

**Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS**

**Application No :** 19/03187/FULL1

**Ward:**  
Orpington

**Address :** 54 Station Road Orpington BR6 0SA

**Objections:** Yes

**OS Grid Ref:** E: 545610 N: 165751

**Applicant :** AC Wilgar

**Description of Development:**

Demolition of existing buildings at Nos.50-54 Station Road and erection of four storey building comprising commercial/office space at ground floor level, 6 one bedroom and 2 two bedroom flats with associated secure bin and cycle storage for commercial and residential use and landscaped amenity space

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 29

**Proposal**

It is proposed to demolish the existing buildings at Nos.50-54 Station Road, and erect a four storey building which would contain commercial/office space on the ground floor and 8 flats above (2 two bedroom and 6 one bedroom). The building would project a further 10-15m into the site than the existing buildings, and would leave a grassed amenity area at the rear. The amount of office floorspace on the site would be increased from 85sq.m. to 230sq.m.

No car parking would be provided for the development, but cycle storage is provided within the building to serve both the commercial and residential uses.

The maple tree located towards the rear of the site adjacent to the boundary with the church is protected by Tree Preservation Order 711. The tree is shown on the plans to be retained.

The application was supported by the following documents:

- Planning Statement
- Design and Access Statement
- Transport Statement
- Arboricultural Report

## **Location and Key Constraints**

This site, which measures 0.06ha, is located on the corner of Station Road and Station Approach, and is occupied by a single storey commercial building. It lies adjacent to a retail shop at No.48 Station Road to the east, and the Church of Jesus Christ of Latter-day Saints in Station Approach to the north. The rear boundary of the site abuts the rear garden of No.46 Station Road which is a semi-detached dwelling.

## **Comments from Local Residents and Groups**

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

### **Objections**

- Overdevelopment of the site
- Out of character with the surrounding area
- The contemporary design of the building is out of character with neighbouring development
- Building is too high in comparison with neighbouring development
- Lack of any parking for the development
- Detrimental to pedestrian and road safety
- Loss of light and privacy to neighbouring residential properties and rear gardens
- Overlooking of No.46 from balconies which is exacerbated by the site being at a higher level
- Noise disturbance and disruption to traffic during construction works
- Would set an undesirable precedent for high density residential developments in the area
- Proposals should include No.48 for a more comprehensive development
- Existing servicing of the commercial unit is already substandard, and the proposals do not take into account the large increase in commercial floorspace
- Concealed access to flats would be a security concern
- Overlooking of rear amenity space from ground floor office
- Substandard residential accommodation
- Building should be set back from the curtilage
- Insufficient cycle storage
- Would set an undesirable precedent for other similar developments in the area
- There are more suitable areas for business development in Orpington
- Previous refusals in 1991 for similar developments nearby.

### **Support**

- Site is ideally located next to a railway station
- Good site for starter homes
- Proposals maximise the use of space

- The development should ideally be residential only.

#### Local Groups (Knoll Residents' Association)

- Overlarge development
- Lack of on-site parking would exacerbate existing parking and traffic problems
- Overlooking of neighbouring residential properties.

Please note the above is a summary of objections received and full text is available on the Council's website.

The application has been called into committee by a Ward Councillor.

#### **Comments from Consultees**

Thames Water: The proposed development is located within 15m of a strategic sewer therefore a condition requiring a Piling Method Statement is recommended along with informatives regarding the discharge of groundwater into a public sewer and the protection of Thames Water underground water assets.

Drainage Engineer: No objections are raised.

Highways: The site has a Public Transport Accessibility Level (PTAL) of 6a and is therefore considered to have an "Excellent" level of accessibility to local public transport links. The site is close to the Orpington Town Centre Controlled Parking Zone K (CPZ) where there is limited parking available.

Policy 30 of the Bromley Local Plan requires a minimum 6 off-street parking spaces to be provided for the proposed 8 flats, but no on-site parking is provided. It seems highly unrealistic to expect prospective residents not to own cars, or to expect potential commercial tenants owning vehicles or receiving deliveries. Parking provision is already severely lacking in the area and the surrounding roads are congested. This proposal will only exacerbate an existing problem.

So many buses constantly leave the station to join the main road, so any additional vehicles to the proposed development may obstruct with the already busy traffic at station approach. Also congestion on Station Approach foot path is already a health and safety concern with the combination of illegally parked vans and taxis taking up footpath thus forcing pedestrians to walk on the road at peak times of the day. As mentioned above, this development would require a minimum of 6 parking spaces for the residents of the flats and more for the business staff cars. This would result in cars having to be parked in surrounding streets where there is already a shortage of space, particularly as the station attracts people from rural areas who are not served with adequate public transport.

Regrettably we cannot ask for parking spaces for the units and businesses as any access located at the busy junction of Station Approach and Station Road would fail road safety audit or create road safety hazards. The applicant has agreed to

the provision of a car club bay which can be positioned at Hill View Road, and on that basis, no highways objections are raised.

Trees: The maple tree protected under Tree Preservation Order (TPO) 711 is a key constraint of the development site. The arboricultural report has addressed the initial impact appraisal and supports the retention of the tree as part of the proposals. Sufficient amenity space will remain upon completion of the scheme, and pruning pressures will therefore be low and tolerable.

External landscaping will require oversight of the retained arboricultural consultant. A full method statement will be required for a development of this scale and must supply a supervision schedule. A detailed tree inspection of the maple tree would be required as part of the method statement.

Landscaping will need to incorporate satisfactory tree planting.

London & South Eastern Railway: Lack of parking would exacerbate parking and traffic issues. Parking survey is inadequate to properly assess the impact of the development. Refuse collections along Station Approach could cause disruption to traffic (summary).

## **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 National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

## **London Plan Policies**

- 3.3 Increasing Housing Supply.
- 3.4 Optimising Housing Potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions

5.3 Sustainable design and construction  
5.7 Renewable energy  
5.9 Overheating and cooling  
5.10 Urban greening  
5.11 Green roofs and development site environs  
5.12 Flood risk management  
5.13 Sustainable drainage  
5.14 Water quality and wastewater Infrastructure  
5.15 Water use and supplies  
5.16 Waste net self-sufficiency  
5.17 Waste capacity  
5.18 Construction, excavation and demolition waste  
6.5 Funding Crossrail and other strategically important transport infrastructure  
6.9 Cycling  
6.13 Parking  
7.2 An inclusive environment  
7.3 Designing out crime  
7.4 Local character  
7.6 Architecture  
7.14 Improving Air Quality  
8.2 Planning obligations  
8.3 Community infrastructure levy

### Bromley Local Plan

4 Housing Design  
8 Side Space  
30 Parking  
32 Road Safety  
37 General Design of Development  
73 Development and Trees

### Supplementary Planning Guidance

Major's Housing SPG  
National Planning Policy Framework (NPPF)

### **Planning History**

There is no relevant planning history relating to the application site.

### **Considerations**

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

- Principle
- Density
- Design
- Standard of residential accommodation
- Highways

- Neighbouring amenity
- Sustainability
- Trees
- CIL

### Principle

A planning appeal decision was issued on 26th June 2019 that has implications for the assessment of planning applications involving the provision of housing. The appeal at Land to the rear of the former Dylon International Premises, Station Approach Lower Sydenham SE26 5BQ was allowed. The Inspector concluded that the Local Planning Authority cannot support the submission that it can demonstrate a five year housing land supply having given his view on the deliverability of some Local Plan allocations and large outline planning permissions. According to paragraph 11d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'.

In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This application includes the provision of 8 dwelling units, which would represent a moderate contribution to the supply of housing within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.

The amount of office floorspace on the site would increase from 85sq.m. to 230sq.m., and the proposals would not therefore result in the loss of employment generating space.

The provision of a mixed-use development comprising office and residential accommodation is considered acceptable in principle on this commercial site close to Orpington Railway Station. However, the proposals also need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area, and the impact on residential amenity and pressure for parking in surrounding roads.

### Density

With regard to the density of the proposed development, Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan gives an indicative level of

density for new housing developments. In this instance, the proposal represents a density of 133 dwellings per hectare with the table giving a suggested level of between 70-130 dwellings per hectare in suburban areas with a 6 PTAL location. The proposals would therefore result in an intensity of use of the site that would be slightly above the thresholds in the London Plan.

## Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

London Plan and BLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

This four storey building is of a contemporary design and would have a staggered appearance with terraces and balconies serving the upper floor flats. The new building would be significantly larger than the existing flat roofed single storey buildings on the site, and would cover a much larger footprint over the site. It would be higher than the surrounding buildings, and would appear as an overdominant and conspicuous form of development on this prominent corner site which would be out of character with the surrounding area, and contrary to Policies 4 and 37 of the Bromley Local Plan.

## Standard of residential accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

Policy 4 of the BLP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

The proposals comprise 1 two bedroom 4 person flat for which The London Plan suggests that the minimum size should be 70sq.m. in floor area, 1 two bedroom 3 person flat for which The London Plan suggests that the minimum size should be 61sq.m. in floor area, and 6 one bedroom 2 person flats for which The London Plan suggests that the minimum size should be 50sq.m. in floor area. The two bedroom 4 person flat would provide 90.5sq.m. floorspace, the two bedroom 3 person flat would provide 69sq.m. floorspace, and the one bedroom flats would provide between 50-56sq.m. floorspace, and would therefore achieve this standard.

In terms of amenity space, the development would have a small rear amenity area, and each flat would have a terrace or balcony of varying size. Whilst the terrace for the two bedroom 4 person flat on the third floor is of a good size, the two bedroom 3 person flat on the first floor has a very small balcony to serve a flat of this size. The rear amenity space is limited in size, and is unlikely to be used by residents of the flats as it would be completely overlooked by the offices on the ground floor. The lack of adequate amenity space is considered to be detrimental to the future occupants and will form a reason for refusal.

## 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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed

London Plan and BLP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.

The proposals should provide a minimum of 6 parking spaces for the residents of the flats and additional spaces for the business staff cars, however, no parking is proposed on the site, and in any case, any access located at the busy junction of Station Approach and Station Road would be too hazardous. The applicant has, however, agreed to the provision of a car club bay which can be positioned at Hill View Road, and on that basis, no highways objections are raised to the proposals.

## Neighbouring amenity

Policy 37 of the BLP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The site backs onto the side boundary of No.46 Station Road, a two storey dwelling with rooms in the roof, and the proposed development would be set at a significantly higher level than this property. The proposed four storey building would extend 10-15m closer to No.46 than the existing single storey buildings on the site, and would come to within 9m of this dwelling which would result in a significant loss of outlook from the dwelling and its rear garden, and to a lesser extent, from the neighbouring gardens in Station Road and Hillview Road.

The proposals also include a number of windows to habitable rooms and balconies that would face these properties and would result in substantial overlooking of neighbouring dwellings and rear gardens, in particular No.46 adjacent.

The proposals are therefore considered to have a significant detrimental impact on the amenities of nearby residential properties by reason of loss of light and privacy.

## 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.

## Trees

It is considered that the proposals would adequately protect the maple tree to the rear of the site which is subject to a Tree Preservation Order.

## CIL

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

## **Conclusion**

The proposal is considered to result in an overdevelopment on the site and would have a cramped and overdominant appearance on this prominent corner site which would be out of character with the surrounding area. It would also result in a significant loss of outlook and privacy to neighbouring residential properties, and would have limited amenity space to serve the new development.

The provision of 8 new dwelling units would make a moderate contribution towards meeting the Council's housing targets, but this is not considered to outweigh the significant harm previously identified.

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

**as amended by documents received on 01.10.2019 20.11.2019**  
**RECOMMENDATION: APPLICATION BE REFUSED**

**The reasons for refusal are:**

- 1 The proposal constitutes a cramped overdevelopment of this site of restricted dimensions, and would be lacking in adequate amenity space for**

future occupiers, thereby contrary to Policies 4 and 37 of the Bromley Local Plan.

- 2 The proposed building would, by reason of its size, height, bulk and close proximity to the site boundaries, have a cramped and overdominant appearance on this prominent corner site which would be out of character with the surrounding area, thereby contrary to Policies 4 and 37 of the Bromley Local Plan.
- 3 The proposals would result in a significant loss of outlook and privacy to neighbouring residential properties, in particular No.46 Station Road, by reason of the size, height and close proximity of the building which contains overlooking windows and terraces/balconies, thereby contrary to Policy 37 of the Bromley Local 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](http://www.bromley.gov.uk/CIL)