

SECTION '2' – Applications meriting special consideration

Application No : 16/01032/FULL1

Ward:
Chislehurst

Address : 63 - 65 Chislehurst Road, Chislehurst
BR7 5NP

OS Grid Ref: E: 543085 N: 169640

Applicant : Mr Anil Patel

Objections : YES

Description of Development:

Proposed two/four storey rear extension with accommodation in the roofspace to provide an enlarged shop and stock room facilities with a total of five residential apartments. Demolition of detached single storey building, boundary treatment, revised courtyard and parking layout, elevation alterations including an ATM to the front elevation and external staircase.

Key designations:

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

Update

The application has been previously deferred from Planning Committee to seek a reduction in the number of residential units, particularly within the roof space. The Applicant does not wish to amend the scheme and highlights the following points to Members:

- The existing original building and the four buildings of which it is a part are already five stories. The existing roofs have rear facing curved topped lead covered dormers.
- One of the neighbouring adjoining buildings has residential accommodation in the roofspace which sets a precedent
- There are already three flats in the existing building therefore this proposal only seeks approval for two extra flats
- The site is sloped from front to rear, the lower and upper ground floor relates to the shop only
- The upper three residential floors extend to the rear to the same position as the existing at first floor level without any increase to the position rear wall.
- One of the existing flats extends over two floors. By including the residential use of the roof and changing the configuration of the existing flats so that there are two flats on the existing first and second floors the new flats have largely been contained within the existing original bulk.

The Applicant states that it is for these reasons that the scheme should not be considered an overdevelopment of the site.

The report now replicates that as previously seen by committee when the application was first heard on the 28th July 2016.

Proposal

Planning permission is sought for a two/four storey rear extension with roof space accommodation to provide an enlarged shop and stock room facilities with a total of 5 residential apartments, demolition of an existing single storey garage building and existing rear extensions, alterations to the fenestration, new ATM and shop front, external staircase and a revised courtyard layout with parking.

The proposed block would be roughly rectangular in footprint positioned within the rear courtyard of 63/65 Chislehurst Road and wrapping around the eastern elevation of the building. The proposal would extend to a maximum width of 13.6m and a maximum depth of 16.4m along the eastern elevation with a maximum height of approximately 14.2m. Amenity space is provided along the rear of the extension and along the eastern elevation, adjacent to the river. Six parking spaces are provided, inclusive of two within the lower ground floor of the extension with an additional parking bay retained for the use of number 61. Bin stores are located adjacent to the rear boundary of the site and cycle parking is located within the lower ground floor.

The design of the block features a four storey projecting rear addition with a two storey wrap around extension to all elevations. The extensions are proposed with a hip roof profile, with dormer window features to the rear and east elevations and blind sash windows to the south west. The extension is proposed, in so far as practical, utilising a traditional design with sash windows and a traditional slate roof. The materials proposed consist of a part red and yellow stock brick to match the existing.

To the southern side facing the car park and Lower Camden there are two windows proposed which are to be obscurely glazed. Along the eastern elevation, facing Kyd Brook, there would be twelve windows and two dormer windows and roof lights, providing primary and secondary outlooks. The north west rear elevation hosts four habitable room windows with a rear facing dormer window and juliet balcony.

Location

The application site is located within a prominent position along Chislehurst Road, close to the junction with Lower Camden. The proposal is to the rear of the existing NISA shop, located on a local shopping parade opposite the Tollgate Lodge and Bickley Public House. The locality is a mixture of retail and residential in character. The area is strongly defined by its location within the Chislehurst Conservation Area.

To the north of the site, and also to the rear, there is a mixture of housing types characterised by two/four storey dwellings. Several flats are located to the rear of the site, including number 2 Lower Camden that adjoins the application site. Kyd Brook bounds the site to the north east, with high level mature trees as the boundary treatment.

The site is currently used as a supermarket at ground floor level with a small amount of residential accommodation to the upper floors.

Consultations

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

- Out of character with the surrounding area and would cause substantial traffic and parking problems
- The current shop satisfies local shopping requirements
- Any increase in size, and the addition of the ATM, would cause more traffic in an already congested neighbourhood
- The access roads are difficult to negotiate at times and parking around the junction of Lower Camden can cause drivers to make an almost blind exit
- Issues regarding pedestrian safety
- It is difficult to envisage how the increase in deliveries required by a larger shop would be managed in this neighbourhood without causing inconvenience to local residents and reducing road safety further
- The rear of the flats is already congested with cars coming in and out of the access road
- Although one parking space is allocated per apartment, many households have two cars
- It will block the natural daylight directly opposite the kitchen door (59a Chislehurst Road) and views will be of a large brick wall
- The area available to the rear is too small for an extension, the height and amount of flats is worth looking into
- Increased noise pollution and vans and lorries delivering to the shop will increase the noise early in the mornings disturbing the peace.
- Issues regarding the storage of the bins, will these be lines up along Lower Camden?
- Larger mains water drains will be required
- Turning into and out of the rear courtyard is difficult due to people parking opposite the entranceway
- It is unrealistic to assume that customers will be willing to park more than a few minutes' walk away from the shop. They are more likely to drive to the area which is most convenient for the shop and hand around waiting for a space to become available or park illegally
- It is worth noting on one of the days the survey took place (April 13th) it was part of the school holidays which would have resulted in fewer cars visiting the site

Letters of support were also received for the scheme which can be summarised as follows:

- The proposal is supported by over 200 users of the store and is vital to maintain the viability of the post office and convenience store
- For the elderly and infirm this is an essential service
- The Applicants have worked hard for nearly a year on a design which addressed the concerns of neighbours and planners whilst being faithful to the idea of sensitivity in the conservation area, improved community facilities and a viable post office.
- The store compliments other business and reduces car journeys to central Chislehurst

- The final design is an improvement on the existing building
- The shop will be able to stock a wider selection of goods

- APCA (Advisory Panel for Conservation Areas) have objected to the scheme stating concerns with regards to overdevelopment both in retail and housing elements, contrary to policy BE1 and BE11.

Consultee Responses

Highways

There is a reduction of 2 residential units from the previous application, and 7 parking spaces overall allocated to the residential units, inclusive of one for number 61.

The extension to the shop would give an additional trading floor area of 100m², the area of the storage is not shown on the application form however looks similar to the previous application, giving an increase of around 540m².

A transport statement was provided with the application. The assessment indicated a potential additional 8-10 vehicles each hour with the expansion. A parking survey was included however it is considered that this covers a too larger area and some of the roads are outside the 500m walking distance. People will not be willing to walk that far and would look to park closer to the site, possibly contravening waiting restrictions, particularly as visits to the shop are likely to be only a couple of minutes.

There is evidence from the survey that vehicles are parking on double yellow lines on Old Hill. There are spaces available particularly on lower Camden, on the one hour Mon-Fri restriction. The unrestricted spaces are taken up early. The problem would seem to be people unwilling to walk any distance.

Deliveries in anything larger than a van would take place from Lower Camden as at present.

In terms of impact on the highway, the main issue would be parking from the commercial unit. The proposal is basically for a 100m² extension and, with the information provided, it would be difficult to sustain a highway objection given the impact needs to be severe.

Any changes to the crossover will need to be agreed with Area Management.

No objections to the scheme are raised, subject to conditions.

Drainage

The Drainage Officer has read the FRA as submitted (June 2015) and has no objections subject to conditions being implemented. The FRA does however reference the previously refused application, 15/00577/FULL1, which was a considerably larger scheme. Whilst the Drainage Officer does not consider that the new scheme would have any different impacts to that laid out in the June 2015 FRA, an amended version of the document will need to be submitted prior to committee and findings of this will be reported verbally.

Thames Water

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. 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, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a 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. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer.

Environmental Health (Housing)

Comments have been received of which the most relevant to the planning application are:

1. A number of bathrooms do not appear to be provided with natural ventilation. Adequate means of mechanical ventilation should be provided.
2. A number of the habitable rooms do not appear to have been provided with sufficient levels of natural lighting or ventilation

Met Police

'With respect to the application, should this application proceed, it should be able to achieve Secured by Design accreditation in respect of layout and design and part 2

physical security with the guidance of Secured by Design New Homes 2014 and Secured by Design Commercial Developments 2015 and by incorporating accredited, tested, certificated products.

I would therefore seek to have the agreed 'Secure by Design' condition attached to any permission that may be granted in connection with this application and that the wording is such that the development will achieve certification - not merely seeking to achieve accreditation'. No objections were raised with regards to the proposed ATM however concerns were raised to the potential security risk of a well lit ATM signage which would provide dark areas for would-be attackers.

Environmental Health (Pollution)

Whilst no comments have been received from the Environmental Health Officer with regard to this application, comments were received with regard to application ref: 15/00577/FULL1 stating no objections subject to a delivery management plan and acoustic assessment being required to be submitted prior to occupation of the unit. Further comments received from the EH Officer will be reported verbally to committee when received.

Trees

The arboricultural submissions have acknowledged the tree constraints associated with the development well and have incorporated adequate protection methods/measures to ensure retained trees are protected. No objections subject to compliance conditions.

Conservation

This proposal is a significant improvement over previously refused schemes. Views through the rear of the site from Lower Camden would allow for views of the wooded area beside the river whilst from Chislehurst Road the elevation would be largely unaltered with the side extension set well back and well screened. It is a large development but it preserves the character and appearance of the area. The design has also been improved and generally echoes the existing building.

Environment Agency

The Applicant has undertaken detailed discussions with the Environment Agency with regard to the proposal and the submitted June 2015 FRA reflects these discussions. Comments from the Environment Agency have been forthcoming in which they do not object to the scheme subject to conditions.

Planning Considerations

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

BE1 Design of New Development
BE11 Conservation Areas
BE19 Shop fronts and Security Shutters
H1 Housing Supply

H7 Housing Density and Design
H9 Side Space
ER7 Contaminated Land
ER10 Light pollution
NE7 Development and Trees
T3 Parking
T7 Cyclists
T18 Road Safety
S6 Retail and Leisure Development

SPG No.1 - General Design Principles
SPG No.2 - Residential Design Guidance
Chislehurst Conservation Area SPG

London Plan (2015)

Policy 3.3 Increasing Housing Supply.
Policy 3.4 Optimising Housing Potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 4.8 Supporting a successful and diverse retail sector
Policy 4.9 Small Shops
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater Infrastructure
Policy 5.15 Water use and supplies
Policy 5.16 Waste self-sufficiency
Policy 5.17 Waste capacity
Policy 5.18 Construction, excavation and demolition waste
Policy 5.21 Contaminated land
Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.15 Reducing and Managing Noise.
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

Housing: Supplementary Planning Guidance. (2016)

Planning History

There is a considerable planning history with regards to this application, of which the most pertinent is:

90/02818/FUL - four storey rear extension - refused

91/00091/FUL - three storey rear extension - permitted

04/04288/CAC - Demolition of buildings to the rear of 69-65 Chislehurst Road - Conservation Area Consent refused

05/00847/FULL1 - New shop front and security shutters to 63 and 65 Chislehurst Road - withdrawn

06/00306/FULL1 - New shop front to 63 and 65 Chislehurst Road - permitted

09/02084/FULL1 - Elevational alterations to shopfront. Disabled access ramp. External staircase and re positioned entrance door with canopy to the flat at number 65a - withdrawn

09/03448/FULL1 - Alterations to form new shopfront and external metal staircase to side leading to new first floor entrance to flat, and repositioning of air conditioning units - permitted

15/00577/FULL1- Proposed two/four storey rear extension with accommodation in the roof space to provide enlarged shop and stock room facilities with a total of 7 residential apartments, demolition of existing single storey building, new security gate and revised courtyard with parking and elevational alterations including new ATM - refused

Reasons for refusal:

- The proposal, by reason of its size, scale, design and site coverage, would constitute a cramped overdevelopment of the site and would be overtly prominent and considered detrimental to the character and visual amenities of the locality and wider Conservation Area, contrary to Policies BE1, H7 and BE11 of the Unitary Development Plan, chapter 7 of the London Plan and the aims and objectives of the NPPF.
- The proposed development, due to poor fenestration design and poor standard of provision of outdoor amenity space would fail to provide a satisfactory standard of living accommodation for its future occupants. The proposals are therefore contrary to Policy 3.5 Quality and Design of Housing Developments of the London Plan (2011), The London Plan Supplementary Planning Guidance: Housing (November 2012) and Policies BE1 and H7 of the Unitary Development Plan.
- The development, by virtue of its mass, size and siting would unduly compromise the residential amenity afforded to the owner occupiers of 2 Lower Camden and 61a and 59a Chislehurst Road and would allow for an unduly prominent structure that would cause a detrimental loss of natural light and overshadowing with regards to the neighbouring residential properties contrary to Policy BE1 and H7 of the Unitary Development Plan.
- In the absence of sufficient information to demonstrate the usability of the proposed parking spaces or off street parking capacity to accommodate satisfactorily the additional traffic generated by the development, the proposal would be likely to result in significant

and unacceptable traffic congestion in the local road network, inconvenient to road users and prejudicial to the safety and free flow of traffic and detrimental to highways safety contrary to policies T3 and T18 of the Unitary Development Plan.

Conclusions

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

- Principle of Development
- Design
- Impact on the Conservation Area
- Standard of Residential Accommodation
- Highways and Traffic Issues
- Impact on Adjoining Properties
- Sustainability and Energy
- Ecology and Landscaping

Principle of Development.

Housing is a priority use for all London Boroughs and the Development Plan welcomes the provision of small scale infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

The document also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

Policy 3.4 of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.

Policy H7 of the UDP sets out criteria to assess whether new housing developments are appropriate subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, community safety and refuse arrangements.

On this basis, it is considered that the principle of some residential development on this site is considered acceptable by virtue of the proximity to surrounding residential properties, and the existing use of the top floors of the retail units being within residential use. Therefore the provision of the new dwelling units on the land is acceptable in principle subject to an

assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements.

In terms of the principle of the extension to the shopping unit at upper ground floor level and the extension to the deliveries and storage area at lower ground level, Policy S6 states that the size of the proposal will be appropriate to the size of the centre within which it is to be located and it will not harm the vitality or viability of other nearby centres, either by itself or in conjunction with other proposals. Within The London Plan, policy 4.9 states that The Mayor is committed to supporting town centres, a dynamic competitive and diverse retail sector and small and medium sizes enterprises whilst policy 4.8 states Boroughs should support a successful, competitive and diverse retail sector which promotes sustainable access to the good and services that Londoners need. The convenience store and post office is the only commercial property of its type within the wider locality, and the extension of the premises, coupled with the retention of the post office service and new ATM would be beneficial to the locality and the viability of the small shop in compliance with the objectives of The London Plan.

In terms of the ATM, it is considered that the premises are located within an area which does benefit from adequate natural surveillance; the application property is located within a group of shops and on a main road. The nature of this area is such that some pedestrian and vehicular activity is likely to continue into the evening. The application property is not in a remote or isolated location and is likely to be subject to a reasonable degree of natural surveillance from residents and passers-by.

The provision of the extended commercial premises at lower and upper ground level on the land is acceptable in principle subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements.

Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Policy 4B.1 and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL). This site is considered to be in a 'suburban' setting and has a PTAL rating of 2 giving an indicative density range of 50-95 dwellings per hectare / 150-250 habitable rooms per hectare (dependent on the unit size mix). The London Plan states that residential density figures should be based on net residential area, which includes internal roads and ancillary open spaces. UDP Policy H7 also includes a density/location matrix which supports a density of 200-250 hab rooms/50-80 units for locations such as this provided the site is well designed, providing a high quality living environment for future occupiers whilst respecting the spatial characteristics of the surrounding area.

The density of this proposal equates to approximately 232 habitable rooms per hectare or 77.5 u/ha which sits within the London Plan and UDP Policy H7 standards. Development

plan policies related to density are intended to optimise not maximise development and a numerical calculation of density is only one consideration. It is also necessary to consider the quality of the development in relation to the surrounding context.

It is noted that the previous application fell outside the optimum density of the area which identified an overdevelopment of the site. The application in its current form is considered to have been sufficiently reduced to provide a suitable level of residential development.

Design, Siting and Layout.

Policy 3.4 of the London Plan 2011 specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range.

Policy BE1 states that development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

Policy H7 requires that the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas.

Policy H9 requires that new residential development for a proposal of two or more storeys in height, a minimum of 1m side space from the side boundary is maintained and where higher standards of separation already exist within residential areas. proposals will be expected to provide a more generous side space.

The host property is three storeys in height when viewed from Chislehurst Road, however by virtue of the topography of the land, appears as four storeys from the rear. The building itself is prominent within the Chislehurst Conservation Area and is of a similar character to the surrounding retail uses. The property hosts an existing three storey extension to the rear as approved under 91/0091 which was considered to have regard to the character of the locality and at three storeys generally reflected the scale of development in the surrounding area. A previous four storey extension was refused within application 90/02818 due to being 'visually unrelated to the existing building by reason of its flat roofs and terrace and would have a seriously detrimental impact on the prospect and daylighting of neighbouring properties' furthermore the scheme was considered to 'be of a design that would not preserve or enhance the appearance of the Chislehurst Conservation Area'.

The Applicant has entered into negotiations with the Council via pre-application following the refusal of the previous planning applications. The pre-application discussions raised points of concern to the Applicant, including the projection of the two storey rear element, which have been addressed within this currently application. The extensions are located within the rear courtyard of the retail premises and are visible from Lower Camden to the west, Ivybridge Court to the east and Chislehurst Road to the south due to the wrap around nature of the development.

The extensions have been reduced in depth from that as previously submitted, with the two storey rear element now projecting 7.8m in depth from the rear elevation, wrapping around the north east elevation for 21.5m, 1.5m from the existing side elevation. The third and fourth storeys with roof space accommodation are sited in a centralised position to the rear above the proposed shop floor and stock room, measuring 5.7m in projection, 2m further than the existing rear extension and 4m wider. The existing rear extension projects at 3 storeys in height, compared to the four storeys and roof space accommodation proposed within this application, therefore an increase in height of approximately 4.8m is proposed. The two storey element is located at 3.6m from the rear elevation with 2 Lower Camden at the closest point, increasing to 4m. The upper storeys are located between 10-11m from the rear boundary. The extensions are located between 950mm and 3.8m from the boundary with Kyd Brook and over 14m with Lower Camden. Whilst not compliant with policy H9 in terms of side space, given the location of the nearest residential unit to the north east being over 15m from the flank elevation of the building, with a river running between, it is considered sufficient spatial separation exists in line with the prevailing standards of the wider area.

The extensions, as previously stated, are located within the rear courtyard, set back from the main Lower Camden highway and will be relatively screened from view from Chislehurst Road. Significant amendments have been made to overcome the previous grounds of refusal, inclusive of reducing the depth, height and design of the extensions. Several three/four storey dwelling houses are located within the surrounding area, to the north and west of the site and these are predominantly traditional in design and of a size and scale that compliments the wider Conservation Area. A high level of spatial standards is also prevalent, with good sized spaces retained between the dwellings along Lower Camden, affording views to the rear of the properties.

In this case, Members may consider that the extensions have been reduced in depth sufficiently in order to relate well to the prevailing urban grain along Lower Camden. The two storey element of the proposal retains a 4m gap between the rear elevation and the boundary, and over 9m between the rear elevation and the flank elevation of number 2 Lower Camden. The three/four storey element is located over 15m from the neighbouring flank elevation. Views of Ivybridge Court from Lower Camden and the mature planting along Kyd Brook are now retained, and the entrance gates and railings have been removed from the scheme allowing for a more open vista when viewed from the west.

Amendments have also been received which are considered to overcome the previous concerns in terms of design. In replacement to an unrelieved blank elevation facing westwards, the Applicant now proposes the utilisation of blind sash windows which punctuate the elevation, allowing for some visual interest in the design. The extensions are set down for the roof slope and set back from the front elevation facing Chislehurst Road, allowing for subservience from the host property. Wooden sash windows are also proposed, matching to those found within the wider locality. Whilst it was previously noted that flat roof dormers are not a commonly found feature within the street scene, given the size, scale and location of the features upon the rear and side extension, this alone is not considered a cogent reason for refusal.

Whilst it is appreciated that the size and scale of the extensions can be still considered considerable given the amount of site coverage proposed, Members may consider that

sufficient amendments have been forthcoming which mitigate the previous reasons for refusal in terms of size, scale, bulk and design. The extensions relate well to the existing retail and residential function of the building, and proposed a design which is in keeping with the traditional design of surrounding properties. Due to a reduction in the depth of the extensions, concerns are no longer raised as to the impact of the scheme upon the prevailing spatial standards of the wider area. On balance, the design of the scheme is considered acceptable.

Impact on the Conservation Area

Policy BE11 states that in order to preserve or enhance the character or appearance of conservation areas, a proposal for a new development... for alteration or extension to a building within a conservation area will be expected to (i) respect or complement the layout, scale, form and materials of existing buildings and spaces. (ii) respect and incorporate in the design existing landscape or other features that contribute to the character, appearance or historic value of an area or (iii) ensure that the level of activity, traffic, parking services or noise generated by the proposal will not detract from the character or appearance of the area.

Additionally, The Chislehurst Conservation Area SPG states 'any extensions or additions should reflect the forms, materials, textures and finishes of the host building, along with the design philosophies underlying its style. These vary between individual buildings in this Conservation Area, and will need to respond to the specific building. The proportions, positioning and integration of an addition relative to the host building are important and deserving of significant design effort to safeguard not only the building's contribution to the public realm, but its enduring value to the owner. It should not be so large as to dominate or compete in visual terms with the host building'.

From a conservation point of view, this proposal is a significant improvement over previously refused schemes. Views through the rear of the site from Lower Camden would allow for views of the wooded area beside the river whilst from Chislehurst Road the elevation would be largely unaltered with the side extension set well back and well screened. It is a large development but it preserves the character and appearance of the area. The design has also been improved and generally echoes the existing building.

Residential Amenity

Standard of Residential Accommodation

Policy 3.5 of the London Plan (2015) Quality and Design of Housing Developments states the minimum internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit. This has been updated within the DCLG Technical Housing Standards Document (2015).

Policy BE1 in the Adopted UDP states that the development should respect the amenity of occupiers of future occupants.

The floor space size of each unit ranges between 79m² and 86m² respectively. The technical Housing Standards document requires a Gross Internal Area of 70m² for a 2 bedroom 4 person unit. On this basis the floorspace provision is considered acceptable.

The shape and room size in the proposed building is considered satisfactory. None of the rooms would have a particularly convoluted shape which would limit their specific use. Within the third floor flat, it is noted that the primary means of ventilation and natural light are through roof lights, however given the siting of a juliet balcony within the rear roof space of the living room, the overall provision of natural light to the residential unit is considered acceptable.

In terms of amenity space, the development proposes two bedrooms per apartment, which is considered to be a dwelling suitable for family use and in need of external amenity space provision. The Applicant, due to the reduction in the size and scale of the built form, has provided outdoor amenity space to the rear and flank of the extensions, adjacent to Kyd Brook. Whilst the shape of the amenity space is quite convoluted, provided that a sufficient boundary is erected along Kyd Brook to maximise on the openness of the outdoor amenity space, this may be considered acceptable and sufficient enough for five residential apartments. If permission was to be forthcoming, a condition will be added for details of the boundary treatment to be submitted.

Impact on Adjoining Properties

Policy BE1 of the Unitary Development Plan states that development should respect the amenity of occupiers of neighbouring buildings and ensure they are not harmed by noise disturbance, inadequate daylight, sunlight, and privacy or overshadowing.

After a comprehensive site visit, it was noted that there are two habitable room windows within the southern elevation of 2 Lower Camden. Whilst it is appreciated that there will be some visual incursion as a result of the extensions proposed, given that the site is at a lower land level than number 2 Lower Camden, the set back from the boundary by 4m and the change in roof profile to incorporate a hip, the extension at the closest point will only project 1.4m above the retained boundary wall, before hiping away to a height of 2.3m above the boundary treatment. The upper floors are located approximately 17m from the neighbouring flank elevations. Given the amendments made to the scheme and the changes in the design of the roof profile, it is not considered that there will be a detrimental loss of light or outlook from these apertures as a result of this application.

In terms of the impact upon the rear amenity space of number 2 Lower Camden, it is considered that by virtue of the changes in the land levels, coupled with the reduction in size, scale and design of the extensions, the impact of the development would not be sufficiently detrimental to warrant a refusal of this application. Within the upper floor rear elevations there are a number of habitable rooms at third and fourth floor level. These apertures are located approximately 12m from the common side boundary with the neighbouring property. There is a level of overlooking as existing by virtue of the residential use of the upper floors of the host property, it is not considered that the by virtue of the modest two storey extension that there will be a materially detrimental impact in terms of privacy. Given the existing established level of overlooking, it is not considered that the proposed rear facing dormer or juliet balcony would significantly increase the established harm. Amended plans were received to remove a projecting balcony from the roof space.

As seen on the site visit, habitable room windows are located within the rear elevations of the upper floors of 61 Chislehurst Road. The location of the existing three storey rear

extension of the host property, and the rear three storey projection of the property at number 59 causes the windows within the rear of number 61 to be subject to a level of tunnelling and visual outlook disturbance as existing. The proposed extensions are located 1.4m further away from the habitable windows than the existing arrangement, and whilst it is acknowledged that there will be some impact in terms of outlook by virtue of the increased height and a minor increase in depth, this is not considered to be of a materially worse degree than the existing layout. Furthermore, the orientation of the site is positive, in that there will not be a loss of light by virtue of the development. On balance, the impact on these neighbouring habitable rooms is considered to be acceptable.

In terms of the impact from the deliveries to the proposed extended commercial premises on the new residential apartments, no objections have been raised from Environmental Health subject to conditions with regards to acoustic testing and a delivery management plan. As deliveries as existing are taken into the rear of the premises, and no articulated vehicles will be utilising the delivery bay, it is not considered that there will be adverse impact on terms of residential amenity resulting from the proposal subject to conditions limiting delivery times.

Car parking

With regard to parking, the Applicant proposes the removal of an existing detached garage block to the rear elevation of the host property, and the repositioning of seven off street parking spaces within the courtyard area, two of which will be located within the delivery bay. Comments from the Applicant state that a flexible approach to on street parking will be maintained, and that lorries will not enter in or out of the parking area to the rear, however will be unloaded on the street side and took in via the rear. The Applicant also states that articulated lorries will not be used during deliveries however whilst undertaking a further site visit to the premises an articulated lorry was witnessed unloading goods for the store along the roadside.

Comments from the Highways Officer state an increase in the size of the shop is likely to lead to increased deliveries so would require a delivery plan, however this could be conditioned.

Evidence has been supplied to show there is sufficient capacity for the increased visitor numbers within the surrounding streets, however concern was raised as to the scope of the assessment and the distances covered by the parking survey reaching over 500m from the shop. Whilst the methodology of the assessment was brought into question, ultimately the Highways Officer considers that no objections to the scheme can be made by virtue of the increase of the retail premises being only 100sqm, which will not generate a significantly increased visitor numbers.

If permission was to be forthcoming, conditions are required to be added to the decision notice including the submission of a construction management plan and restrictions on the use of the parking spaces within the delivery bay being for residential and not retail use.

Cycle parking

Cycle parking is generally required to be 1:1 for residential development. The applicant has provided details of a location for cycle storage for each unit which are located internally within the lower ground floor which is considered acceptable.

Refuse

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of refuse storage for the units to the rear elevation. The specification of the containment structure can be conditioned if permission was to be forthcoming.

Sustainability and Energy

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

An informative is recommended with any approval to ensure that the development strives to achieve these objectives.

Landscaping

Full details of hard and soft landscaping and boundary treatments can be sought by condition as no details are forthcoming within this application.

Community Infrastructure Levy

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

Trees

No trees are proposed to be removed within the construction process, however some works are being undertaken with the RPA of two mature trees. Development should be carried out in a manner as per the recommendations as set out within the Arboricultural Impact Assessment. Due to the location of the site within a Conservation Area, all further works to trees would be subject of a further application that should be submitted 6 weeks prior to commencement.

Conclusion

Having had regard to the above it was considered that the size, scale, design and spatial relationship of the proposed extensions to surrounding properties in this prominent location

is acceptable and sits well with surrounding development. The proposed development causes no harm to the conservation area and whilst of a considerable size and scale, are considered in keeping with its residential/retail setting and of good design.

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 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 visual and residential amenities of the area.

- 3 Details and samples of all external materials, including roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate, shall be submitted to and approved in writing by the Local Planning Authority before any above ground works are commenced. The development shall be carried out in accordance with the approved details.**

In order to comply with Policy BE1 and BE11 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 4 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.

- 5 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.

6 Prior to first occupation of the proposed development, a fully detailed Service Delivery Management Plan (including refuse and recycling) shall be submitted to the Local Planning Authority and agreed in writing.

Reason: In the interests of highway safety and residential amenity and in accordance with policy BE1 of the Unitary Development Plan.

7 The car parking spaces located within the lower ground floor loading bay hereby approved, shall not be allocated to the retail use only and shall be retained as car parking spaces in conjunction with the entire mixed use development.

Reason: In the interests of highways safety and providing sufficient levels of off-street parking in compliance with policies T18 and T3 of the Unitary Development Plan.

8 The lower and upper ground floors hereby permitted shall be used as A1 (retail) use only.

Reason: To allow the Council to assess any impacts of any future change of use and in the interests of protecting neighbouring residential amenity in compliance with policy BE1 of the Unitary Development Plan.

9 A scheme for protecting the residential use hereby approved and neighbouring residential units from noise arising from activities within the extended commercial unit and lower ground floor deliveries area shall be submitted to and approved in writing by or on behalf of the Local Planning Authority. Before the development is occupied the scheme shall be fully implemented and sound transmission tests shall be carried out by a competent person to demonstrate compliance with the approved scheme. The results shall be submitted to the Local Planning Authority and the approved scheme shall be permanently maintained thereafter.

Reason: In order to comply with Policies S6 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

10 No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping which shall include details of all existing trees and shrubs, new tree and shrub planting, seeding, surfacing treatments, screen walls, boundary fences and boundary treatments.

Reason: To maintain the visual and environmental quality of the site and surrounding area in accordance with policies BE1 and BE11 of the Unitary Development Plan.

11 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.

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.12 of the London Plan

12 The use hereby approved shall not be carried out on the site other than between the hours of 06:30 to 20:00 Monday to Saturday and 7:00 to 19:30 Sunday and Bank Holidays

Reason:In order to protect the residential amenities or nearby owner/occupants in accordance with policy BE1 of the Unitary Development Plan.

- 13 During the demolition construction works hereby approved no building operations shall be carried out on the site other than between the hours of 08:00 to 18:00 Mondays to Fridays inclusive and 08:00 to 13:00 on Saturdays and no operations shall be carried out at all on Sundays or on statutory Bank Holidays.

Reason:To maintain the residential amenity of the surrounding residential development in accordance with policy BE1 of the Unitary Development Plan

- 14 Prior to the commencement of the development hereby permitted, elevation drawings of the proposed shop front at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority.

Reason:Insufficient details were submitted within the application and in order to provide for a good standard of development with regard to the surrounding conservation area in compliance with policies BE1 and BE11 of the Unitary Development Plan.

- 15 The development shall be implemented in accordance with the Tree Protection Plan submitted and approved as part of the planning application and under the supervision of a retained arboricultural specialist in order to ensure that the correct materials and techniques are employed.

Reason:To ensure that works are carried out according to good arboricultural practice and in the interests of the health and amenity of the trees to be retained around the perimeter of the site and to comply with Policy NE7 of the Unitary Development Plan.

- 16 The flat roof area of shall not be used as a balcony or sitting out area and there shall be no access to the roof area.

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

- 17 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Quercus Consulting Limited dated July 2016 and the following mitigation measures detailed within the FRA:

1. Access to the Kyd Brook shall be maintained with a minimum distance of 1.5m from the proposed building to the site boundary wall as indicated on drawing ref: 0910.WD.05M.
2. Flood-proofing measures included as detailed on page 6 of the FRA
3. Lower ground finished floor level shall be set no lower than 53.9mAOD

Reason:To allow access for Environment Agency inspection of the Kyd Brook.

2. To reduce the impact of flooding to the proposed development and future occupants
3. To reduce the risk of flooding to the proposed development and future occupants

In accordance with Policy 5.12 of the London Plan.

You are further informed that :

- 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

- 2 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.**
- 3 The developer should strive to achieve the highest standards of sustainable design and construction in compliance with policies 5.2 and 5.3 of the London Plan (2015)**