housing Partnership Wheelchair Home Design Guidance would not be applied in this case.

6.2.15 A total of two one bed / two person private wheelchair units would be provided in the proposed front block (Block A) and assessable via internal lifts with two disabled parking spaces. This would comply with the London Plan Policy D7 which requires a minimum of 10 percent wheelchair units (Building regulation Part M4(3)) be provided.

6.2.16 These private wheelchair accessible units would all be one bed unit only with an identical housing size and would be single aspect located in a close proximity to its opposite block (Block B) or its opposite boundary treatment. It should be noted that one of the wheelchair units would be provided with no private outdoor space. Given that the housing size for these wheelchair unit are limited to one bed only, it is considered that the overall design and layout would represent a degree of overdevelopment and fail to provide adequate private outdoor space.

6.2.17 The remaining residential units are required to achieve adaptable dwellings standard (Building Regulation Part M4 (2)). Should planning permission be forthcoming, a planning conditions requiring this achievement should be attached.

6.2.18 It is noted that a communal outdoor space would be provided at the third floor in block A, adjacent to the private outdoor spaces of the adjacent units. It is also noted that the deficiency of a private balcony could be addressed with the provision of an additional private balcony. It is also suggested that a proportion of communal area can be allocated to a private unit. However, such provision would further reduce the distance between the proposed residential blocks as private outdoor space is required to comply with the national space standard with a minimum of 5sq.m and standard 27 of the London Housing SPG requiring a minimum depth of 1.5 metres. Notwithstanding the proximity to its opposite block, the provision of a balcony would also have an impact upon the availability of lights for the lower floor unit.

6.2.19 Overall, it is considered that the design and layout would appear to be cramped and over-intensive. The priority to retain a set number of residential units appears to be higher than providing a good quality living environment. Whilst the site is located within a town centre and more intensive development should be supported, the design, layout and relationship between the proposed units is not considered acceptable in its current form, contrary to London Plan Policies D7, SD6 and BLP Policy 37.

– *Housing mix*

6.2.20 Pursuant to London Plan Policy H10, schemes should generally consist of a range of unit sizes. The proposal would provide a mixture of 1 to 3 bed units. Paragraph 2.1.17 under BLP Policy 1 states the 2014 SHMA which highlights that the highest level of need across tenures within the Borough up to 2031 is for one bedroom units and is then followed by 2 bedroom units.

6.2.21 The proposal would provide a mixture of 1 to 2 bed units. Whilst there are no large family units (3 bedrooms) provided, it should be noted that the proposed housing size and mix would range between 2 to 4 person occupancy. Given that there is a higher housing need for 1 and 2 bed

units, it is considered that the proposed housing mix would not be unacceptable at this location.

6.3 Standard of living environment – Unacceptable

- *Internal space standards*

6.3.1 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 to reflect the national guidance and BLP Policies 4 and Policy 37.

6.3.2 Revised plans have been received an updated annotation stating the proposed 5 of the 1 bed units would comply with the minimum internal living space standards measuring 50sq.m or above. It is noted that there are no changes in terms of the envelope of the building or the furniture layout. These updated floor plans with new internal floor area annotation have been submitted and accepted as part of this application.

6.3.3 Further revised plans have been received which indicates that Unit B7 (2 bed/4 person) located in Block B and the built-in storage area of the proposed units would comply with the minimum requirements.

6.3.4 The deficiencies identified in each of the proposed units are summarized as follows:

Block A (front block) 3rd floor	Identified Deficiencies
Unit A9 (2b/4p - floor area 70.25sq.m)	<ul style="list-style-type: none"> - Lack of outlook. Distance between the bedroom windows and Block B, measures approximately 7.7 metres and 8.4 metres. - Lack of outlook and privacy. Distance between kitchen window and Block B measures approximately 11.7 metres.
Unit A8 (1b/2p - floor area 50.02sq.m)	<ul style="list-style-type: none"> - Lack of outlook. Distance between the bedroom window and Block B measures approximately 7.8 metres.
Block A (front block) 2nd floor	Identified Deficiencies
Unit A6 - (1b/2p – floor area 58.52sq.m)	<ul style="list-style-type: none"> - Single aspect unit - Lack of outlook. Distance between living/dining and kitchen to Block B measures 8.5 metres - Lack of outlook. Distance between bedroom window and Block B measures 7.9 metres.

	<ul style="list-style-type: none"> - Unclear side obscured glazed window serving any meaningful purpose. - Wheelchair unit with no private outdoor space
Unit A5 (2b/4p – floor area 80.49sq.m)	<ul style="list-style-type: none"> - Location of private outdoor space is via a bedroom. - Lack of privacy and outlook. Distance the bedroom window to the bedroom windows in Block B measures 11.8 metres. With balcony, distance is reduced to 10 metres.
Unit A4 (2b/4p – floor area 79.93q.m)	<ul style="list-style-type: none"> - Location of private outdoor space is via a bedroom. - Lack of privacy and outlook. Distance the bedroom window to the bedroom windows in Block B measures 12 metres. With balcony, distance is reduced to 10 metres. - Built-in storage is 1.42sq.m(requires 2sq.m).
Block A (front block) 1st floor	Identified Deficiencies
Unit A3 (1b/2p – floor area 58.54q.m)	<ul style="list-style-type: none"> - Single aspect - Lack of outlook. Distance between living, kitchen and dining room window and Block B measures 8.5 or 4.5 metres to its opposite boundary treatment. - Lack of outlook. Distance between bedroom window and Block B measures 7.9 or 3.9 metres to its opposite boundary treatment.
Unit A2 (2b/4p – floor area 80.49.m)	<ul style="list-style-type: none"> - Location of private outdoor space is via a bedroom. - Lack of outlook and privacy. Distance between bedroom window and the bedroom window in Block B (Unit B3) measures 11.8 or 6.5 metres to its opposite boundary treatment - Unclear side obscured glazed window serving any meaningful purpose.
Unit A1 (2b/4p – floor area 79.93q.m)	<ul style="list-style-type: none"> - Location of private outdoor space is via a bedroom. - Lack of outlook and privacy. Distance between bedroom window and the bedroom window in Block B (Unit B1) measures 12 or 7.5 metres to its opposite boundary treatment.
Block B (rear block) 3rd floor	Identified Deficiencies
Unit B7 (2b/4p – floor area 71.52sq.m)	<ul style="list-style-type: none"> - Lack of outlook. Distance between bedroom window and Block A measures 12 metres. - Lack of outlook. Distance between living kitchen and dining room window measures 4.3 metres to its rear boundary. This distance reduced to 2.4 metres with the balcony.

Unit B8 (2b/4p – floor area 71.97q.m)	<ul style="list-style-type: none"> - Lack of outlook. Distance between living kitchen and dining room window measures 4.1 metres to its rear boundary. This distance reduced to 2.2 metres with the balcony. - Lack of outlook and privacy. Distance between bedroom window and the living, kitchen and dining window and Block A (unit A9) measures approximately 11.7 metres. - Distance between bedroom window to its rear boundary measures 3.9 metres.
Block B (rear block) 2nd floor	Identified Deficiencies
Unit B4 (1b/2p – floor area 50.1sq.m)	<ul style="list-style-type: none"> - Lack of privacy and outlook. Distance between bedroom window to the bedroom window in Block A measures 12 metres. With balcony, distance is reduced to 10 metres. - Lack of outlook. Distance between living kitchen and dining room window measures 4.1 metres to its rear boundary. This distance reduced to 2.6 metres with the balcony.
Unit B5 (1b/2p – floor area 50sq.m)	<ul style="list-style-type: none"> - Lack of outlook. Distance between living kitchen and dining room window measures 3 metres to its rear boundary. This distance reduced to 1.47 metres with the balcony. - Lack of outlook. Distance between bedroom window and its rear boundary measures 3.09 metres.
Unit B6 (1b/2p – floor area 50.08sq.m)	<ul style="list-style-type: none"> - Lack of outlook. Distance between living kitchen and dining room window measures 2.95 metres to its rear boundary. This distance reduced to 1.42 metres with the balcony. - Lack of privacy and outlook. Distance between bedroom window to the bedroom window in Block A measures 12 metres. With balcony, distance is reduced to 10 metres. - Lack of privacy and outlook. Distance the bedroom window to the bedroom windows in Block A (Unit A4) measures 11.8 metres. With balcony, distance is reduced to 10 metres.
Block B (rear block) 1st floor	Identified Deficiencies
Unit B1 (1b/2p – floor area 50.1sq.m)	<ul style="list-style-type: none"> - Lack of outlook and privacy. Distance between bedroom window and the bedroom window in Block A (Unit A1) measures 12 or 4.3 metres to its opposite boundary treatment. - Lack of outlook. Distance between living kitchen and dining room window measures 4.2

	metres to its rear boundary. This distance reduced to 2.5 metres with the balcony.
Unit B2 (1b/2p – floor area 50sq.m)	<ul style="list-style-type: none"> - Lack of outlook. Living kitchen and dining room window measures 2.9 metres to its rear boundary. This distance reduced to 1.3 metres with the balcony. - Lack of outlook. Distance between bedroom window and its rear boundary measures 3 metres.
Unit B3 (1b/2p – floor area 50.8sq.m)	<ul style="list-style-type: none"> - Lack of outlook. Living kitchen and dining room window measures 2.9 metres to its rear boundary. This distance reduced to 1.25 metres with the balcony. - Lack of outlook and privacy. Distance between bedroom window and bedroom window of bedroom units of Unit A2 measures 11.8 metres. This distance is reduced to 5 metres to its opposite boundary treatment.

Table 1. Identified deficiencies

6.3.5 While individual deficiencies might not constitute a reason for refusal when considered in isolation, the cumulative deficiency of inadequate outlook, privacy, private outdoor space and the qualitative availability of light for the whole proposal would when combined result in an unacceptable development.

- *Amenity space*

6.3.6 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 1.5m.

6.3.7 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*".

6.3.8 Whilst it is acknowledged that the site is located within a busy town centre, there is no adequate justification for the absence of private amenity spaces, in particular for new built development and when there are no other identified constraints such as heritage issues. The proposed layout indicates that one of the proposed wheelchair unit in Block A would not be provided with a private outdoor space. Whilst a communal outdoor space would be provided in Block A, there is no adequate justification for this overly intensive layout and the absence of private outdoor space. The access to the private outdoor space is also design

and access via a bedroom. As such, it is considered that the design and layout out of the proposal would fail to provide a good quality living environment.

6.3.9 Furthermore, the adoption of the new London Plan has put the focus on optimising site capacity through the design-led approach (London Plan Policy D3). It is noted that higher density development should generally be promoted at sustainable locations such as Town Centres. Policy D3 also indicates that new development should deliver appropriate outlook privacy and amenity.

6.3.10 In summary, the proposal would provide inadequate internal living space, built-in storage areas, outlook and privacy. The design and layout would represent a degree of over-intensive development due to the deficiencies identified above, contrary to national described space standard, London Plan Policies D3 and D6, BLP Policies 4 and 37 and London Housing design guidance.

- *Daylight, sunlight and outlook*

6.3.11 An updated sunlight and daylight report states that the average daylight factor of the proposed 4 living/kitchen and dining rooms (B1, B2, B3 and B4) would be below the recommended guidance. However, when taking into account the balconies, it was concluded these rooms would accord with the BRE guidance.

6.3.12 Officers would point out that the BRE guide advises that *“for a fairly light-coloured rooms a value of 0.5 can be taken. This value can be used as a default if room reflectance are not known”*.

6.3.13 The ADF adopted in the sunlight and daylight report is set at 0.65 with a relatively high internal wall (painted pale cream) reflectance value of 81%, internal ceiling (Painted white) at 85% and internal flooring at 30%. Whilst the BRE puts a recommended default value at 0.5, there is no set value in the BRE as each assessment is unique. With the findings illustrated in the sunlight and daylight report confirming the value would be acceptable at this town centre location. It is therefore, considered that adequate natural lights would be provided.

6.3.14 The extensive use of light colour internal walls and white internal ceilings are used in the sunlight and daylight report in arriving at its finding and confirming adequate daylight can be achieved. The reliance of internal light colour walls and ceilings does further highlight the proposal would constitute over-development. It should also be note that Block B is located in a close proximity to the commercial building located to the rear/east of the site.

- *Adjoining Developments*

6.3.15 The proposed floor plans indicated that each of the proposed units contain a level of deficiency in terms of the delivery an acceptable level of outlook, privacy and/or amenities. The applicant considered that the current proposal would represent a betterment when compared with the recently completed development at No.173 to No.175 High Street and a dated development at No.165 to No.167 High Street.

6.3.16 Each development is considered on its own merits. New developments are required to be considered in line with the current development plan. The reliance of the deficiency of the neighbouring development as justification for an over-intensive development and introduction of a more deficient development is not considered sustainable. It should also be noted that the time period to implement the approved development at No.165 to No.167 High Street has expired. The recently completed development at 173 and 175 High Street only contains 6 residential units located in a close proximity. It is noted that some of these neighbouring units are designed with both a front and rear living, dining and kitchen window where there is an alternative window in the same habitable room to retreat.

- *Child play*

6.3.17 London Plan Policy S4 states that development proposals that are likely to be used by children and young people should: 1) increase opportunities for play and informal recreation and enable children and young people to be independently mobile; 2) 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.

6.3.18 The child yield associated to this development is 2.2 children and a play area of 22.sqm should be provided. A communal outdoor area would be provided at the top floor of Block A. Should planning permission be recommended, details of play equipment could be secured by a planning condition.

6.4 Design - Unacceptable

- *Form and layout*

6.4.1 The historic mapping record indicates that the High Street is the main route between St Mary Cray to the North and Farnborough to the South. The built settlement is spread along Orpington High Street and was once occupied by suburban houses and farm houses further along the High Street. Urbanization to date, has resulted in Orpington becoming a major town centre with more intensified built development populated along the High Street. The buildings along the High Street are mainly designed with the main building containing main activity facing the High Street with

back of house activities to the rear. This pattern of development remains apparent and forms part of an established urban grain along the High Street.

6.4.2 The application property is a two storey building with a principal elevation facing the High Street and a late addition of a limited size located to the rear. The focus of current activities is concentrated to the front along the High Street which reflect the established form and layout.

6.4.3 The principal elevation of the replacement building would be facing the High Street and this element would reflect the apparent established form and layout. However, the proposed building is designed with a “tandem” element and the rear element is isolated from the High Street. It is noted that the proposed rear block would not be high visible from the High Street. In considering the form and layout, including activities associated to the proposed development, the residential block to the rear would appear to be in isolation with a comparable level of residential activities to the front block. As such, it is considered that the form and layout of the proposed development would reduce the significance of the proposed front block and would fail to enhance the established distinctiveness of layout along the High Street, contrary with London Plan Policy D3.

6.4.4 A number of references were made regarding to the approved development to the south at No.173 to No.175 High Street. The Design and Access Addendum report also outlined other approved developments in justifying the deficiency of this new built development. As outlined under the paragraph “Adjoining Development” of this report, new development is required to be considered in line with the current development plan.

- *Experience*

6.4.5 At present, there is an existing residential unit above the shops and there is a various external equipment or plant placed above the roof area or attached to the rear wall of the shops. There are also a number of external equipment / plants associated to the Walnuts located to the east/rear of the building. Whilst the proposed land use would be identical to the existing, it should be noted that the proposal would intensify the use of the site with more residential units located close to an area dominated by servicing and delivery and external plants. It is unclear any facilities could be allocated within the site to accommodate the replacement retail units. Overall, it is considered that the quantum of the proposal would represent an over-intensive development and priority to ensure a high quality of experience is low.

6.4.6 The issues relating to the delivery of appropriate outlook privacy and amenity under Policy D3.7 are outlined in the Housing Section of this report.

6.4.7 The applicant has also made reference to the other developments including the redevelopment of Walnuts Shopping Centre where a similar back-to-back distance was accepted/being considered. Officers would point out that the current redevelopment of Walnuts Shopping Centre remains under consideration and each application is considered on its merits in line with the development plan.

- *Scale and massing*

6.4.8 The proposed building would be four storeys in height and measures approximately 12.6 metres. The top floor would be set in from the High Street and measures approximately 5 metres and is of a comparable height when compared with the adjoining properties. It is noted that the solar panel and green roof would be introduced at the roof level and the ultimate height would be higher. Having compared the floor levels of the building along the High Street, it is considered that the proposed building height would be acceptable.

6.4.9 The proposed ground floor plan indicates that an under-croft car park would be provided. The rear wall of the proposed building from the first floor level would project further than the adjoining properties to its rear, it measures between 5.4 and 7.2 metres to its rear boundary. The massing and layout of the proposed building block appears to be at odds when compared with the settlement along the High Street, out of keeping with its surrounding area.

- *Material palette*

6.4.10 The proposed external materials would mainly comprise of pale off-white brick with matching mortared colour brick with a line of green wall in Block B. The windows and doors would be made of bronze/light brown and aluminium formed. The privacy screen would be made of light brown aluminium. The boundary fence would be made of slatted timber. The balcony and communal area would be surrounded by a clear glass balustrade. A green roof would be introduced at roof level. Given that there is a variation of architectural building styles and materials along the High Street, it is considered that the proposed external materials would be acceptable.

- *Fire Strategy*

6.4.11 London Plan Policy D12 requires information to achieve the highest standards of fire safety and a fire statement covering the building's construction, means of escape, features which reduce the risk to lift, access for fire service personnel and equipment, provision be made to enable fire applicant to gain access to the building and ensuring that any potential future modification to the building will take into account and not compromise the base build fire safety/protection measures.

6.4.12 A fire strategy is submitted in line with the London Plan requirements. The Council's Building Control have advised that the details confirming the protective measures within the building/development would not be compromised should be provided. Where lifts are proposed, a declaration of compliance against London Plan Policy D5(B5) requirement for fire evacuation lifts should also be provided by the author of the report.

6.4.13 Compliance with the fire statement should be conditioned as part of an approved consent.

- *Secured by design*

6.4.14 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).

6.4.15 The Design out crime officer has raised no objection to the proposal. The developer is advised that accredited doors and windows should be used in all required locations. The undercroft should be gated to prevent unauthorised access. Waste storage areas should be self-closing and self-securing. A condition requiring the development to achieve secured by design accreditation would be attached, should planning permission is recommended.

6.5 Neighbourhood Amenity – Unacceptable

6.5.1 London plan Policy D6 states design of the development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context. BLP Policy 37 requires development be expected to respect the amenity of the occupants of the neighbouring buildings and ensure they are not harmed by noise and disturbance, inadequate daylight, sunlight privacy or by overshadowing.

6.5.2 The residential units at 173 to 175 High Street and 165a High Street are adjoining to the application site and would be impacted by the proposed development.

- *No.173 to No. 175 High Street*

6.5.3 No. 173 and No.175 is a part three and part four storey recently completed development located to the south of the application site. The submitted sunlight and daylight report indicates that two first floor living, dining and kitchen windows would result in noticeable reduction of daylights and not to a level considered to be harmful in line with the BRE

Guidance. Based on the updated assessment, it is considered that the proposal would not have an adverse impact on the residential amenities to the neighbouring properties in terms of loss of sunlight and daylight.

6.5.4 A second floor bedroom window, a first floor bedroom window and the attached with a balcony located adjacent to Block A at No.173 to N0.175 High Street would be situated in a close proximity to the bedroom windows in Block B, measuring approximately 8.5 metres to the first floor balcony and 10.5 metres to the bedroom window. Due to its close proximity, it is considered that the proposal would have an adverse impact in terms of loss of privacy and outlook.

- *No.165a High Street*

6.5.5 No. 165a Street is a residential unit above an existing restaurant at No, 165 High Street. The windows on the east elevation of this residential units are sealed by solid timber for a long period of time, in excessive of 10 years. There are no windows on the south and west elevation of this unit, except a north facing window. Due to the orientation and this window and relationship of the proposed development, it is considered that the proposal would not result in any significant impact on sunlight, daylight, sense of enclosure, outlook and privacy.

6.5.6 It is noted that the submitted sunlight and daylight assessment relates to an assessment to the expired development. This part of the assessment is no longer relevant,

6.5.7 It should be noted that the projection of the proposed development would be approximately 7.3 metres further from the rear wall of the expired development. Should there be any east facing windows located in close proximity to the proposal, the impact on outlook, enclosure and lights will need to be assessed.

6.6 Transport - Acceptable

- *Access*

6.6.1 BLP Policy 32 states the Council will consider the potential impact of development on road safety and will ensure there is no significant impact on highway safety.

6.6.2 The main pedestrian access to the residential units would be from the High Street and accessible from the rear. Vehicular access to the rear car park and servicing and delivery space would be via Dryden Way. The Council's highway division have advised that amendment to a crossover would be subject to an application to Highway division and the cost would need to be met by the developer.

- *Parking provision - residential*

6.6.3 London Plan Policy T6.1 sets a maximum parking standard and states that new residential development should not exceed the maximum parking standards under Table 10.3. These standards are a hierarchy with more restrictive standard apply when a site falls into more than on category. Development in town centre should be car free, except disabled parking spaces.

6.6.4 Revised ground floor plan indicates that 2 residential disabled parking spaces and a servicing and delivery space would be provided and would comply with the London Plan Policy T6.1.

- *Parking provision - retail*

6.6.5 London Plan Policy T6.3 relates to retail parking and the starting point for assessing the need for parking provision at all retail development should be the use of existing public provision, such as town centre parking.

6.6.6 Table 10.5 sets the maximum retail parking for outer London retail is up to 1 space per 75sq.m. Given that the proposal is to provide replacement retail units and the site is located in Town Centre, the absence of retail parking spaces is not considered unacceptable in this instance.

- *Electric charging point*

6.6.7 London Plan Policy T6.1 requires at least 20 percent of residential parking spaces should have active charging facilities with the remaining spaces should have passive provision. Should planning permission be forthcoming, it is recommended that an active and a passive electric charging point should be secured by a planning condition.

- *Cycle parking*

6.6.8 London Plan Policy T5 set a minimum residential cycle standard for new development with a ratio of 1.5 spaces per 2 person unit and 2 spaces per all other dwellings. A minimum of 20 residential long stay spaces and a minimum of 2 short stay spaces should be provided (2 spaces per 5 to 40 dwellings). For the commercial element, a minimum of 2 long stay and 2 short stay spaces should be provided.

6.6.9 The revised ground floor plan indicates that a total of 24 long stay and 4 short stay cycle storage would be provided and would comply with the London Plan.

- *Waste services*

6.6.10 BLP Policy 113 states major development proposals 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. Standard 22 of the London Housing SPD states the location of communal waste storage should satisfy local requires for waste collecton.

6.6.11 The Council published a guidance note for waste storage and collection in October 2011. On developments comprising 6 or more dwellings in one block, it stipulates that the following be provided: 1 x 1100 litre bin for non-recyclable, 1 x 240 litre bin for bottle/plastic, 1 x 240 litre for paper including provision for food waste.

6.6.12 A communal residential storage area would be provided on the ground floor which indicates that 3 x 1100 litre and 6 x 240 litre bins will be provided for non-recycle and recycle waste. A clear access path measures approximately 1.5 metres would be provided. The Council's waste services have reviewed the revised proposal and considered that the location and size of the proposal would be acceptable for the Council to maintain its duty for domestic properites. With regards to the details of commerical waste collection arrangment, these details will be secured by a planning condition prior to the first occupation of the commerical unit.

6.7 Environmental Health - Acceptable

- *Air Quality*

6.7.1 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.

6.7.2 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.

6.7.3 The site is within Bromley Air Quality Management Area which means the site is located within an area that has been declared for exceedance of the annual mean Air Quality Objectives for nitrogen dioxide (NO₂). An air quality assessment is 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.

6.7.4 The Council's Environment Health officers have considered the details and have recommended that the following should be secured by planning conditions:

- i) Construction Environmental management plan
- ii) Electric vehicle charging points
- iii) Any gas boilers to be installed at the site must meet a dry NOx emission rate of <40mg/kWh.
- iv) Report of any suspected contamination

- *Noise and vibration*

6.7.5 An acoustic assessment is submitted which indicates that which suggested a range of measures can be employed such as glazing, ventilation and sound insulation to comply with the required environmental standard. The Council's Environmental Health officer have recommended that the scheme of noise mitigation measures in full compliance with the submitted acoustic report including the full adaptation to part walls and or ceiling between residential and non-domestic uses, detail of insulation should be submitted and approved by the Council, should planning permission be recommended.

- *Land Contamination*

6.7.6 The Council's Environmental Health officers have considered the submitted details and considered that there is no evidence to suggest the site is contaminated. Should planning permission be recommended, an informative should be attached requiring the report of unexpected or any suspected contamination immediately to the Council's Environmental Health, measures to fully assess and an appropriate remediation scheme should then be submitted to the Local Authority for approval in writing.

6.8 Ecology - Acceptable

6.8.1 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. London Plan Policy G6 states that development proposals should manage impacts on biodiversity and aim to secured net biodiversity gain.

6.8.2 A preliminary bat roost assessment has been submitted which considers the likely impact of the scheme upon protected species. The building was inspected by a qualified consultant and no evidence of bats were found. It was considered that there are very limited external features that could

provide preferred roosting conditions for crevice roosting species such as pipistrelles and further surveys for bats are not required.

6.8.3 Should planning permission be recommended, it is considered that the ecological enhancement measures including green roof, bat box and swift bricks would be incorporated and secured by planning conditions.

- *Urban greening*

6.8.4 London Plan Policy G5 states major development should contribute to the greening of London including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping, green roofs, green wall and naturel- based sustainable drainage. The London plan recommends a target score of 0.4 for developments that are predominantly residential. London Plan Policy G6 states development should manage impacts on biodiversity and aim to secure net biodiversity gain.

6.8.5 Green roofs, a line of green wall on Block B and planting would be incorporated as part of this proposal achieving an Urban Greening Factor of 0.48 and would meet the minimum requirements. Should planning permission be recommended, the details of the suggested provision should be secured by conditions.

- *Biodiversity net gain*

6.8.6 NPPF Policy 174 and London Plan G6 states that development should minimise impacts on and providing net gains. A biodiversity net gain assessment is submitted using the Defra metric calculations indicates the proposal would achieve a score of 0.19 improvement and would comply with the NPPF and London Plan policy G6. Should planning permission be recommended, a scheme of biodiversity enhancement and long-term management of the green roof and walls should be secured by a planning condition.

6.9 Drainage and flooding - Acceptable

6.9.1 The NPPF states that major development should incorporate sustainable drainage systems which should take 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 subjected to high risk of surface water flooding. A Foul and Surface Water Drainage Assessment is submitted which indicate the surface water run off would be more than the existing levels

at post development stage. A flow restriction and on-site surface water is proposed at 2litre/ second and a 33.3 cubic metres attenuation storage would be installed and to mitigate and manage the level of surface water runoff.

6.9.3 The Council's drainage officers have reviewed the Foul and Surface Water Drainage assessment and considered that the proposed drainage strategy would be acceptable, subject to the design details. The Council drainage officers have also considered that permeable paving material should also be included to mitigate its impact. Should planning conditions be recommended the design details covering including pavement material of the car park will be secured by planning conditions.

6.10 Energy - Acceptable

6.10.1 BLP Policy 124 and London Plan Policy SI-2 requires major development should be net zero- carbon and to achieve a minimum of 35 percent on-site reduction beyond Part L 2013 of the Building Regulations. The energy assessment is required to follow the GLA energy hierarchy which comprises of Be Lean; Be Clean; Be Green and Be Seen measures. Under the Be Lean measures, residential development should achieve 10 per cent through energy efficiency measures and non-residential should achieve 15 percent. Any short fall should be secured by a legal agreement though a cash in lieu contribution to the borough's carbon offset fund.

6.10.2 The proposal on-site carbon offsetting measures are air source heat pump system and Photovoltaic panels are proposed to generate on-site carbon off

6.10.3 An Energy Assessment following the GLA's energy hierarchy has been received and this has 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.

6.10.4 The measures include enhanced building fabric, minimising heat loss through air infiltration, reducing reliance on artificial lighting, utilising low energy lighting and efficient space heating and hot water systems, coupled with advanced controls.

6.10.5 These measures would meet the minimum 10 percent requirement for domestic development and minimum of 15 percent for non-residential outlined in the GLA energy guidance and this is considered acceptable.

6.10.6 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.

6.10.7 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 option for this site. The air source heat pumps would operate by extracting heat energy from the surrounding air and transferring that energy in the form of higher graded heat into the building using under floor heating or radiator systems or through an all-air system. Solar panels would be installed on the roof level.

6.10.8 The energy statement indicates that shortfall of the perspective uses and the breakdown of the required planning obligation for each use are as follow:

Residential

- On site regulated carbon dioxide emissions (Building Regs 2013 Compliant Development) = 17 tCO₂ per annum
- Proposed on site reduction of carbon emissions from energy demand/CHP/renewables = 7.7 tCO₂ per annum
- On site shortfall = 9.2 tCO₂ per annum
- Payment-in-lieu amount calculated as 9.2 (tCO₂) x £95 (per tCO₂) x 30 (years) = £26,341

Non-residential

- On site regulated carbon dioxide emissions (Building Regs 2013 Compliant Development) = 5.7 tCO₂ per annum
- Proposed on site reduction of carbon emissions from energy demand/CHP/renewables = 2.4 tCO₂ per annum
- On site shortfall = 3.3 tCO₂ per annum
- Payment-in-lieu amount calculated as 3.3 (tCO₂) x £95 (per tCO₂) x 30 (years) = £9,362

6.10.9 Should planning permission is forthcoming, the identified shortfall should with a total amount of carbon offsetting payment should be **£35,703** be secured by a s106 legal agreement.

7.0 Other Issues

- *CIL*

7.1 The development is liable to London and Bromley Community Infrastructure Levy (CIL).

- *Head of Terms*

7.2 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:

- Carbon off-setting and Be Seen measures,
- Early and Late Stage review; and,

- Monitoring fee.

8.0 Planning balance and conclusion

- 8.1 The principle to redevelop the site to make more efficient use of the land and housing in Orpington Town Centre is supported. Replacement retail floor area would be provided, and active shopping frontage would be maintained.
- 8.2 The proposal would provide 16 private residential units (net increase of 15 units) and this element would attract weight in favour of the proposal given the current Council's 5 Year Housing Land Supply. However, the weight is considered to be limited as the proposal would be unviable to provide affordable housing.
- 8.3 A number of amendments have been received during the course of this application. However, the design, layout and relationship between the proposed building blocks is considered over-intensive development with habitable room windows located in a close proximity, resulting in lack of outlook, privacy, internal living space and private outdoor spaces.
- 8.4 The amendments received to date indicates that the priority to achieve a set number of residential units is high. The scale, design and layout of the proposal fail to fully echo the established pattern of development.
- 8.5 Planning permission is assessed in accordance with the current development plan, taking into account any material considerations. In striking a balance between housing supply and quality of new build development for future occupiers in built up areas including town centres, officers considered that weight should also be given to the standard of living environment, particularly new build development with no identified site constraints preventing the delivery of good quality living accommodation.
- 8.6 The reliance of neighbouring deficient development is not considered sustainable and should not be used as justification to create more deficient development of a varying degree.
- 8.7 Consequently, it is recommended that planning permission should be refused with the reasons set out in this report.

RECOMMENDATION

Planning permission be refused for the following reasons.

1 Design, layout, scale and massing

The proposed development, by reason of its layout, massing, design, relationship between the proposed building blocks and its surrounding area would fail to fully reflect the urban morphology of the High Street. The siting and

scale of 2 residential blocks represents an over-intense development beyond optimising capacity of the site, contrary to London Plan Policy D3, D4, D6, Bromley Local Plan Policies 4 and 37.

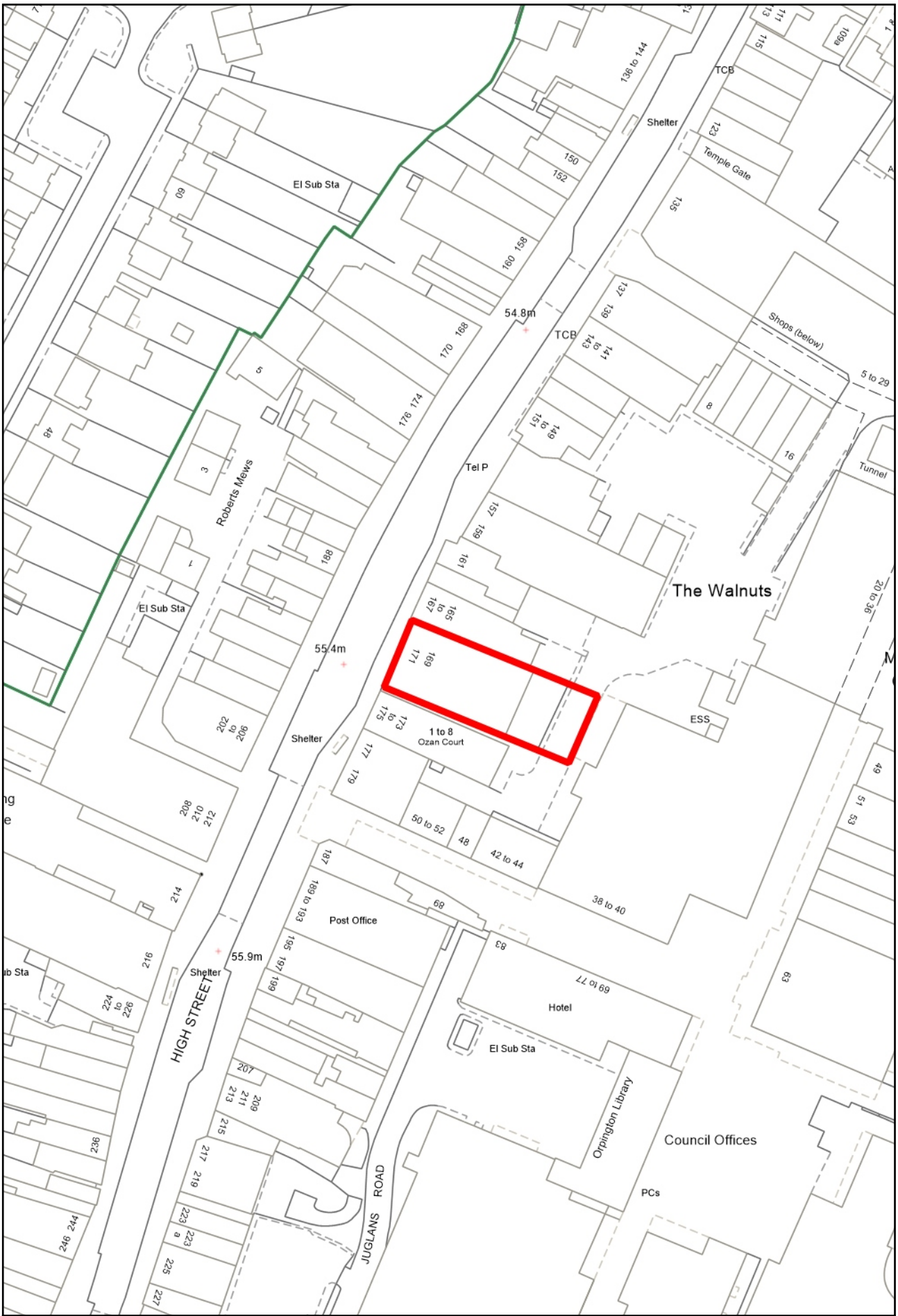
2 Standard of accommodation for the new accommodation and impact on residential amenity

The proposed development, by reason of its close proximity of habitable room windows between the proposed building blocks, opposite boundary treatment, wall and site boundary would fail to provide a good standard of living environment in terms of outlook and privacy. The proposal would also fail to provide adequate private outdoor space for all of the future occupiers, giving rise to privacy and outlook issues between the proposed development and the neighbouring properties, contrary to London Plan Policy D3, D4, D6 and Bromley Local Plan Policies 4 and 37.


3 Planning obligations


Insufficient information is provided to confirm the required planning obligations necessary to mitigate the impacts of the development. As such, the proposal would be contrary to, London Plan Policies DF1 and M1, Bromley Local Plan Policies 125 and Planning Obligations (2022) and subsequent addendums.

This page is intentionally left blank



© Crown copyright and database rights 2021.
Ordnance Survey 100017661.


21/03035/FULL1



12 July 2022 1:1250


Page 75

This page is intentionally left blank

Committee Date	21.07.2022	
Address	The Roses Kemnal Road Chislehurst BR7 6LT	
Application Number	21/04873/FULL6	Officer - Case Management Team
Ward	Chislehurst	
Proposal	Demolition of existing garage. Part one/two storey side/rear extension with elevational alterations	
Applicant	Agent	
Mr & Mrs Mothersole	Mr Sanjay Kanadia	
The Roses Kemnal Road Chislehurst BR7 6LT	260 Sherwood Park Avenue Sidcup DA159JN	
Reason for referral to committee	Side space	Councillor call in No

RECOMMENDATION	Application Refused
-----------------------	---------------------

KEY DESIGNATIONS
Conservation Area: Chislehurst Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Smoke Control SCA 16

Representation summary	Neighbour letters were sent 05/11/21 & 14/04/22 (Revised plans) A Statutory site notice was displayed at the site between 10.11.21 – 11.01.22
-------------------------------	--

Total number of responses	0
Number in support	
Number of objections	

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposals would result in unacceptable harm to trees on the site which are considered to be of significant value to Chislehurst Conservation Area.

2 LOCATION

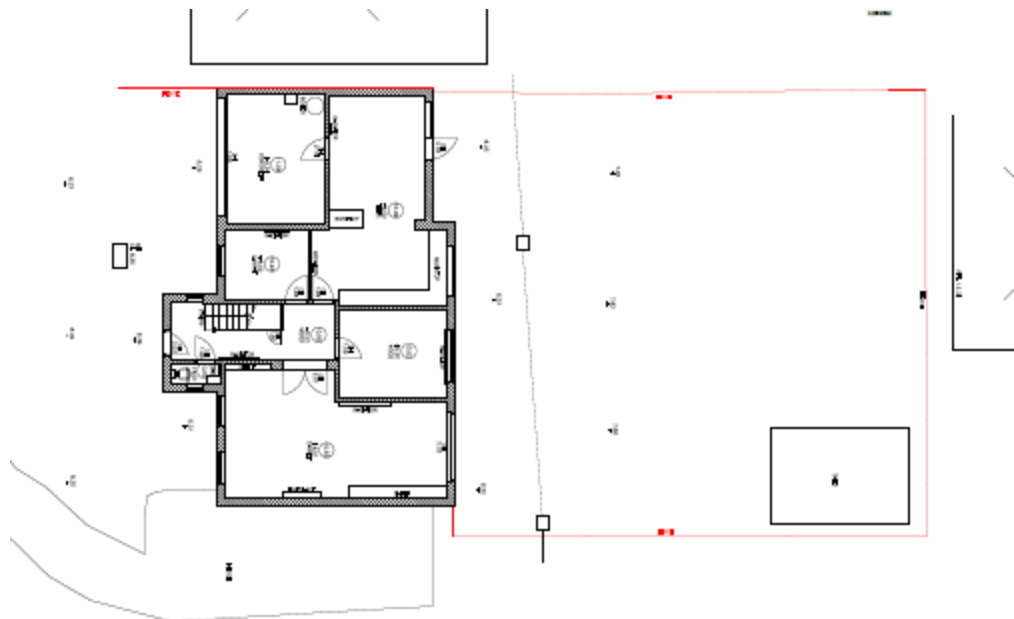
- 2.1 This detached two storey dwelling occupies a corner site at the junction of Kemnal Road and Dickens Drive, and is located within Chislehurst Conservation Area. The site is covered by a blanket TPO made in the 1970s.
- 2.2 The surrounding area is characterised by a mixture of detached dwellings and large flatted developments set within spacious grounds.

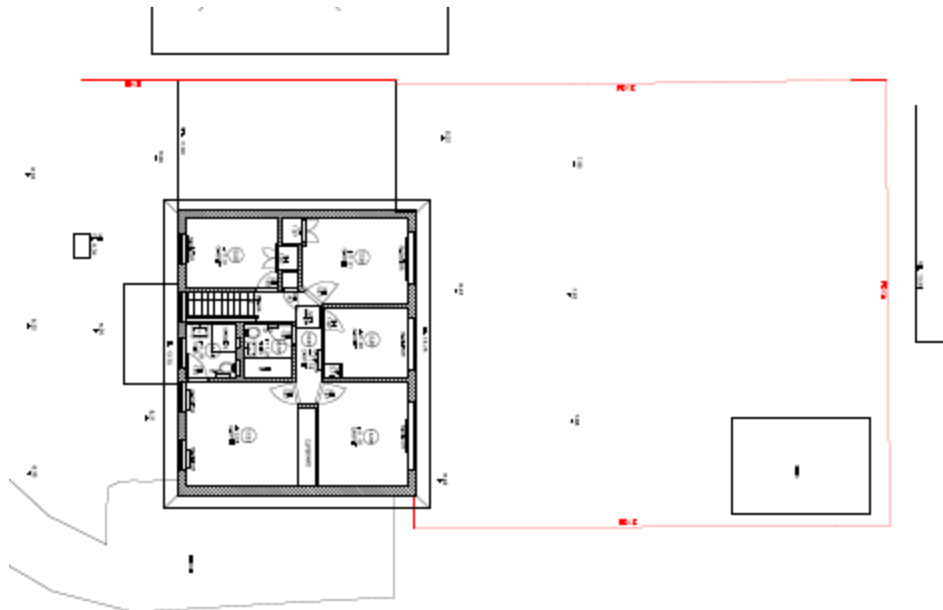




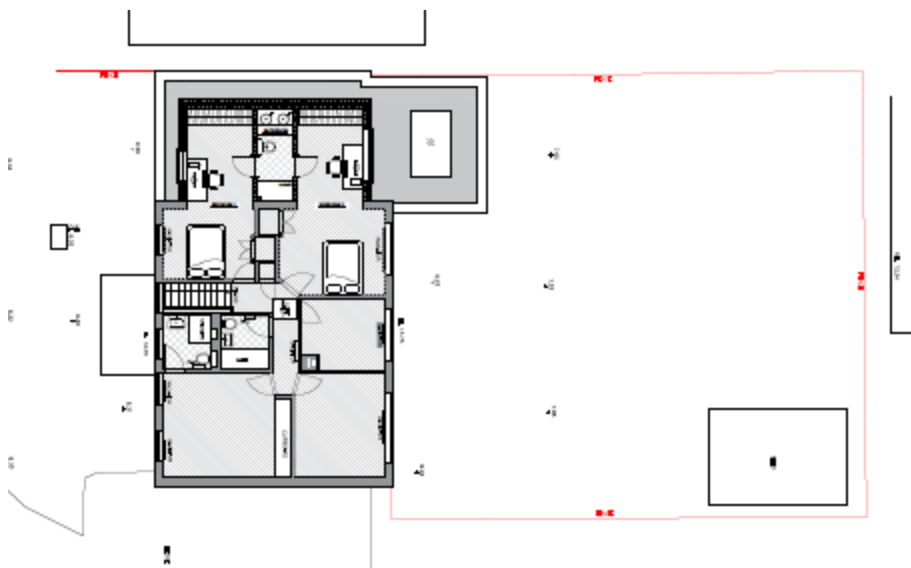
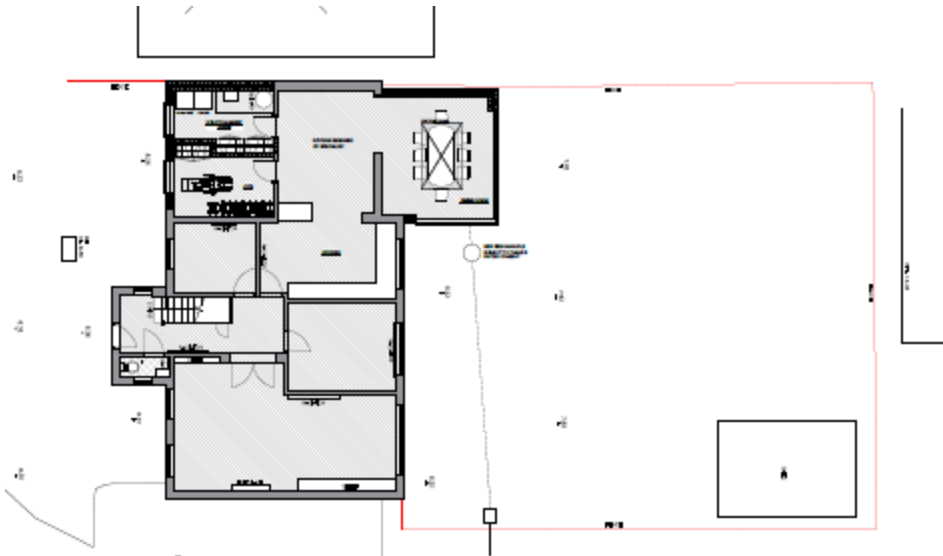
3 PROPOSAL

- 3.1 It is proposed to demolish the existing side garage, and construct a part one/two storey side/rear extension which would abut the side boundary with Middlemarch and would project 3.3m to the rear.
- 3.2 The first floor element of the proposals would be set back 0.8m from the front elevation of the dwelling, and 1m from the side boundary, and the roofline would be 0.4m lower than the main roof ridge. The rear extension would be single storey only.
- 3.3 Revised plans and a Design and Access Statement were submitted on 12th April 2022 in response to concerns raised by the Conservation Officer.
- 3.4 An Arboricultural Impact Assessment was submitted on 30th June 2022.
- 3.5 Existing floor plans:





3.6 Proposed floor plans (received 12.04.22):



3.7 Existing front and rear elevations:



3.8 Proposed front and rear elevations (received 12.04.22):



4 RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 Permission was granted in 2001 (ref.00/03519/FULL1) for a single storey rear extension.
- 4.3 Retrospective permission was granted in 2009 (ref.09/02001/FULL6) for front entrance gates with metal railings and pillars (maximum height 2.1m).
- 4.4 Permission was refused in January 2015 (ref.14/04431) for a side and rear boundary wall/fence with a maximum height of 2.5m on the following grounds:
- “The proposed boundary wall and fence would, by reason of its size, height and siting at the back edge of the footway, have a seriously detrimental impact on the character and open-plan nature of this part of Chislehurst Conservation Area, thereby contrary to Policies BE1, BE7 and BE11 of the Unitary Development.”
- 4.5 Permission was granted in August 2015 (ref.15/02931/FULL6) for the replacement of the rear boundary wall to the north and west.

5 CONSULTATION SUMMARY

A) Statutory/Non-Statutory

Conservation – No objections

Concerns were originally raised regarding the lack of subservience of the extension to the main dwelling. However, following the submission of revised plans and a Design and Access Statement, it is considered that this modern house is of low significance in the Conservation Area, and the amended scheme which includes setting the roof of the proposed extension in and down, now represents an acceptable level of subservience within the Conservation Area setting, and the proposals are now considered acceptable.

Highways – No objections

The proposal will remove the existing garage. However, there is parking for a number of vehicles available on the frontage, and no highways objections are therefore raised to the proposals.

Given the status of Kemnal Road as an unadopted street, informatives are suggested to protect the condition of the relevant section of the road, and the requirement to obtain the agreement of the owner(s) of the sub-soil upon which Kemnal Road is laid out.

Trees – Objections

Objections are raised to the proposals for the following reasons:

1) Inaccurate information - The canopy spread of the 3 Oak trees appears to have been under-represented on the submitted tree protection plan and is not in accordance with report's own measurements. For example, T1 is listed as having a crown of 7m radius but drawn on the tree protection as closer to a 4m radius. The 8.4m radius of the RPA of T1 also appears to have been depicted inaccurately according to the scale of the tree protection plan. The report does not specify that any pruning works are required but includes a sentence that seeks to justify any amount of pruning works found to be required during construction. This is not acceptable as the potential impact needs to be assessed before the decision is issued.

2) Risk of harm during construction - There is an encroachment into the RPA of T1 which has not been quantified, presenting a risk of direct harm to the roots of T1 from foundation excavation. The default position of BS 5837:2012 is that structures are located outside the RPAs of retained trees unless there is an overriding justification.

3) Future pressure to prune/remove - The proposed extension pushes the dwelling closer to the overhanging canopy of T1 in particular. This is particularly unfavourable for such a high value tree as T1. It increases the risk of future problems; nuisance of falling debris, perception of risk from branch/whole tree failure, greater potential severity of the consequences in the event of branch failure. The existence of the TPO is not sufficient to overcome this issue because when making any decision on an application to carry out works to a protected tree, tree officers must take account of any increased likelihood of a target being hit in the event of any failure.

Therefore, tree objections are raised on the basis that there is a risk of unacceptable harm to valuable trees, thereby contrary to Policies 43 and 73 of the Bromley Local Plan.

B) Adjoining Occupiers

No adjoining occupier comments have been received.

6 POLICIES AND GUIDANCE

6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

6.3 The National Planning Policy Framework was published on 20th July 2021, and is a material consideration.

6.4 The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2021). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:-

The London Plan

- D1 London's form and characteristics
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- HC1 Heritage conservation and growth
- T6 Car parking

Bromley Local Plan 2019

- 6 Residential Extensions
- 8 Side Space
- 30 Parking
- 37 General Design of Development
- 41 Conservation Areas
- 43 Trees in Conservation Areas
- 73 Development and Trees
- 123 Sustainable Design and Construction

Supplementary Planning Guidance

- Chislehurst Conservation Area SPG
- SPG1 – General Design Principles
- SPG2 – Residential Design Guidance

7 ASSESSMENT

7.1 Heritage impact – Acceptable

7.1.1 The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

7.1.2 Paragraphs 202 and 203 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset

- 7.1.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 7.1.4 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 7.1.5 Policy 41 of the Bromley Local Plan (BLP) requires development in a conservation area to preserve and enhance its characteristics and appearance by:
- (1) Respecting or complementing the layout, scale, form and materials of existing buildings and spaces;
 - (2) Respecting and incorporating in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and
 - (3) Using high quality materials.
- 7.1.6 Policies 6 and 37 of the Bromley Local Plan (BLP) and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.
- 7.1.7 Policy 8 of the BLP requires a minimum separation of 1m to be retained to the flank boundaries of the site in respect of two storey development for the full height of the extension.
- 7.1.8 The proposed part one/two storey side/rear would extend up to the boundary at ground floor level, and would not therefore comply with the Council's side space policy. However, the first floor element would be set back 1m from the side boundary, and given that it would also be set back 0.8m from the front façade and would have a lowered roofline, it would result in a subservient appearance. The proposals are not therefore considered to detract from the appearance of the dwelling nor appear unduly cramped within the street scene.
- 7.1.9 This modern house is of low significance in the Conservation Area, and the subservient design of the proposed extension is considered to preserve the character and appearance of Chislehurst Conservation Area.

7.2 Neighbouring amenity - Acceptable

- 7.2.1 Policy 37 of the BLP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 7.2.2 The proposed extension would project approximately 2.2m to the rear of the adjacent dwelling at Middlemarch to the south which is set at a slightly higher level, and the rear part of the extension would be single storey only. Given the orientation and modest depth of the extension, it is not considered to result in a significant loss of light to or outlook from the adjacent property.
- 7.2.3 No windows are proposed in the southern flank elevation of the extension facing Middlemarch, and the proposals would not therefore result in any undue overlooking of the neighbouring property.
- 7.2.4 Having regard to the scale, siting, separation distance, orientation and existing boundary treatment of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

7.3 Highways – Acceptable

- 7.3.1 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.3.2 The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 7.3.3 London Plan and BLP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and BLP should be used as a basis for assessment.
- 7.3.4 No highways objections are raised to the proposals.

7.4 Trees - Unacceptable

- 7.4.1 Policy 43 of the Bromley Local Plan resists development where it would damage or lead to the loss of one or more significant and/or important trees in a Conservation Area unless:

- (a) Removal of the tree(s) is necessary in the interest of good arboricultural practice, or
- (b) The benefit of the development outweighs the amenity value of the tree(s).

7.4.2 Tree objections are raised to the proposals on the basis that there is a risk of unacceptable harm to valuable trees on the site which are considered to be of significant value to the Conservation Area.

8 CONCLUSION

8.1 Having had regard to the above, it was considered that although the development would not result in a significant loss of amenity to local residents nor impact detrimentally on the character and appearance of Chislehurst Conservation Area or on parking in the area, there would be a risk of unacceptable harm to trees on the site which are considered to be of significant value to the Conservation Area.

8.2 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

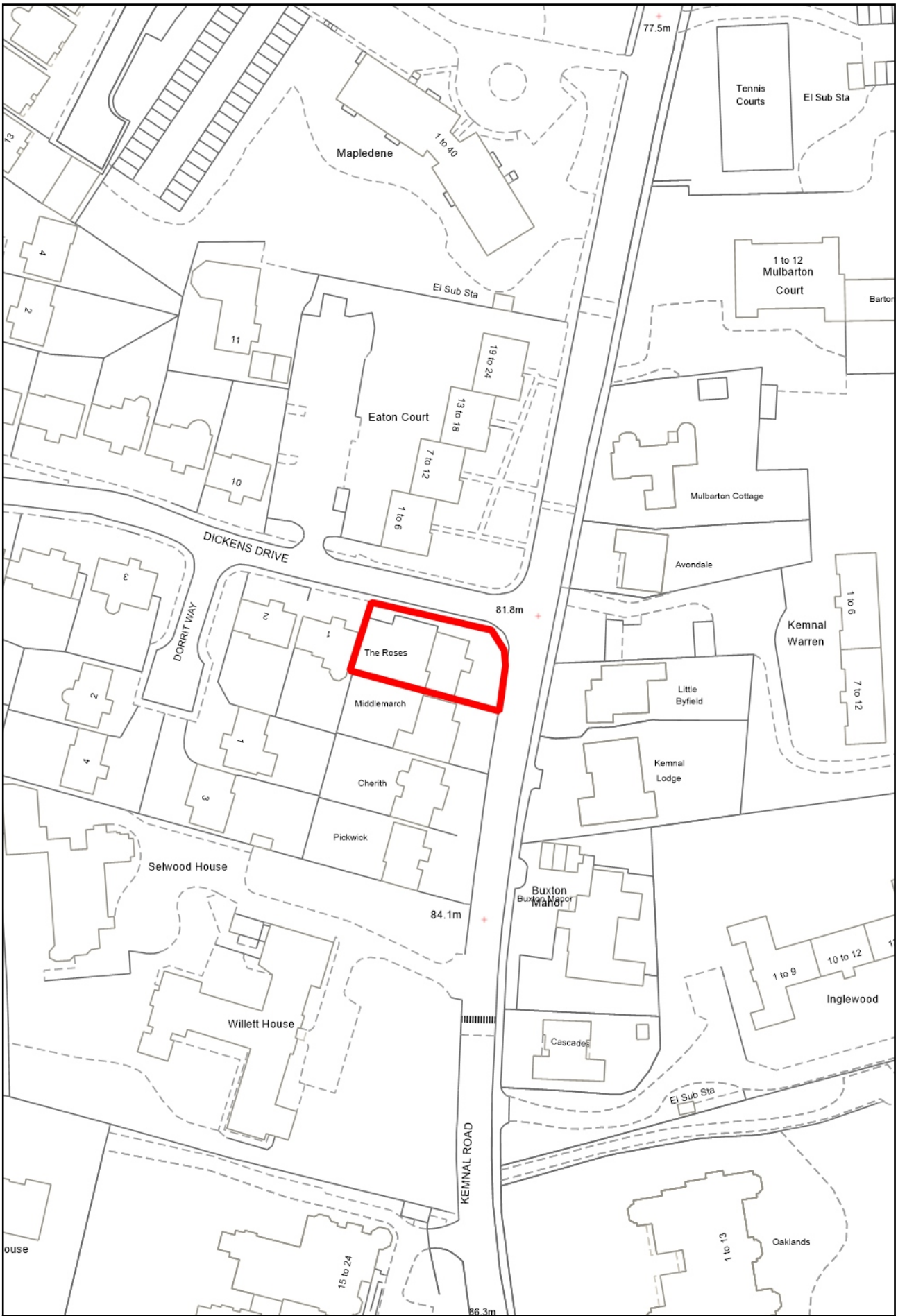
As amended by documents received 12.04.22 & 30.06.2022

RECOMMENDATION: PERMISSION BE REFUSED


The following reasons are recommended:

- 1 The proposals would result in unacceptable harm to trees on the site which are considered to be of significant value to Chislehurst Conservation Area, thereby contrary to Policies 43 and 73 of the Bromley Local Plan.**

This page is intentionally left blank



© Crown copyright and database rights 2021.
 Ordnance Survey 100017661.

 21/04873/FULL6
www.bramley.gov.uk



12 July 2022

1:1250



Page 89

This page is intentionally left blank