

SECTION '2' – Applications meriting special consideration

Application No : 19/00620/OUT

Ward:
Orpington

Address : 14 Knoll Rise Orpington BR6 0DD

Objections: Yes

OS Grid Ref: E: 546060 N: 166125

Applicant : Mr Roger Waddingham

Description of Development:

Outline planning application for the demolition of four existing houses (No. 14 to No. 20 Knoll Rise), erection of three new buildings ranging from three to four-storeys comprising 41 apartments with associated access, parking and amenity space

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 4

Proposal

Outline planning application (with **access, layout and scale** for approval) for the demolition of the existing four dwellings (No.14 – 20 Knoll Rise) and the erection of 3 buildings ranging from three to four storeys to provide 41 residential apartments. Landscaping and Appearance are reserved to be considered at a later stage.

The proposed accommodation would comprise of 18 x 1 bed, 19 x 2 bed and 4 x 3 bed units, 15 affordable units (comprising 3x 1b bed and 6 x 2bed rented units; 3 x 1 bed and 3 x 2 bed intermediate units) achieving 35.8% by habitable room and a split of 61.5% rent and 38.5% intermediate provision. 5 wheelchair units (12%) are proposed and would be located on the ground floor. An internal lift would be provided within the 4 storey building and accessible to all floors.

A new vehicular access would be created via Vinson Close leading to a car park with a capacity of 21 parking spaces including 5 disabled spaces. A communal bin storage area and 2 communal cycle storage areas are also proposed.

38 units would be provided with a private outdoor space in the form of a private balcony, private or front garden. A communal garden measuring approximately 670sq.m would be provided behind the proposed buildings.

The application was supported by the following documents:

Design and Access Statement (prepared by PAC Design Ltd; dated Feb 2019)

This statement describes the site location, planning history, local character of the area and the key differences between the previous and current scheme. This report indicates the site is surrounded by a variety of buildings of different scale. Low density, suburban detached houses with large gardens are located further from the site. The key differences to the previously refused scheme relate to:

- A reduction in building height by one storey (to a maximum of four storeys at the corner);
- Creation of 3 storey buildings to provide visual breaks;
- Removing the lower ground floor units at the rear;
- Reduction of single aspect units; and,
- Reduction of proposed units and parking spaces (achieving 0.5 space per dwelling).

Planning Statement (prepared by Maven Plan; dated Feb 2019)

This statement describes the site location, planning history including reasons of previous refusal, relevant planning policies, and details of the proposal and planning assessment in light of the previous appeal decision. The site is located 100 metres from Orpington Town Centre with good accessibility by public transport. The proposal is revised to address the character and appearance, standard of accommodation, impact on residential amenities, highway and biodiversity concerns. The footprint of the L shape building is reduced and the proposed accommodation would be provided in 3 separate buildings with gaps in between. The revised scheme is designed to address the previous refusal which was dismissed at appeal.

Extended Phase 1 Habitat Survey (prepared by Innovation Group Environmental, dated 27th September 2017)

The buildings are in overall good condition, and no potential roost features were visible on properties at no.16 and 18. No.14 has several potential roost features for bats, and based on the external inspection it is assessed as having 'moderate bat roost potential'. The property at No.20 had one potential roost feature and two enclosed loft spaces. Based on the external inspection, this building was assessed as having 'low bat roost potential'. In accordance with current best practice guidance, it is recommended that an internal inspection of enclosed loft spaces is undertaken where possible and safe (i.e. No. 20 and No. 16), together with emergence surveys for buildings at No. 14 and No. 20, to determine the use of these features by bats. Due to the presence of small patches of suitable habitat for reptiles at the end of the rear gardens at No 14 and 16, reasonable avoidance measures are recommended to ensure that reptiles are safeguarded. Virginia Creeper has been identified as growing on the site, it is recommended that competent contractors are employed to carry out works to eradicate this species from the site prior to the commencement of construction. Bat and bird boxes will be included within the new building design, and wild flower seed mix (suitably sourced

for the area) and native trees and shrubs used to landscape areas surrounding the buildings.

Bat Survey (prepared by Innovation group environmental services, dated August 2018)

Two dusk emergence surveys were carried out and no bats were seen emerging from either building during any of the emergency surveys. Foraging/commuting activity was limited to one high pass of a Common Pipistrelle during the second survey. No other bats were recorded. As such, it is recommended that no further action is required.

Reptile Method Statement (prepared by The Ecology Co-op Environmental Consultants, dated Feb 2019)

The Preliminary Ecological Appraisal and Phase 1 Habitat Survey and Report identified habitat on site suitable to support reptile. This report outlines appropriate ecological mitigation and enhancement measures will be implemented during the construction phase and works will be overseen by a suitably qualified ecologist.

Paragraph 40 to 42 of the planning inspector report;s states *“Based upon the specialist ecological surveys before me, the site not and important habitat, and there would be no adverse effect on protected species. Mitigation measures are proposed that could be the subject of a condition and this would contribute to the protection and management of biodiversity”*.

Noise Assessment (prepared DKN Acoustics, dated Feb 2019)

A 24-hour noise survey has been undertaken of road traffic noise on Knoll Rise, which is the main noise source affecting the site. Noise levels have been predicted at the most exposed on the proposed residential facades overlooking Knoll Rise. Appropriate noise control recommendations have been provided to ensure that noise levels inside proposed habitable rooms (living rooms and bedrooms) will meet the desirable levels recommended by BS8233: 2014. Noise control recommendations have also been provided for balconies, where required. The majority of private external amenity space and the proposed shared public outdoor amenity area are expected to be exposed to levels meeting or better than the desirable range recommended by BS8233: 2014.

Sustainability and Energy Statement (prepared by Maven Sustainability, dated Feb 2019)

The total site CO₂ emissions are calculated as 36,110 kg CO₂ per year (TER) and 28,714 kg CO₂ per year (DER). Various technologies are considered and whilst wind turbines, combined heat and power, ground source heat pumps, solar hot water heating panels and air source heat pumps are not considered appropriate the use of photovoltaic panels, flue-as and waste-water heat recovery systems are considered feasible and appropriate. Following the Be Lean, Be Clean, Be Green principles, the total reduction in emissions from energy efficiency measures, the

FGHR and WWHR units and the photovoltaic array is therefore calculated as; 12,644 kg CO₂ per year, which equates to a reduction of 35.02% (% of TER).

Daylight and Sunlight Assessment (prepared by Herrington Consulting Ltd, dated Feb 2019)

The report concludes that it has been demonstrated that the majority of the windows and rooms tested will not be subject to noticeable daylight reductions and will receive acceptable daylight levels with the proposed development in place. The exceptions are the kitchen windows to 1 Vinson Close and 22 Knoll Rise, in which the report states that there is likely to be a reduction in daylight which will be noticeable to the occupants of the room, it is necessary to acknowledge that in some situations, such reductions are unavoidable in dense suburban environments. The assessment also notes that there will be an impact on the sunlight enjoyed by the neighbouring buildings however this is unlikely to be noticeable to the occupants.

Transport Statement (prepared by Highway Planning Ltd, dated Feb 2019)

The report concludes that the site is located close to Orpington town centre and within convenient walking distance of a wide range of day to day facilities and public transport. The site has a PTAL rating of 6a. Local and national planning policy seeks to locate residential development in areas where residents will have the opportunity to travel by sustainable modes. The report notes that the development complies with these policies and the level of car parking proposed reflects the very good accessibility credentials of the site. The conclusion of the report also states that the parking surveys demonstrate that there is spare on-street parking in the vicinity of the site. The parking survey indicates that the available parking stock within a 200 m walk distance of the site, including the CPZ within which residents must have a permit, is not fully utilised. The proposal would result in the closure of 4 existing accesses onto Knoll Rise and creates an opportunity for the Council to re-assess the on-street parking restrictions in Knoll Rise to potentially create additional CPZ spaces to offset the loss of 2 existing on-street parking bays on Vinson Close. Paragraph 39 of the Appeal decision notice states that the proposal would not cause harm to the safety of highway users or conflict with the planning policies. The report in summary notes that the proposed site layout complies with the Council's requirements in terms of access design, car parking layout and servicing requirements. Secure and covered cycle parking will be provided in accordance with the London Plan standards.

Air Quality Assessment (prepared by Hawkins Environmental, dated Feb 2019)

The report states that baseline pollutant concentrations on site have been investigated using both existing monitoring data and through predictions using the Breeze Roads Detailed Dispersion Model methodology. At present, and in the opening year of the proposed development (2020), concentrations of all pollutants are below the Air Quality Objectives. Therefore, onsite pollutant concentration should not be a constraint upon the development of the site. In line with the London Plan's Sustainable Design and Construction SPG, this development can be considered to be "Air Quality Neutral", in terms of both plant and transport

emissions. With regards to the impacts of construction on air quality, dust and other pollutant emissions from the construction and demolition phases of the construction of the proposed development will see the site designated a "Medium Risk Site". However, with risk appropriate mitigation, residual effects will not be considered significant.

Tree Protection Report (prepared by Challice Consulting Ltd, dated February 2019)

A site inspection was carried out and 4 category B trees (T13, T15, T18 and T19), 12 category C trees (T3, T5, T6, T7, T14, T16, T17, T20, T22, T24 and T25) and 5 category C tree groups (G1, G2, G4, G10, G21, G23) and 4 category U trees (T8, T9, T11 and T12) were identified.

One category B tree (T19), 10 category C trees, 5 groups including part G4 and part G23 and 4 category U trees will be required to be removed. The report states that the arboricultural impact from the street is moderate as a number of boundary trees are to be retained. A landscaping plan has been submitted to accompany the application.

Surface Water Management Strategy (prepared by Herrington Consulting Ltd, dated Feb 2019)

The report concludes that the most viable solution to manage all of the surface water runoff discharged from the proposed development will be via a connection to the public surface water sewer system. To restrict the rate at which surface water runoff is discharged offsite, a hydro-brake flow control device has been specified to attenuate the rate at which surface water runoff is discharged from the site to be limited to a maximum rate of 2.0l/s.. It is recommended that additional measures such as permeable paving, green roofs and other measures be incorporated into the detailed drainage design if practicable.

Landscaping proposal – (prepared by ME Landscape Studio, dated Feb 2019)

This document provides some illustrative landscaping plans indicating how the site could be landscaped.

Location and Key Constraints

The site measures approximately 2, 727sq.m in area and is located on the northern side of Knoll Rise, at a prominent junction with Vinson Close. The site is adjoining low rise residential buildings to the north and west and the buildings are domestic in scale ranges between single to two storey in height. The residential houses are well spaced out and benefited with private front and rear gardens area, away from the more urbanised development along the High Street.

The site comprises of 2 detached houses and a pair of semi-detached houses ranging between single to two storey in height. The building line along the northern part of the road is relatively uniform, with the semi-detached properties sited slightly in front of the detached properties. The dwellings along Knoll Rise have an open and verdant frontage, with low boundary treatments adjacent to the highway.

The properties also all benefit from a considerably sized rear amenity space spanning 40m in length. Knoll Rise slopes steeply from west to east.

The site is located within a residential area, with dwellings surrounding the plot to the north, west and south. The site is situated approximately 110m from Orpington High Street and bounds predominantly office and retail uses to the east. It is noted that Berwick House has recently been granted prior approval for a change of use from office to residential. The site is located within a PTAL 6a area.

The building line along the northern part of the road is relatively uniform, with the semi-detached properties sited slightly in front of the detached properties. The dwellings along Knoll Rise have an open and verdant frontage, with low boundary treatments adjacent to the highway. The properties also all benefit from a considerably sized rear amenity space spanning 40m in length. The site slopes steeply from west to east.

Comments from Local Residents and Groups

The nearby owners/occupiers were notified of the application and a 114 letter of objection were received. The grounds of objection are summarised as follows:

Housing and character of the area

- Over dominate the street scene, overdevelopment and too high density;
- Out of keeping and overbearing when compared with this sub-urban area, which is dominated by detached houses that are benefit from long gardens;
- The proposed buildings would be of a size, height and bulk being excessive in this suburban area and would represent a blot on the local landscape;
- Higher buildings will look out of place in this low rise area and will set a precedent for harmful development which effect the character and appearance of area;
- Design is not of a high quality and despite the reduction in units, the proposal remains excessive;
- Density of development contravenes the Bromley Local Plan and will not benefit the local area;
- The existing houses that are being demolished are not in a bad condition. The proposal would result in net loss of family housing which is more suitable at this location;
- The proposed flats would not be affordable. There are a number of properties and new flats in Orpington and there is no need for more flats in the area;
- Redeveloping unused office blocks would be more sensible than demolishing dwellings; and,
- Loss of trees, wildlife and affect the character of the area. Two neighbouring trees appear to be included in the Tree Survey.

Impact on residential amenities

- Overlooking and loss of natural light;

- Loss of privacy and excessive noise from new flats. The tranquillity of area will be lost;
- Noise during construction will be unbearable;
- Communal garden likely to increase noise levels in the area;
- The proposed communal garden being adjoining to neighbouring houses could pose a security risk. There is a lack of adequate crime prevention measures;
- Vinson Close is already overlooked by other development and the proposal would exacerbate the problem;
- The office accommodation next door will be completely overshadowed and the underground car park is at risk of flooding; and,
- Balconies will overlook surrounding houses and gardens.

Inadequate parking

- Whilst the site is close to High Street with good transport links, the residents rely on cars;
- Inadequate parking spaces to accommodate the proposal and it is already difficult to park in the area as the site is close to the High Street;
- Residents from the other apartment block on the road already have inadequate parking so are forced to park on the street;
- Many commuters travel by public transport and still have multiple cars per household; Bromley is not well served by public transport; and,
- The proposal is likely for elderly residents and Blue Badge spaces should be provided.

Impact on traffic

- Already increased level and flow of traffic due to other recent developments;
- Further risk and danger due to the increase in the number of vehicles down the road due to this development;
- Increased pollution from more vehicles;
- Likely to be more deliveries and refuse collections will be introduced that the road cannot cope with;
- Site is on a corner - increased cars and pedestrians at the junction would be dangerous;
- Drivers use Knoll Rise as a short cut so there is always through-traffic;
- Emergency vehicles struggle to drive down Knoll Rise; and,
- The road is a hill which is not suited to the flow of traffic.

Adverse impact on local infrastructure

- Inadequate schools places and GPs; and,
- There many recent developments in the local area which already out severe strain on local infrastructure.

Comments from Consultees

Secure by Design:

Should this application proceed, it should be able to achieve the security requirements of Secured by Design with the guidance of Secured by Design officers and the New Homes 2016 guidance document, and it is therefore request a Secured by Design condition be attached.

Thames Water:

- Waste comment

The site is located within 15 metres of a strategic sewer. Details of piling method statement should be and secured by a planning condition in consultation with Thames Water. Development should minimise ground water discharge into public sewer A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses. With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

- Water comment

Thames Water does not permit building over or construction within 3 metres of water mains. Any significant works near the mains (within 3m) should not reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-nearor-diverting-our-pipes>

No objection regarding to water network infrastructure capacity . Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. The site is located within 15m of our underground water assets and an informative relates to 'working near our assets' should be attached.

Environmental Health Pollution Officer:

No objection is raised to the proposed development. A Construction management plan should be secured by a planning condition.

Drainage Engineer:

The Surface Water Management Strategy Report indicates that adequate measures would be provided to restrict the flow to 2l/s and this is considered acceptable. A planning condition requiring development to be implemented in accordance with the plan should be secured by a planning condition.

Highways:

It is noted that the previous outline application was dismissed at appeal in October 2018 (ref : 18/00006).

- Access

The existing vehicular accesses on Knoll Rise will be closed and a new access would be created at the northern end of the site via Vinson Close. The visibility splays of 2.4 m x 43m will be provided in both directions together with 2m x 2m pedestrian visibility splays at the back edge of the Vinson Close footway.

- Parking

Bromley Local Plan Policy 30 requires a minimum of 30 spaces and a maximum of 43 spaces to be provided. Whilst there is a shortfall of 9 parking spaces, the site has a high PTAL (6a) and it would be difficult to sustain a ground to object to the proposal. A car park management plan should be secured by planning condition.

A Transport Statement has been submitted with the application. Parking stress surveys have been carried out along the lines of the Lambeth methodology. There were 3 surveys carried, 1 during the evening between 6 -9pm on a weekday and two between 12.30am to 5.30am weekday in September 2017. The evening survey showed the highest parking stress as shown in the table below. The survey showed that there are enough spaces to take up the shortfall in parking provision overnight but the surveys do not cover the daytime situation so that is indeterminable.

	Tuesday 01.15am	Tuesday 6pm – 9pm (max stress during period)	Wednesday 02.00am
CPZ (available spaces)	74% (12)	79% (10)	79% (10)
Restricted parking (pay & display bays) (available spaces)	24% (22)	97% (1)	14% (25)
Single yellow lines (available spaces)	11% (106)	19% (87)	9% (98)

The new access would require the removal of 2 shared use / pay & display bays and the applicant should make a financial contribution of £27,960, 2 years free car

club membership and a minimum of 20 free hours driving should be secured by a S106 legal agreement.

Transport for London:

The site is located approximately 225m from the A232 Station Road, which forms part of the Strategic Road Network (SRN). TfL has a duty under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on the SRN.

The level of parking provision is considered to be excessive as the site has a PTAL of 6a and is located approximately 12 minute walk from Orpington Station with good access to local bus services on High Street. Draft London Plan Policy T6.1 would expect the development to be car free and a restriction on future occupiers from applying for any on-street parking permits should be secured via a Section 106 agreement.

The proposed number of cycle parking spaces is compliant with draft London Plan Policy. The design should comply with cycle parking standards set out in Chapter 8 of the London Cycle Design Standards. Details of proposed construction access arrangement should be provided to TFL to confirm impacts on the surrounding transport network and these will require approval from TfL. The proposal is subject to London-wide CIL which is £ 60/sq.m.

Policy Context

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

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

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

The Bromley Local Plan is adopted in January 2019. The Mayor's of London is preparing a draft London Plan and is subject to modifications at present. The development plan for Bromley comprises the Bromley Local Plan (2019) and the London Plan (March 2016). The NPPF does not change the legal status of the draft London Plan.

London Plan (2016)

- 2.6 Outer London: vision and strategy
- 2.14 Areas for regeneration
- 3.1 Ensuring equal life chances for all
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people play and informal recreation facilities
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.12 Negotiating affordable housing
- 3.16 Protection and enhancement of social facilities
- 3.17 Health and social care facilities
- 3.18 Education facilities
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.0 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green roofs and development site environs
- 5.12 Flood Risk Management
- 5.13 Sustainable drainage
- 5.21 Contaminated Land
- 6.3 Assessing effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public realm
- 7.6 Architecture
- 7.19 Biodiversity and access to nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

The Mayors Housing SPG (2015)
Homes for Londoners SPG (2017)

Draft London Plan (2019)

- Policy D1 London's form and characteristics
- Policy D2 Delivering good design
- Policy D3 Inclusive Design
- Policy D5 Accessible housing

PolicyD6 Optimising housing density
Policy D10 Safety, security and resilience to emergency
Policy D12 Agent of Change
Policy D13 noise
Policy H1 Increasing housing supply
Policy H5 Delivering affordable housing
Policy H6 Threshold approach to applications
Policy H7 Affordable housing tenure
Policy H8 Monitoring of affordable housing
Policy H12 Housing size mix
Policy G5 Urban greening
Policy G6 Biodiversity and access to nature
Policy G7 Trees and woodlands
Policy SI 1 Improving air quality
Policy SI 2 minimising greenhouse gas emissions
Policy SI 3 Energy infrastructure
Policy SI 8 Waste capacity and net waste self- sufficiency
Policy SI 13 Sustainable drainage
Policy T4 Assessing and mitigating transport impacts
Policy T5 Cycling
Policy T6 Car parking
Policy M1 Monitoring

Bromley Local Plan (2019)

Policy 1 - Housing Supply
Policy 2 - Provision of Affordable Housing
Policy 4 - Housing Design
Policy 8 - Side Space
Policy 30 - Parking
Policy 31 - Relieving Congestion
Policy 32 - Road Safety
Policy 33 - Access for All
Policy 34 - Highway Infrastructure Provision
Policy 37 - General Design of Development
Policy 113 - Waste Management in new Development
Policy 115 - Reducing Flood Risk
Policy 116 - Sustainable Urban Drainage Systems
Policy 119 - Noise Pollution
Policy 120 - Air Quality
Policy 122 - Light Pollution
Policy 123 - Sustainable Design and Construction
Policy 124 - Carbon Dioxide Reduction, Decentralised Energy Networks and renewable energy

Planning Obligations SPD
Affordable Housing SPD

Planning History

- 86/03032/OUT – Refused

Outline planning permission for the demolition of three dwellings and construction of two storey housing for the elderly warden accommodation with 17 parking spaces

- 18/00006/OUT – refused on 25th April 2018 and subsequent appeal dismissed on the 21st October 2018

Proposed outline development in respect of access, appearance, layout and scale for the demolition of 14-20 Knoll Rise and the erection of a part three, part four and part five-storey building to contain 58 flats with associated parking, access and amenity areas. The Council's reasons of refusal were:

1. The development, as proposed, would result in a cramped overdevelopment of the site, out of character with, overly prominent and harmful to the visual amenities of the area and suburban character of the wider locale which this site is considered to contribute positively to as a result of its size, scale and massing contrary to Policies BE1 and H7 of the Unitary Development Plan, policies 4 and 37 of the Draft Local Plan and policies 3.4 and Table 3.2, 7.4 and 7.15 of the London Plan and the Mayor's Housing SPG.

2. The proposed development fails to provide a satisfactory standard of living accommodation for future occupiers by virtue of the substandard layout of internal communal space, extent of north facing single aspect units, poor outlook from habitable rooms, transient pedestrian and vehicular movements within close proximity to amenity and habitable areas and loss of privacy as a result of the access, height and location of the raised deck area contrary to Policies BE1 and H7 of the Unitary Development Plan, policies 4 and 37 of the Draft Local Plan and policies 7.4 and 7.15 of the London Plan and the Mayor's Housing SPG.

3. By virtue of the size, scale, massing and layout of external amenity areas the proposed development will result in an oppressive and harmful impact in respect of neighbouring owner/occupiers by reason of a loss of privacy and outlook and as a result of insufficient information to the contrary, would result in a harmful impact by way of noise and disturbance due to transient pedestrian and vehicular movements contrary to policy BE1 and H8 of the Unitary Development Plan and Policy 27 of the Draft Local Plan and policies 7.4 and 7.6 of the London Plan and the Mayor's Housing SPG.

4. Insufficient information has been provided as part of the application in the form of bat emergence surveys and measures to safeguard reptiles to properly assess the potential impacts of the scheme upon the protected species which, due to the demolition of existing buildings and the intensification of the site, may result in a prejudicial impact upon bats and reptiles contrary to Policies NE5 of the Unitary Development Plan, Policy 72 of the Draft Local Plan and Policy 7.19 of the London Plan.

5. The proposal, by reason of the insufficient information provided in the traffic statement, vehicular access from Vincent Close and service and delivery vehicles

which use this road, loss of on-street parking bays and insufficient on site car parking, would result in prejudicial impact on road safety for road users and pedestrians and additional pressure on the provision of on-street car parking in the area, contrary to Policy T18 of the Unitary Development Plan and Policy 32 of the Draft Local Plan.

6. The development will result in the loss of important suburban family housing at this location this being an essential characteristic of the residential form of the area contrary to Policies BE1 and H7 of the Unitary Development Plan, policies 4 and 37 of the Draft Local Plan 3 and 7.4 of the London Plan.

7. The development will result in the loss of important back garden at this location this being an essential characteristic of the area contrary to Policies BE1 and H7 of the Unitary Development Plan, policies 4 and 37 of the Draft Local Plan and 3.5 and 7.4 of the London Plan.

The subsequent planning appeal was dismissed for the following reasons:

1. Character and appearance – (Council's refusal reason was endorsed)

The scale of the proposal (both footprint and height) would cover a significantly greater proportion of the site than the existing suburban family dwellings. The elevational treatment and recessed sections attempts to break up the building. However this would not mitigate the overall massing and width and the unbroken consistent roadside frontage on both Knoll Rise and Vinson Close. New development would need to have regard to the prevalent characteristic of the area. In this case, the proportions of the building would fail to have regard to the existing pattern and grain of spaces and gardens. The proposal would have a harmful effect upon the character and appearance of the area.

2. Living conditions for the future occupiers - (Council's refusal reason was endorsed)

Bedroom windows associated with Units 12, 26 and 39 would be provided with an inadequate outlook and availability of light. Each core should be accessible to generally no more than 8 units and developments should minimise the number of single aspect units and avoid family north facing units. The communal amenity deck (associated to Unit 1, 2, and 3) would be raised 3 metres higher than the private amenity areas and would result in loss of privacy. These areas would be bounded by tall structures to 3 sides which further limit their usefulness. Unit 12, 13 and 14 would experience loss of privacy and poor outlook due to the close proximity to the communal space.

3. Living conditions of the neighbouring properties - (Council's refusal reason was partially endorsed)

Communal gardens that would serve all 58 units would create more noise than a domestic garden, particularly during pleasant weather conditions. The proposed communal garden would be highly likely to lead to undue noise and disturbance to the neighbouring peaceful enjoyment of their gardens. Whilst the proposed building

would not result in loss of light , the proposed building would be a tall dominant and oppressive structure and would appear as an overbearing, unduly harmful development and would compromise the outlook of the neighbouring properties.

The vehicle and pedestrian movements associated to the underground car park would not have an unacceptable effect upon the living conditions of the neighbouring occupiers at 22 Knoll Rise and 1 Vinson Close. The proposed rear balconies would be set a sufficient distance away and a privacy screen would mitigate any overlooking to the sides.

4. Highways - (Council's refusal reason was not endorsed)

The parking provision (29 spaces - 0.5space per dwelling) was considered acceptable as the site has good accessibility by public transport (PTAL6). The parking stress surveys indicated that the evening has the highest parking stress and there were sufficient spaces to take up the shortfall in parking provision overnight. There was a lack of daytime survey. However, it was generally accepted that parking demand during the day would be lower than in the evenings and at night. Servicing, delivery and waste collection arrangements were considered acceptable. The existing vehicular accesses on Knoll Rise can be stopped up. The residual cumulative impacts on the road network were therefore not considered to be severe. 2 on-street parking spaces would be lost. The loss of revenue and provision of a car club can be secured by S106 agreement.

5. Protected species and loss of gardens - (Council's refusal reason was not endorsed)

Mitigation measures are proposed to protect and manage the impact on biodiversity and this could be the subject of a planning condition, should planning permission be recommended for approval. Based on the finding of the special ecological survey, the proposal was not considered to have an adverse effect on the protected species.

Considerations

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

- Land Use
- Housing
- Standard of residential accommodation
- Scale, Massing and Layout
- Highways
- Neighbouring amenity
- Sustainability
- Trees
- Other
- CIL
- S106

Land Use

The National Planning Policy Framework (NPPF) states in Paragraph 11 that there is 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. NPPF Paragraph 117 requires planning policies and decision to promote an effective use of land in meeting the need for homes while safeguarding and improving the environment and ensuring safe and healthy living conditions.

The London Plan Policy 3.3 requires the Borough to make provision for at least 641 additional dwelling completions per year 2015-2025. Bromley Local Plan Policy 1 seeks to meet the minimum required housing supply target and make the most efficient use of land. The current proposal could represent a good contribution to the Council's required Housing Land Supply in a location adjacent to Orpington Town Centre.

As existing residential land, an increased density and housing provision could make a valuable contribution to the Boroughs housing supply. However, it is necessary to demonstrate that an appropriate density can be achieved having regard to the context of the surroundings, standard of accommodation to be provided and detailed design considerations.

The site is not designated or an allocated site for any uses. The site is not within or near to a designated sensitive area such as conservation areas or sites of specific nature importance. There are no statutory listed buildings in the vicinity. Furthermore, the site is situated within an accessible, residential area bounded on three sides by a mixture of residential properties and is currently in residential use.

The principle of the redevelopment of the site for a higher density of housing and additional housing provision is therefore supported in principle subject to an assessment of all other matters.

Housing

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 Chapter 7 and with public transport capacity. Table 3.2 (Sustainable residential quality) suggests residential density ranges related to a site's setting and public transport accessibility (PTAL). The setting of the site is considered to be 'suburban'. The suggested density range with a PTAL rating of 6a is between 200 - 350 habitable room per hectare (hr/ha).

This site is located on the northern side of Knoll Rise and the western side of Vinson Close and is markedly suburban in character and appearance. The buildings on these residential roads are low in density, low in building height and scale containing single or 2 storey dwellings that generally benefit from long rear

gardens which is distinctively different to the buildings located on the eastern side of Vinson Close. This view was supported by the Planning Inspectorate and paragraph 7 of the previous appeal decision states *“The site is markedly suburban in character and appearance....This suburban area has a pleasant, spacious and leafy residential character”*.

The proposed residential density would be 382 hr/ha and would be above the recommended density range. Whilst the proposed density would be reduced when compared with the last dismissed scheme, it should be noted that the density of the existing site/dwelling is approximately 91 HR/HA. The proposed density would represent a significant change in terms of local density context and a highly noticeable degree of over-development at this suburban site. The proposal would not be compatible with the existing residential development on Knoll Rise and Vinson Close, to which the site adjoins.

Paragraph 3.28 of the London Plan states: *“a rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. It is not appropriate to apply Table 3.2 mechanistically”*. Paragraph 1.3.8 of the Housing SPG (March 2016) provides further guidance on applying the density matrix which states that Table 3.2 should be used as a starting point and guide rather than operate as an absolute rule. This is in order to take proper account of their objectives and local context. Paragraph 1.3.9 of the Housing SPG also states that proper weight should be given to the range of relevant qualitative concerns set out in Policy 3.5 and relevant policies in Chapter 7 of the London Plan.

The proposed development density would sit well above the London Plan density ranges however this is not necessarily determinative given the location on the edge of the town centre. Policy 3.4 is clear that in optimising housing potential, developments should take account of local context and character, design principles and public transport capacity. Whilst the principle of the redevelopment of the site for a higher density of housing and additional housing provision may be supported in principle subject to an assessment of all other matters, Officers are concerned as to the extent of the development proposed and the impacts of this upon the residential suburban character of the area. Officers consider the site to be located within an area where the predominant land use is of low scale residential properties, predominantly single and two storey in nature, however the proximity of the site to the High Street is acknowledged. The properties along Knoll Rise benefit from considerably sized rear amenity areas of uniform plot sizes, with those opposite the site being of a low scale residential appearance. The site itself, given the surrounding land form, relates more to the residential setting than the Town Centre uses and therefore would be more successful as a lower density residential development.

Whilst matters of scale and design are to be discussed further within the report, it is not considered that the site would be suitable for such a high density scheme as that proposed within this application and consideration should be given to the locality which is predominantly suburban and spacious in character.

Residential Mix

London Plan policy requires new housing development to offer a range of housing choices in terms of the mix of housing sizes and types taking into account the housing requirements of different groups. Policies within the Bromley Local Plan do not set a prescriptive breakdown in terms of unit sizes however the priority in the London Plan is for the provision of affordable family housing, generally defined as having three or more bedrooms. The size of the site and location in a predominantly suburban setting however close to the town centre would respond well to the provision of 1 and 2 bedroom flats as is the majority provision however consideration should also be given to the loss of the family houses. In response to this, the applicant has provided four 3 bed units. The three bedroom properties should ideally be provided with a private garden and would be more preferable to be located within the 3 storey block adjacent to No. 1 Vincent close and 22 Knoll Rise where private front and/or rear gardens would be provided for the ground floor units. The proposed family units would be located within the 4 storey buildings and will have access to the proposed communal gardens. On balance, it is considered that sufficient doorstep play can be provided.

Affordable Housing

Affordable housing will be sought on sites capable of providing 11 dwellings or more (Bromley Local Plan Policy 2). London Plan Policy 3.8 states that Londoner's should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments. Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought on schemes having regard to current and future requirements at local and regional levels and the London Plan's target of an average of at least 17,000 more affordable homes per year in London. Development proposals are required to create mixed and balanced communities with the size and type of affordable housing being determined by the specific circumstances of individual sites. In order to give impetus to a strong and diverse intermediate housing sector, 60% of the affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale. Priority should be accorded to provision of affordable family housing.

The development is considered liable for the provision of affordable housing on site and a minimum of 35% affordable housing by habitable room achieving a split of 60% rent and 40% intermediate units would be required.

The proposal would provide 15 affordable housing units (comprising 3x 1b bed and 6 x 2bed rented units; 3 x 1 bed and 3 x 2 bed intermediate units) achieving 35.8% by habitable room and a split of 61.5% rent and 38.5% intermediate units would be provided. The split in tenure in favour of affordable rent which is considered acceptable for the size of the development being provided and reflecting upon local need.

Wheelchair units

The Minor Alterations at paragraph 3.48 state that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. As set out in approved document part M of the Building Regulations - Volume 1: Dwellings, to comply with requirement M4 (2), step free access must be provided. Generally this will require a lift where a dwelling is accessed above or below the entrance storey.

In accordance with the Technical Housing Standards, the minimum gross internal areas specified for new dwellings will not be adequate for wheelchair housing (Category 3 homes in Part M), where additional area is required to accommodate increased circulation and functionality to meet the needs of wheelchair users.

The proposed units all comply with the space standards set out in the Technical Housing Standards and will have an internal area in comply and excess of the minimum floor space standards.

Five wheelchair units would be provided and these units would be located within the ground floor which equates to 12% provision of wheelchair accessible properties and deemed acceptable. Among the proposed wheelchair units, 3 units would comply with M4 (3) and 2 units would comply with the design requirements set out in the South East London Housing Partnership Wheelchair Homes Design Guidelines. Should Members consider the level of such provision acceptable, these provisions should be secured by way of a Legal Agreement.

The proposed ground floor plan indicates that the access to be parking spaces would be step free from the proposed wheelchair units. Overall, it is considered that an inclusive environment can be achieved.

Standard of Residential Accommodation

Policy 3.5 of the London Plan sets out the Mayor's aspirations for the quality and design of housing developments. Part 2 of the Mayor's Housing SPG sets out guidance in respect of the standards required for all new residential accommodation to supplement London Plan policies setting out baseline and good practice standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including cycle storage facilities) as well as core and access arrangements.

Internal floor area

The technical housing standard – Nationally described space standard sets out the requirements for new residential development. The minimum requirements are outline below;

- 1bed/2 person requires 50sq.m
- 2bed/3 person requires 61sq.m

- 2bed/4 person requires 70sq.m
- 3bed/4 person requires 74sq.m

The Mayor's Housing SPG, which was updated in March 2016 sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out baseline and good practice standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including cycle storage facilities) as well as core and access arrangements.

The proposal would comply with the policy's requirement and would provide adequate internal living space for the future occupiers. However, the proposal is subject to the following qualitative assessment which is outlined in the following sections.

Floor to ceiling heights

Standard 31 of the London Housing SPG states that "A minimum ceiling height of 2.5 metres for at least 75% of the gross internal area is strongly encouraged". All proposed homes meet the minimum National Described Space Standard and would be provided with bedrooms and dedicated storage areas, which meet the minimum requirements.

Section drawings indicating the floor to ceiling height of the proposed car park are provided. However, there are no details to confirm the residential accommodation would comply with this requirement. As such, this part of the proposal cannot be fully assessed.

Private outdoor space

Standard 26 and 27 of the Housing SPD states a minimum of 5sq.m private outdoor space should be provided for a 1 to 2 person dwelling and an extra 1sq.m should be provided for each additional occupant. The minimum depth and width for all balconies should be 1500mm.

Private outdoor/open space is highly valued and should be provided in all new housing developments. The minimum private spaces have been set in the same way as the internal space standards by the Mayor of London. The site is located within a sub-urban location and there is no compelling reason to provide new accommodation below the minimum requirement.

Unit B1, B2 and 11 would not be provided with a private balcony or terrace. It should be noted that Unit 1 and B2 are two bedroom units and could accommodate a small family. Furthermore, the size of the proposed balcony for Unit 10, 12, 18, 26, B3 and B4 would be 1sq.m below the minimum requirement. Whilst the deficiency is relatively marginal in floor area, new housing development should be designed to ensure adequate private outdoor space can be provided for the future occupiers. As such, it is considered that the proposal would fail to demonstrate

adequate private outdoor spaces can be provided for all future occupiers and such deficiency would represent a degree of over-intensive development at this site.

Child play area

The Mayor of London's 'Shaping neighbourhoods: Play and informal recreation' SPG sets a benchmark standard of a minimum of 10sq.m of child plays space per child for new development. Based on the mayor's SPG and the child yield calculator, a minimum of 10sq.m for 1 child would be required.

Based on the expected child occupancy of the development, the London Plan requires a minimum 93 square metres of play space for the development. Whilst a dedicated child play area is not indicated, a communal garden area measuring 630sq.m would be provided. It is considered that these details could be secured by a planning condition and adequate child play area would be provided.

(Access to the proposed communal garden)

The proposed communal garden access arrangement for Unit A1, A2, A3, A4, A5 and A6 is not ideal within a direct access connected to the communal outdoor space. The access to the communal garden would be via a basement car park or via a street level access which is located approximately 74 metres away via Knoll Rise. It is considered that the proposed layout and absence of a direct access to the proposed communal space would not be acceptable.

Dual aspect and privacy

Standard 29 of the London Housing SPG states that "Single aspect dwellings that are north facing or exposed to noise level which contained 3 or more bedrooms should be avoided".

Standard 28 of the London Housing SPG states that "Design proposal should demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring property, the street and other public spaces".

There are no single aspect family units proposed which represents an improvement in quality when compared with the last scheme. However, there are 5 single aspect units and these would be located on the ground floor including 3 wheelchair units. The bedroom window of Unit A1 and living room window of Unit A2 would be positioned approximately 5.4 metres from the opposite wall/fence and would be below the communal garden level. It should be noted that the proposed communal garden would be approximately 3 metres elevated against the ground level of Vinson Close. As such, it is considered that the proposal would fail to provide adequate outlook for these units.

The bedroom and living room windows of Units 12 would be positioned 5.4 metres from the proposed communal garden. However, it should be noted that the bedroom window would be adjacent to a communal path leading to the proposed communal garden. It is noted that a privacy screen or planting could be used to manage privacy issues. Due to its siting and layout, it is considered that the

proposal would fail to provide adequate privacy for the future occupiers. The bedroom windows of Unit 11 would be positioned 3.3 metres to the proposed communal garden. The Living room windows of Unit 11 would be set at an angle and also adjacent to a communal path leading to the proposed communal garden. Due to its close proximity and proposed layout, it is considered that adequate privacy cannot be achieved.

The living room window of Unit 10 is also located 3.3 metres away from the proposed communal garden and adjacent to a communal path leading to the proposed communal garden. Bedroom 1 of Unit B1 and B2 would also be located in close proximity to the proposed communal garden.

Overall, it is considered that the proposed layout would fail to ensure that adequate privacy, private outdoor space, and outlook can be provided and achieved. The proposal would fail to provide a good quality living environment and the deficiency identified above including the proposed density level would represent a cramped and an over-intensive development at this sub-urban location.

Scale, Massing and Layout

Chapter 12 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities (paragraph 124).

London Plan policy 3.5 “Quality and design of housing developments” states that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment.

London Plan policy 7.4 “Local character” requires development to have regard to the form, function and structure of an area, and the scale, mass and orientation of surrounding buildings. Development should build on the positive elements that contribute to establishing an enhanced character for the future function of the area. Five assessment criteria are provided:-

- a. has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass;
- b. contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area;
- c. is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings;
- d. allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and,
- e. is informed by the surrounding historic environment.

Policy 7.6 states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape and should incorporate the highest quality materials and design appropriate to its context.

Bromley Local Plan Policy 4 requires all new housing developments to achieve a high standard of design and layout whilst enhancing the quality of local places. Proposal will need to respect local character, spatial standards, physical context and density. Supporting text 2.1.54 states within the Borough there are many diverse and attractive housing areas. In the context of Government policy it is the Council's view that their individual characteristics and quality should be adequately protected.

This is an outline planning application with access, layout and scale matters to be considered. The landscaping and appearance matters are reserved to be considered at a later stage.

The following are the key changes proposed in this revised application:

- A reduction of residential units from 58 to 41 units and parking spaces from 29 to 21 spaces.
- Vehicular access on Vinson Close would be sited away from 1 Vinson Close;
- A reduction of building height from a maximum of 5 to 4 storey and accommodation would be provided in 3 buildings instead of a single building to reflect the neighbouring properties;
- Each building core would not be more than 8 units and single aspect north facing unit removed;
- Size of communal garden increased from 530 to 670sqm and is designed to provide good living environment for the future occupiers and maintain neighbours amenities;
- Rear balconies removed; and,
- Relocation of waste and cycle storage area and changes of external materials.

The conditions of the site and character of the surrounding area have not changed since planning permission was refused in April 2018. The site is located within a suburban area and is adjoining to domestic houses to the west on Knoll Rise and houses to the north on Vinson Close. The site is surrounded by low level residential dwellings to the north, west and south and directly faces a two storey office block to the east. The site forms part of the surrounding distinctive residential character. Officers consider that Vinson Close provides a clear delineation between the higher rise and commercial properties to the east which are more akin to the town centre and the suburban, low rise, low density residential development to the west which it is considered this site forms part of.

Officers note that there is a variation of building height and design on Knoll Rise, However, it should be noted that there is an established pattern of development and a number of shared characteristics within this suburban area. The houses in the area are designed and constructed to reflect the topography of Knoll Rise and the ridge lines of the houses drop down from west to east. The residential buildings along Knoll Rise and Vinson Close are mainly single to 2 storey in height and are spaced out with a good spatial distance between the building and its boundaries.

The proposed three storey and four storey residential blocks within this location is considered inappropriate and out of scale with the surrounding land form, despite the reduction in height and the visual breaks introduced between the proposed buildings. The scale and quantum of the proposal and the removal of the mature high level

vegetation which currently exists along the Vinson Close boundary and placement of parking area within an undercroft to the rear of buildings with amenity space on top is considered an overdevelopment of the plot.

Officers do not consider that the scale, massing and layout of this revised proposal would adequately reflect the prevailing urban grain and spacious qualities of the surrounding residential use. The proposed three storey building located adjacent to 22 Knoll Rise measures 11 metres in width and 14 metres in length. Whilst the proposed building would be located 1.4 metres from 22 Knoll Rise and would be 0.4 metres greater than the existing, it should be noted that the existing building is a bungalow measuring 6.2 metres in height. The proposed buildings would be three storeys with a maximum height measuring 8.5 metres. Furthermore, it should also be noted that the shoulder height of the refused scheme measures 7 metres from the ground level. There is a higher standard of side space separation already existing along the same section of Knoll Rise. As such, it is considered that the proposed three storey building would not appear to sit comfortably with the neighbouring properties and would present a poor spatial relationship with a cramped appearance.

The proposed four storey building would measure 27 metres in width along Knoll Rise and 30.8 metres in depth along Vinson Close. The scale of this proposal would remain significantly greater than the prevailing development in this suburban area. The proposed floor plans and elevation plans indicate that there is a stagger of building lines and different materials would be used aiming to break down the massing of the proposed building. However, the recessed walls would be limited in size. The visual impact of this proposal would remain significant at this prominent junction.

The corner setting of the existing site is open and spacious which is as a result of the undeveloped nature of the rear amenity space of number 14 Knoll Rise. The location of the amenity area with the mature planting along the boundary allows for a sense of relief within the built form and contributes positively to the residential layout of the area and vista when viewed from Vinson Close. The trees along this boundary delineate the clear change in character from Orpington Town Centre to the residential setting to the west and as such their removal would be conspicuous within the suburban setting. The encroachment of the building form along this elevation, despite conforming with the building lines of the existing dwellings and providing ample set-back from the highway, would erode the open nature of the plot and would provide a form of development that would appear unduly prominent. Further to this, the layout of the building wrapping around the plot creating a dual principle elevation of a height and massing out of scale and context with the surrounding suburban form which the site is considered to contribute to would not result in an appropriate transition between the site itself and the town centre to the east. However, the heights of the proposed buildings fail to fully take into account the topography of the site. The overall scale and massing of the development is further exacerbated by the proposed terraces at the roof level.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be

prevented or refused on transport grounds where the residual cumulative impacts of development are severe. London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan are used as a basis for assessment.

Access

The existing vehicles access to the houses would be removed. A new vehicle access via Vinson Close leading to the car parking area would be created. Two existing on-street parking spaces would be removed to facilitate this new access. The minimum headroom in an underground car park is 2.3m. A section confirming the head height of the basement car park is provided. The Council's Highway officers have raised no objection to the proposed access as adequate sight lines and car park head room would be provided. The loss of parking revenue should be secured by a S106 Legal Agreement.

Parking provision

The application proposes 21 car parking spaces which would equate to a shortfall of 9 spaces as per the requirements within the Bromley Local Plan. Whilst this may be considered insufficient it compares with other nearby schemes including Brunswick Square 0.55 spaces per unit, Berwick Way 0.23 spaces per unit and the refused scheme at Homefield Rise, 0.72 spaces per unit and therefore given the proximity of the site to the High Street and the high PTAL rating, the parking is therefore acceptable.

A Transport Statement has been submitted with the application. Parking stress surveys have been carried out along the lines of the Lambeth methodology. There were 3 surveys carried out, 2 during the night and one between 6 -9pm on a weekday in September 2017. The evening survey showed the highest parking stress as shown in the table below. The survey showed that there are enough spaces to take up the shortfall in parking provision overnight but the surveys do not cover the daytime situation so that is indeterminable.

	Tuesday 01.15am	Tuesday 6pm – 9pm (max stress during period)	Wednesday 02.00am
CPZ (available spaces)	74% (12)	79% (10)	79% (10)
Restricted parking (pay & display bays) (available spaces)	24% (22)	97% (1)	14% (25)
Single yellow lines (available spaces)	11% (106)	19% (87)	9% (98)

It is considered unlikely that the number of trips will significantly impact on the road network. It should be noted that the number of proposed units has been reduced from 58 units to 41 units.

The proposed parking ratio is 0.5 spaces per dwelling which is identical to the last dismissed scheme. Officers note that the site is located on a residential road and the Borough has a high dependence on private motoring, it should be noted that the site is located near to the edge of Orpington Town Centre and has a relatively good accessibility by public transport when compared with other parts of the Borough. Given the proposed parking ratio is identical to the previous scheme and the finding concluded by the planning inspectorate (Paragraph 39 of the planning appeal statement), it is considered that the proposal would not result in an unacceptable impact on highway safety. The residual cumulative impacts on the road network would not be severe.

Within the transport assessment it states that residents are not to be eligible for parking permits and will be offered membership of a car club which may alleviate some of the shortfall in parking spaces. Should permission be forthcoming, this would be secured via the section 106 agreement. Cycle storage is considered to be adequate.

There is no indication how the spaces will be allocated, they should not be charged for and a Car Park Management condition is requested should permission be forthcoming which would cover this.

There is currently a low level wall on the corner of Knoll Rise and Vinson Close. Any new boundary treatment should not reduce the sightline below the 43m given in Manual for Streets. A sight line condition is requested by the Highways Officer and a further boundary condition would be added to ensure this is complied with should permission be forthcoming. It is noted that landscaping is a reserved matter and details as to the planting specifications for the boundary planting will be secured via a reserved matters application.

No objections are raised from Transport for London however further details relating to a construction management plan should be secured by a planning condition and in consultation with TfL.

Neighbouring amenity

Bromley Local Plan Policy 2 seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

Noise

The properties most impacted as a result of the proposed development are the dwellings at 22 Knoll Rise and Vinson Close, which are those which directly adjoin the site.

The proposed landscaped communal garden would be located immediately adjacent to the neighbouring properties. The communal garden would serve all 41 units and would result in more noise than a domestic garden, particularly during pleasant weather conditions. Due to its close proximity to the neighbouring properties, it is considered that the proposal would lead to undue noise and disturbance that would be harmful to the occupants' living conditions and their peaceful enjoyment of their gardens. This view was supported by the Planning Inspectorate and formed part of the reason to dismiss the last scheme (para 26 of the Inspectorate report).

Officers consider that the level of traffic and pedestrian activity would also have an adverse impact upon neighbouring residential amenity. Given that the proposed vehicle access would be sited further away from 1 Vinson Close and this view did not receive support from the planning inspectorate, officers considered the impact arising from the traffic and pedestrian movement would not warrant a reason to refuse this proposal.

Privacy and Outlook

There are no primary habitable room flank windows that would be facing the neighbouring properties at No.1 Vinson Close and 22 Knoll Rise. The rear balconies proposed in the previous scheme have been removed. As such, it is considered that the proposal would not have an adverse impact on residential amenities in terms of loss of privacy.

The proposed buildings would be 3 to 4 storeys in height with a maximum height measuring 12.8 metres. However, it should be noted that the proposed 4 storey building would measure 30.8 metres in length on Vinson Close and 27 metres on Knoll Rise. The height of the proposed three storey building adjacent to 1 Vinson Close would be increased from 8.8 metres to 9.4 metres in height. The height of the proposed three storey building adjacent to 22 Knoll Rise would be reduced from 8.8 metres to a maximum of 8.5 metres in height. Whilst the proposed accommodation would be provided within 3 buildings instead of a single block aiming to provide some visual relief and address its impact on residential amenities in terms of outlook, the overall development is of such a scale and massing that it would appear overbearing when compared with the existing conditions. The proposal would remain as an oppressive development when viewed from the adjoining neighbouring properties and the extent of the site coverage coupled with design and massing of the proposal would result in an oppressive and harmful impact upon neighbouring residential amenity.

Sunlight and daylight

A daylight/sunlight assessment has been submitted which concludes that the kitchen windows to 22 Knoll Rise and 1 Vinson Close would result in a reduction in daylight which will be noticeable to the occupants of the room. These rooms are considered not to be habitable for the purposes of assessing impact and as such Officers have no concern in this regard.

The development is sited between 18-21m from the two storey office block to the east of the site. Whilst there will be some visual impact as a result of the increase in massing from the development, this is not considered to be so detrimental to warrant a refusal of the application on these grounds. Berwick House also sits to the east of the site and has recently been converted to residential use. This building sits off-set to the proposed development, and whilst it would be perceivable from the west facing windows, Officers do not consider any harmful impacts arising in this regard.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

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.

The Applicant has provided an energy statement which is considered compliant with the London Plan Policy 5.2, 'Be Lean, Be Clean, Be Green'. On site regulated carbon dioxide emissions (Building Regs 2013 Compliant Development) equates to 36,110 tCO₂ per annum. It is proposed to reduce on site carbon emissions from energy demand/CHP/renewables to 28,714 tCO₂ per annum leaving a shortfall of 23,466 tCO₂ per annum. A payment-in-lieu amount has been calculated as £42,239 which will be secured via a section 106 agreement should permission be forthcoming.

Air Quality

Policy 7.14 of the London Plan aims to minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs) and where development is likely to be used by large numbers of those particularly vulnerable to poor air quality, such as children or older people) such as by design solutions, buffer zones or steps to promote greater use of sustainable transport modes through travel plans.

It is stated within the submitted air quality assessment that in the opening year of the proposed development (2020), concentrations of all pollutants are below the Air Quality Objectives. Therefore, onsite pollutant concentration should not be a constraint upon the development of the site. The report goes on further to state that in line with the London Plan's Sustainable Design and Construction SPG, this development can be considered to be "*Air Quality Neutral*", in terms of both plant

and transport emissions. With regards to the impacts of construction on air quality, dust and other pollutant emissions from the construction and demolition phases of the construction of the proposed development will see the site designated a “*Medium Risk Site*”. However, with risk appropriate mitigation, residual effects will not be considered significant.

No objection is raised from Environmental Health provided that a construction management plan can be secured by a planning condition.

Drainage

Policy 5.13 of the London Plan states that Development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. Drainage should be designed and implemented in ways that deliver other policy objectives of this Plan, including water use efficiency and quality, biodiversity, amenity and recreation.

The Applicant submitted a Surface Water Management report which concludes that the most viable solution to manage all of the surface water runoff discharged from the proposed development would provide sufficient on site storage to restrict the run-off rate to a maximum of 2l/s for all events including the 1 in 100 year plus climate change storm event and was found to be acceptable by the Drainage Officer.

Trees and Ecology

London Plan Policy 7.9 (Biodiversity and access to nature) states development proposal should wherever possible make a positively contribution to the protection, enhancement creation and management of biodiversity. When considering a proposal that would affect a site of recognised nature conservation interest, the proposal should avoid adverse impact to the biodiversity interest; minimised impact and seek mitigation; only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts seek appropriate compensation. This is in line with Bromley Local Plan Policies 72 and 73 which seeks to ensure protected species are protected and new development to take particular account of existing trees and landscape features on the site and adjoining land.

A total of 19 individual trees and 6 tree groups are surveyed and 4 category B trees, 17 category C trees and 4 category U trees were identified. One category B tree, 10 category C trees, 3 category C tree groups, a part of 2 further category C groups and 4 category U trees will be required to be removed. The report states that the arboricultural impact from the street is moderate as a number of boundary trees are to be retained.

As previously mentioned, there are a number of trees along the boundary with Vinson Close which contribute positively to the overall residential, verdant character of the location; the removal of which would create an exposed, urbanising impact incongruent with the suburban location which the dwellings fit within. Whilst character

impacts are of concern to Officers, the Tree Officer raises no objections to the scheme and considers the indicative landscaping proposals suitable for the site. It is noted that landscaping is a reserved matter and further details of the planting will be conditioned to be submitted at a later date. Nevertheless, the extent to which the replacement planting would mitigate the impact of the size and scale of the development is considered negligible given the constraints of the development to the site boundaries, and the removal of the mature high level trees within this location is considered unacceptable when considered in conjunction with the replacement building.

With regard to ecological impacts, it was found within the submitted ecological assessment that No.14 has several potential roost features for bats, and based on the external inspection it was assessed as having 'moderate bat roost potential'. The property at No.20 had one potential roost feature and two enclosed loft spaces. Based on the external inspection, this building was assessed as having 'low bat roost potential'. In accordance with current best practice guidance, it is recommended that an internal inspection of enclosed loft spaces is undertaken where possible and safe (i.e. No. 20 and No. 16), together with emergence surveys for buildings at No. 14 and No. 20, to determine the use of these features by bats. Bat surveys were carried out which indicate that there are no bats emerging from the building. Foraging /community active was limited to one high passing of a Common Pipstrelle. As such, it is recommended that no further action would be required. Bat and bird boxes will be included within the new building design, and wild flower seed mix (suitably sourced for the area) and native trees and shrubs used to landscape areas surrounding the buildings will also be sought within the reserved matters stage.

The ecological assessment indicates that there is a small patch of suitable habitat for reptiles at the end of the rear gardens at No 14 and 16, reasonable avoidance measures are proposed to ensure that any reptiles identified are safeguarded and this can be conditioned should permission be forthcoming. A Reptile Method Statement which outlines adequate pre-construction mitigation measures would be used prior to the commencement of construction and these could be secured by a planning condition.

It should be noted that the ecological surveys and mitigation measures were considered acceptable at the previous appeal (para 40 to 42 of the Planning Inspectorate Report). The proposed mitigation measures are therefore supported by officers and would not warrant a reason to refuse this application.

Planning Obligations

The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being

stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

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

Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests. From 5th April 2015, it is necessary to link Education, Health and similar proposals to specific projects in the Borough to ensure that pooling regulations are complied with.

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

In this instance it would be necessary for the development to mitigate its impact in terms of the following matters:-

- Health: £51,045.00;
- Education: £105,784.21;
- On-site Affordable Housing Provision(15 units);
- Carbon offsetting: £ 42,279.00
- Highways financial contributions and relevant works;
- 2 years free car club membership and 20 free driving hours per dwellings; and,
- Removal of residents parking permit right.

The scheme would also be subject to Mayoral CIL.

Conclusion

Officers consider that the re-development of this suburban site to provide a residential development of the massing proposed would be unacceptable in that it would appear out of size and scale with the surrounding low scale and density suburban residential area which the site is considered to be a part of. The application is considered an overdevelopment of the site and inappropriate in this revised format proposed.

The proposed accommodation would fail to demonstrate a good standard of living accommodation can be provided for the future occupiers with inadequate private outdoor space, privacy, outlook and access arrangement to the communal garden. Unit 1 and Unit 2 would be positioned in a close proximity to its opposite wall and would be located below the communal garden level for Unit 1 and Unit 2. No section drawing confirm has been provided to adequate floor to ceiling height can be achieved and this part of the proposal cannot be fully assessed. There is a lack of direct communal garden access provided for Unit A1, A2, A3, A4, A5 and A6 and is not considered ideal and acceptable.

The proposed communal garden area would be located close to the neighbouring properties and would have an adverse impact on the neighbours' amenities in terms of noise, nuisance and loss of privacy. The proposed residential density would also be higher than the recommended level in the London Plan.

Whilst it is recognised that the proposed development would have the potential to contribute to the supply of housing in the Borough, the size and scale of the proposed built form is considered to be oppressive and when considered cumulatively with the concerns raised regarding the standard of living environment and relationship with the neighbouring properties which would be overbearing and harmful, the development would be unacceptable overall. Accordingly it is recommended that planning permission be refused for the grounds set out below.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1. The development, as proposed, would result in a cramped overdevelopment of the site, out of character with, overly prominent and harmful to the visual amenities of the area and suburban character of the wider locale which this site is considered to contribute positively to as a result of its size, scale and massing contrary to Policies 4 and 37 of the Bromley Local Plan and Policies 3.4 and Table 3.2, 7.4 and 7.15 of the London Plan, Draft London Policies D2, D6 and the Mayor's Housing SPG.**
- 2. The proposed development fails to provide a satisfactory standard of living accommodation for future occupiers by virtue of the inadequate private outdoor spaces, communal garden access arrangement, lack of outlook, privacy contrary to Policy 4 of the Bromley Local Plan, Policies 4 and 37 of the Draft Local Plan and policies 7.4 and 7.15 of the London Plan and the Mayor's Housing SPG.**