

SECTION '2' – Applications meriting special consideration

Application No : 13/00943/FULL1

Ward:
Orpington

Address : 73 High Street Orpington BR6 0JF

OS Grid Ref: E: 546487 N: 166654

Applicant : Mr Mike Hutley

Objections : YES

Description of Development:

Demolition of the existing car tyre sale shop buildings to rear of 73 High Street, Change of use of land to residential (Class C3) and erection of 5 two storey terraced houses with accommodation in roof space and associated car parking.

Key designations:

Conservation Area: Orpington Priory

Joint report with application ref. 13/00944

Proposal

- The proposal seeks to demolish the existing car tyre sales building which is currently attached to the back of No. 73 and remove the associated paraphernalia on the site.
- The proposal seeks to erect a row of 5 terraced two storey houses with accommodation in the roof space. Each house will provide four bedrooms.
- The row of houses will have a total length of 25.1m and a depth of 11.2m. The roof height will be 8.5m (6.0m to eaves height).
- The dwellings will possess a rear garden of between 7.0m and 11.2m in length due to the widening of the site. Access will be provided via a pathway to the front of the row.
- 6 car parking spaces (including one disability space) will be provided to the west of the houses within the existing yard area, served by the existing accesses onto the High Street that will provide an "in and out" access arrangement.

Location

The site is located on the Eastern side of the High Street behind the main buildings at No. 73 and 75. The site currently comprises a car tyre sale business operating from a building attached to the rear of No. 73. The site lies within the Orpington Priory Conservation Area and within Urban Open Space. The site is also within Flood Zone 3 and an Area of Archaeological Significance.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations received are summarised as follows:

- incorrect land ownership certificate signed
- increase in local traffic
- inadequate access and parking arrangements
- noise, disturbance and pollution
- impact on amenities of neighbouring properties
- overlooking and loss of privacy
- excessive height
- impact on character of the conservation area
- poor architectural design
- inadequate access for emergency vehicles
- possible subsidence issues

The Orpington & District Archaeological Society has commented that the site is within an Area Of Archaeological Significance and therefore archaeological conditions would need to be imposed.

Comments from Consultees

Technical highways comments have been received asking for clarification as to whether the existing car parking for Nos. 73-75 will be lost, and for further information on the access/egress arrangements and waste collection. Further information has been provided by the applicant confirming the suitability of the parking and access arrangements, and further comments from engineers will be reported verbally at the meeting.

No technical Drainage objections are raised subject to a standard condition.

No Thames Water objections are raised subject to informatives.

The Advisory Panel for Conservation Areas (APCA) has not objected to the proposal and has stated that there seems to be little provision for storage.

No Environmental Health objections are raised subject to a standard condition and informatives.

The Crime Prevention Officer has suggested a 'secure by design' condition.

The Environment Agency has commented on the submitted Flood Risk Assessment (received 30/04/13) and raises no objections subject to suitable conditions concerning risk assessment, contamination, remediation and sustainable drainage.

English Heritage (Archaeology) has been consulted following the submission of an archaeological desktop study. Their comments will be reported verbally at the meeting.

The Bromley Museum Service has commented that it is possible that surviving archaeological remains may be present at the site.

Waste Services has stated that suitable access widths for vehicles should be achieved. Notes for developers should be sent to the applicant.

Planning Considerations

Policies relevant to the consideration of this application BE1 (Design of New Development), BE11 (Conservation Areas), H7 (Housing Density And Design), H9 (Side Space), NE7 (Development And Trees), G8 (Urban Open Space), T3 (Parking) and T18 (Road Safety).

The above policies are considered to be consistent with the principles and objectives of The National Planning Policy Framework, which is a material consideration.

London Plan Policy 3.4 Optimising Housing Potential
London Plan Policy 3.5 Quality and Design of Housing Developments
London Plan Policy 5.12 Flood Risk Management

The Council's Supplementary Planning Guidance and the Supplementary Planning Guidance for the Orpington Priory Conservation Area are also considerations.

Planning History

There is no recent planning history on the site.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the Orpington Priory Conservation Area, the impact on the openness of the Urban Open Space, the impact that it would have on the amenities of the occupants of surrounding residential properties and the impact on highway safety. Suitable drainage along with flood risk potential are also considerations, as is the possible impact on trees.

The principle of developing sites for housing schemes in a sustainable manner is encouraged by Paragraphs 47-55 of the National Planning Policy Framework. Particularly, the Council will encourage suitable housing developments in Town Centre locations. The NPPF makes a presumption in favour of sustainable development, subject to local character. The proposal will erect a row of 5 terraced dwellings that is considered to reflect and complement the character of the area, which comprises two storey terraced dwellings set within relatively small plots.

Although the dwellings will be tall at 8.5m in height, with a contemporary architectural design, the proposal is not considered to be out of scale or character with the general layout and form of other development in the locality. Each dwelling will be provided with a garden of between 7 and 11m in length and this is considered to be a limited amenity area, however, the dwellings will be sited in close proximity to Priory Gardens and this is considered to provide further outdoor amenity. The garden sizes proposed are also not considered to be small in relation to other nearby residential development. The proposed row of dwellings will exceed the height of older nearby residential dwellings, however they would not dominate the area or appear excessive as they would be set back from the highway. The modern architectural design is also considered to add visual interest to other public areas at the entrance to the park.

Table 3.2 of Policy 3.4 of the London Plan gives an indicative level of density for housing developments. In this instance the proposal represents a density of 47 dwellings per hectare with the table giving a suggested level of 35-65 dwellings per hectare in urban areas. This is consistent with the London Plan Guidance and it is therefore considered that the development would not compromise the character of the area due to the acceptable density of housing proposed.

Table 3.3 of Policy 3.5 of the London Plan states that new dwellings of this type should have a minimum of 113 square metres of Gross Internal Area (GIA). In this case, the houses provide this minimum standard. Overall, the proposal would result in an intensity of use of the site that would be consistent with the local area and the London Plan.

The Supplementary Planning Guidance (SPG) for the Orpington Priory Conservation Area states:

- '3.1 The Council will expect all proposals for new development to conform with the character of that section of the conservation area surrounding the proposal site and with the general character of the area, especially in regard to the scale and height of construction, location with a plot (where material), design and materials used. It is hoped that all improvement works to buildings constructed prior to 1945 will take account of the character of the buildings and alter them as little as possible, except where accurately reinstating or restoring buildings to a known earlier state. Changes to post-1945 buildings, which make a positive contribution to the area, should reflect the building's architectural or historical significance and respect its scale, form and style.

- 3.14 Any new development within the conservation area (whether on the site of an existing building, on vacant land, or proposed to replace an existing building) should address and respond appropriately to the form, scale and materials characterising the conservation area generally and particularly in the immediate locality of the site.

- 3.15 The area's layout and spatial characteristics (i.e. the spacing between the houses and their relationship with their landscape setting) are both of great importance to the character of the area. When considering development

proposals, the Council will pay special attention to plot widths, the scale and bulk of proposed buildings and their relationship with adjacent buildings. Proposals for increased development density and/or height, or the development of additional buildings between existing frontages, which could damage the character of the area, will be strongly resisted.

- 4.2 Other sites between premises in High Street and the Priory Gardens are being canvassed for redevelopment. Whilst falling outside the Conservation Area boundary, development in these areas can impact considerably on the Area. With appropriate design attention, development of these sites could contribute to and enhance the character and value of the Conservation Area, providing visual and functional linkages between the sub-areas of the Priory Gardens and High Street premises.'

From a heritage perspective, although there is no objection to the demolition of the existing buildings or the principle of developing this untidy site, the proposal will utilise a site that currently contributes to the open setting of the adjacent park. Despite this, the proposal is not considered to impact harmfully on the setting of the locally listed buildings to the south on Aynscombe Angle and would not impact harmfully on the character and appearance of the Orpington Priory Conservation Area. It is considered that the special features, important views and appearance of the conservation area, which centres around the High Street and south end of the park including the museum, would be retained by the proposal. The design of the houses is considered to be attractive with an unusual gable frontage and large glazing allowing for natural light. The dwellings will be distinct from other development in the area and could create an interesting contrast in their own right. It may also be considered that the development could provide a visually attractive feature which will border the entrance to the park.

The site falls within an area of Urban Open Space (UOS) which includes the Priory Gardens to the north and east. The site forms the edge of this area and the land to the south and west falls outside of it. It is considered that the site may have historically formed an open area, hence its inclusion within the UOS, however the site is now developed and enclosed, therefore separated from the main park. Any new development must be related to the existing use, small scale and supporting existing outdoor recreation. Replacement buildings must also not exceed the site coverage of the buildings they replace. The proposed residential development would not fall within these particular circumstances.

The development of the site would be contrary to Urban Open Space policy. The site may at some point in the future have its Urban Open Space designation removed, however at the current time this process is in its nascent stages. As a result, it is considered that it would be premature to permit the application on the site contrary to existing policy designation.

The proposed row of houses will be sited 21m-23m from the rear elevation of the dwellings to the south on Aynscombe Angle. This back-to-back separation is considered to be suitable to avoid undue visual impact, and is typical of the back-to-back relationships of dwellings in the residential area to the south. The separation, coupled with the orientation, is considered suitable to avoid harmful

loss of outlook or light. The proposed roof accommodation however will provide an untypical vantage point towards the rear of properties on Aynscombe Angle and this may be considered to result in a significant degree of overlooking. The proposed second floor windows facing rearwards can be obscurely glazed by condition in order to prevent overlooking. The relationship between dwellings on Aynscombe Angle and the proposed first floor rear windows is considered to be typical of the area to the south and Members may consider this not to be unacceptably harmful to the privacy of adjoining residents.

The proposal will utilise the existing accesses onto the High Street and only a left turn is available from one of the accesses. It is considered that the proposal will provide ample car parking for the number of houses proposed, given the Town Centre location and good accessibility to public transport. The site will provide a suitable manoeuvring area for vehicles to prevent dangerous reversing onto the highway along with suitable refuse collection arrangements. A refuse store is also provided at the site and technical highways comments will be reported verbally at the meeting.

The Environment Agency has provided comments concerning the Flood Risk Assessment submitted with the application. The proposal is not considered to result in a significant additional flood risk, subject to suitable safeguarding conditions. The site falls within Flood Zone 3, however due to the fact that it has been previously developed and contains a large area of hardstanding, the potential for additional flood risk is considered capable of being mitigated by appropriate measures. The site also lies in an Area of Archaeological Significance. English Heritage has been consulted on the proposal and their comments will be reported verbally, which is likely to include the suggestion of planning conditions concerning archaeological investigation.

Having regard to the above, it is considered that the proposal would impact harmfully on the open character of the Urban Open Space. It is therefore recommended that Members refuse planning permission.

Background papers referred to during production of this report comprise all correspondence on files refs. 13/00943 and 13/00944, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The proposal would impact harmfully on the open character of the Urban Open Space and the development of the land for the purpose proposed would be premature while the land continues to be designated as such, therefore the proposal would be contrary to Policy G8 of the Unitary Development Plan.

INFORMATIVE(S)

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

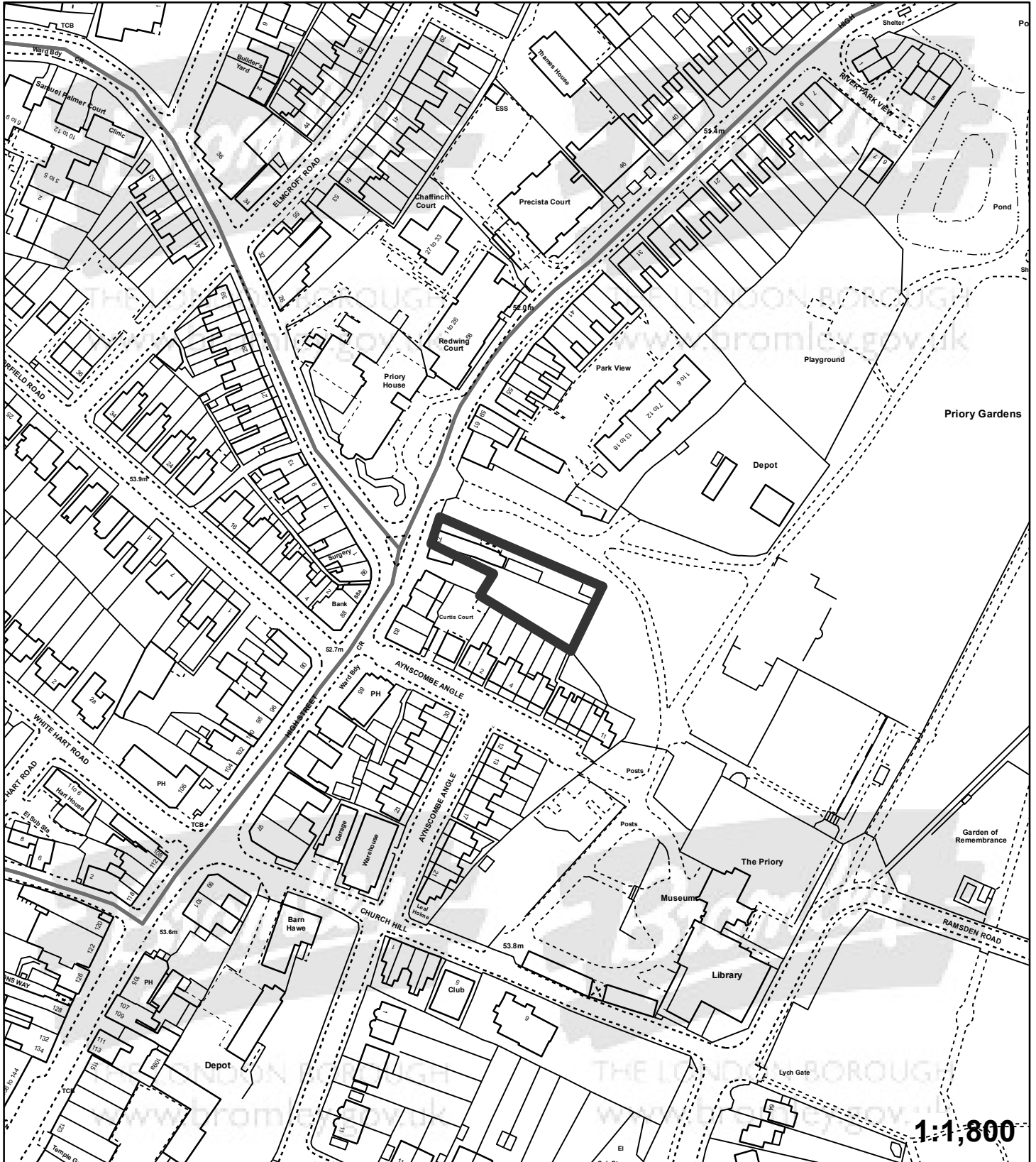
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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