

**Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 15/01663/FULL3

**Ward:**  
**Chislehurst**

**Address :** 37 High Street Chislehurst BR7 5AE

**OS Grid Ref:** E: 543883 N: 170764

**Applicant :** Priority Properties Ltd

**Objections :** YES

**Description of Development:**

Demolition of existing buildings and construction of two storey building to accommodate 5 two bedroom and 2 one bedroom dwellings with separate office unit (Class B1), associated parking, bin and cycle store on land to the rear of Nos 35-41 High Street

**Key designations:**

Conservation Area: Chislehurst  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Green Chain Walk  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
London Distributor Roads  
Retail Shopping Frontage Chislehurst  
Smoke Control SCA 16

**Proposal**

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Permission is sought for the erection of a two storey building comprising 5 two-bedroom and 2 one-bedroom dwellings with a separate office unit. The scheme includes a parking area and landscaping. Most of the buildings that previously existed at the site have been demolished, although some structures remain adjacent to the retained buildings which front the High Street.

The building will form an L-shape which will extend to a depth of approximately 33.5m adjacent to the southern boundary and 17.0m in length along its northern return. The building will vary in width between 7.5m and 9.5m and rise to a maximum height of approximately 8.0m (this figure including a pitched roof). The proposed building will adopt a Georgian appearance with a brickwork façade and a centralised shallow pitched roof. A landscaped communal garden area will be provided to the western side of the site, whilst a total of nine off-street parking spaces are proposed within the development. A cycle store will be installed to the northern side of the proposed development within close proximity of the parking area.

The application is accompanied by a Design and Access Statement which incorporates a Heritage Statement.

## Location

The application site is located to the western edge of the High Street and is set behind Nos. 35 - 41 within an area that was previously occupied by offices and a car storage area. The site is located within the Chislehurst Conservation Area, and both No.35 and No.37 are Locally Listed buildings.

## Consultations

### Comments from Local Residents

Nearby owners/occupiers were notified of the application. Three letters of support were received, two of which are from local estate agents and the third is from, 'Paper Lane', the shop to the rear of which the development will be located. These correspondence are summarised as follows:

- o proposal will improve Chislehurst High Street
- o revised design is a significant improvement to one previously granted permission

No technical Highways, Drainage or Environmental Health objections raised, subject to conditions.

No objections raised by Thames Water.

Objections have been raised by the Advisory Panel for Conservation Areas on the basis of the quality of the design.

### Comments from Consultees

No technical Highways objections have been raised, subject to conditions.

## Planning Considerations

### Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

- BE1 Design of New Development
- BE10 Locally Listed Buildings
- BE11 Conservation Areas
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- NE7 Development and Trees
- T3 Parking

## T18 Road Safety

Supplementary Planning Guidance 1 and 2

Supplementary Planning Guidance: Chislehurst Conservation Area

London Plan Policy 3.4 Optimising Housing Potential

London Plan Policy 3.5 Quality and Design of Housing Developments

The Mayor's Housing Supplementary Planning Guidance (SPG) November 2012

National Planning Policy Framework

### Planning History

Application reference 87/01464 granted permission for the use of the building for the storage of vehicles and accessories with the associated land being approved for the use on appeal in 1986.

In 1990 outline planning permission (ref. 90/01010) was refused for a two storey building for retail use of the ground floor and office use at first floor level.

Planning permission was refused under ref. 13/02814 for demolition of the existing buildings and erection of two storey building comprising 4 two bedroom and 2 one bedroom flats with 1 two storey Class B1 office and associated parking and landscaping. The refusal grounds were as follows:

"The proposal would, by reason of the predominately single aspect north facing design of the dwellings, result in inadequate daylight and ventilation leading to an unacceptable level of accommodation for future occupants contrary to Policies BE1 and H7 of the Unitary Development Plan, Policy 3.5 of the London Plan, the Mayor's Housing Supplementary Planning Guidance and the National Planning Policy Framework."

"The proposal would, by reason of its scale, height, bulk and design, represent a prominent and excessive form of development with a detrimental impact upon the visual amenities of the residents of Nursery Gardens and the occupants of Applegate House contrary to Policies BE1 and H7 of the Unitary Development Plan, Policy 3.5 of the London Plan and the National Planning Policy Framework."

The 2013 application was subsequently dismissed at appeal, although the first refusal ground was not upheld. The Inspector did not agree with the Council's assessment that the single-aspect design of the dwelling would result in an unacceptable level of.

Under ref. 14/00482 planning permission was granted in respect of the demolition of existing buildings within the site and the erection of two storey building comprising 4 two-bedroom and 2 one-bedroom flats with 1 two storey Class B1 office and associated parking and landscaping. That scheme has not been implemented, although the existing buildings within the site have been demolished. That application differed from the 2013 scheme by redesigning the building to

provide an L-shaped structure, alterations to the elevations and roof design along with the redesign of the internal layout of the building and orientation of the flats.

Under ref. 14/04711 an application for a first floor extension and conversion of existing office building into 2 one-bedroom maisonettes within the adjoining site at the rear of No 33 High Street was refused permission in January 2015. The was refused on the basis that 'the proposal would, by reason of outlook, relationship with adjoining properties and location of car parking, result in inadequate daylight and unacceptable impact on amenities leading to an unacceptable level of accommodation'; and that the 'proposal fails to demonstrate sufficient evidence that the existing office uses have been effectively marketed, there is evidence of long term vacancy or that the loss of office use would not result in unemployment.'

Under ref. 14/04531 an application for a two storey building to accommodate 6 two bedroom and 2 one bedroom dwellings with separate office unit (Class B1), associated parking, amenity space, bin and cycle, was refused permission on the following grounds:

"The proposal constitutes a cramped and over-imposing overdevelopment of the site and, if permitted, would establish an undesirable pattern for similar piecemeal infilling in the area, resulting in a retrograde lowering of the standards to which this part of the Chislehurst Conservation Area is at present, contrary to Policies H7, BE1 and BE11 of the Unitary Development Plan, and the Supplementary Planning Guidance for the Chislehurst Conservation Area."

"The location of the proposed cycle parking area is unsatisfactory and will not be conducive to encouraging cycle use, to the detriment of promoting sustainable transport use and enhancing general highway conditions in the area, contrary to Section 4 of the National Planning Policy Framework - Promoting Sustainable Transport."

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character of the Conservation Area, the quality of the proposed accommodation, the suitability of the design and the impact that it would have on the amenities of the occupants of surrounding residential properties.

Nos.35 and 37 are locally listed buildings which appear on the 1868 first edition O/S map. The original section constitutes the two storey part under a mansard roof with later Victorian additions of less merit to the front and rear. The structures to the rear of Nos.35-37 which are proposed for demolition appear to be of little architectural merit having been much altered over the years.

In assessing the previous application at the site (ref. 14/04531) the Council considered that the overall site coverage and massing of the building (with the length of the northern return extending to 22m) was excessive (by reason of scale and layout). It was considered that the wider structure would appear a lot more dominant, particularly from views at the rear at Nursery Gardens, and that this would serve to undermine the character and spatial standards of the Conservation

Area. Highways objections were also raised in respect of the location of the proposed cycle parking area which was remote and isolated and would be unlikely to be used to its full potential. The layout forward of the proposed dwellings would result in a limited usable area, other than providing space for parking and manoeuvring, and would not be conducive to encouraging cycle use.

In comparison to the scheme refused under ref. 14/04531, the extent of the proposal has been reduced as a result of a reduction in the depth of the northern return from 22m to 17m, and the resultant omission of one two-bedroom flat. Consequently, the overall site coverage of the building has been reduced with additional open space provided to the northern side of the proposed block. The site area remains unchanged. However, in comparison to the earlier application which was permitted under ref. 14/00482, the site area has been enlarged by incorporating land at the rear of No 41 High Street in order to extend the depth of the northern return from approximately 17m to 22m. In addition, an undercroft area previously proposed at ground floor level within the northern return is now infilled by additional accommodation, and the total number of units proposed has been increased by one additional two-bedroom unit.

Taking account of the changes which have been made following the previous application, it is considered that the overall site coverage and layout of the scheme allows for sufficient soft landscaping to be provided around the development, particularly to the north and west of the proposed block. This will provide an enhanced setting for the development, achieving greater parity with the spatial standards and character and appearance of the wider Conservation Area. Subject to providing a high-quality landscaping scheme, and utilising materials and fenestration which are characteristic of surrounding buildings in the Conservation Area, details of which should be agreed by condition, it is considered that this proposal will have the potential to preserve and enhance the character and appearance of this part of the CA.

The reduction in the proposed site coverage now achieved now also enables the cycle store to be provided in a more accessible location which will be conducive to encouraging cycle use and promoting a sustainable mode of transport. Accordingly, no technical Highways objections are raised, subject to conditions.

The nature of the accommodation including bedroom sizes has been assessed to be compliant with the objectives of the London Plan Housing SPG. Furthermore, it is considered that the proposal is compliant in regard to Policies H1 and H7 of the UDP, taking account of housing form and density. Despite the fact that the proposal includes single aspect accommodation, in view of the Inspector's findings relating to application ref. 13/02814 (in which the Council did object in regard to the standard of accommodation), no objection is raised in that regard. It is considered that the amenity space to the northern and western sides of the proposed block will achieve a satisfactory level of amenity space for future occupiers.

Taking account of the above, it is considered that this revised proposal serves to preserve and enhance the character and appearance of the Chislehurst Conservation Area, by reason of its proposed site layout, site coverage and quality of design. All other aspects of the scheme are considered satisfactory.

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

## **RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

**Reason: Section 91, Town and Country Planning Act 1990.**

- 2 Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.**

- 3 Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties.**

- 4 Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.**

**Reason: Section 91, Town and Country Planning Act 1990.**

- 5** Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The windows shall be installed in accordance with the approved details.

**Reason:**In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 6** Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

In order to check that the proposed storm water system meets our requirements, we require that the following information be provided:

- o A clearly labelled drainage layout plan showing pipe networks and any attenuation soakaways;
- o Where infiltration forms part of the proposed storm water system such as soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365;
- o Calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate changes.

To ensure a satisfactory means of surface water drainage and to accord with Policy ER13 of the Unitary Development Plan.

- 7** Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

**Reason:**In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

**8** Before commencement of the development hereby permitted details of (a) turning area(s) within the site shall be submitted to and approved in writing by the Local Planning Authority. The turning area(s) shall be provided before any part of the development is first occupied and shall be permanently retained thereafter.

**Reason:**In order to comply with Policies T3 and T18 of the Unitary Development Plan and to enable vehicles to enter and leave the site in a forward direction, in the interest of pedestrian and vehicular safety.

**9** While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

**Reason:**In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

**10** Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

**Reason:**In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

**11** Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

**Reason:**In order to comply with Policy T7 and Appendix II.7 of the Unitary Development Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

**12** Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development hereby

permitted is commenced. The approved scheme shall be self-certified to accord with BS 5489 - 1:2003 and be implemented before the development is first occupied and the lighting shall be permanently retained thereafter.

**Reason:**In order to comply with Policy T3 and Appendix II of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

- 13** Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

**Reason:** In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 14** Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

To achieve a satisfactory means of surface water drainage and to comply with Policy ER13 of the Unitary Development Plan.

- 15** No loose materials shall be used for surfacing of the parking and turning area hereby permitted.

In order to comply with Policy T18 of the Unitary Development Plan and in the interest of conditions of highway safety.

- 16** Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

**Reason:**In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 17** The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

**Reason:**In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 18** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

**Reason:**To prevent un-neighbourly or excessive development at the site, in the interest of residential amenity and the character and appearance of the Conservation Area, in accordance with Policies BE1 and BE11 of the Unitary Development Plan.

You are further informed that :

- 1** Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.
- 2** If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.