

<b>Committee Date</b>	10.12.20	
<b>Address</b>	46 Worlds End Lane Orpington BR6 6AG	
<b>Application Number</b>	20/00513/FULL1	<b>Officer</b> - Joanna Wu
<b>Ward</b>	Chelsfield and Pratts Bottom	
<b>Proposal</b>	A part single and part two storey Vicarage to the rear of the existing vicarage (with a new access/ entrance at Moat Close)	
<b>Applicant</b>	Rochester Diocese_Board_of_Finance	<b>Agent</b> Mr Roger Molyneux Molyneux Architects
	St Nicholas Church Boley Hill Rochester ME11SL	181 Union Street London SE1 0LN
<b>Reason for referral to committee</b>	Deferred	<b>Councillor call in</b>  Yes

<b>RECOMMENDATION</b>	<b>REFUSAL</b>
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<p><b>KEY DESIGNATIONS</b></p> <ul style="list-style-type: none"> <li>• Biggin Hill Safeguarding Area</li> <li>• London City Airport Safeguarding</li> <li>• Smoke Control</li> </ul>
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<b>Proposal</b>	
Site area (total)	1894m2
Site area (for the new vicarage)	927m2
Footprint (existing vicarage)	135m2
Footprint (proposed vicarage)	162 m2

<b>Vehicle parking</b>	Existing number of spaces	Total proposed including retained spaces	Difference in spaces (+ or -)
Standard car spaces	0	3	3
Disabled car spaces	0	1	1
Cycle	0	1	1

<b>Representation summary</b>	Neighbouring properties were notified of the application by letter dated 18.02.2020, 03.08.20 and 26.10.20. A site notice was displayed on 26.2.20.		
	18.02.20 (original proposal)	03.08.20 (TS+PEA)	26.10.20 (Badger Survey Report)
Total number of responses	17	13	8
Number in support	0	0	0
Number of objections	17	13	8

## 1. Deferral reason

1.1 This application was previously deferred at the Planning sub-committee No. 2 (30.04.20) as the applicants were asked to provide a more detailed traffic assessment and to carry out an additional investigation for the potential impacts of the proposal on badgers and bats.

1.2 Subsequently, the following documents have been provided:

- Transport Statement (TS) dated July 2020
- Preliminary Ecological Appraisal, badger assessment and Preliminary Roost Assessment for bats (PEA) dated 22 July 2020
- Badger Survey Report dated 19 October 2020

- 1.3 The neighbours were notified on 03.08.20 and 26.10.20 for the above reports and their comments will be discussed in Section 7 below.
- 1.4 The members should be aware that no changes have been made to the originally proposed scheme as a result of the findings of the additional assessments carried out., which was presented and discussed at the previous planning sub-committee No. 2 on the 30.04.20.
- 1.5 The focus of this report is to discuss the issues raised in the additional reports provided on traffic and ecology impacts. For ease of reference, compared to the previous officer's report, the updates in this report are provided in:
- Section 2
  - Section 3
  - Section 7 – para 7.1, 7.5 and 7.6
  - Section 9 – para 9.6, 9.9
- 1.6 In summary, after careful consideration of the issues raised in the reports mentioned in para 1.2, in particular the extent of badger activity on the site, the officer's view is that a precautionary approach should be taken and therefore it is recommended to refuse the application as currently proposed.

## **2. KEY UPDATES**

- 2.1 As discussed in the previous planning sub-committee, the principle of this development should be supported because of the following:
- The proposed vicarage would create good quality residential accommodation that would make a positive contribution to the borough's housing stock and its mass, scale, form and design would be in keeping with the appearance of the site and surrounding area.
  - The proposed development, on balance, would not cause unacceptable harm to the amenities of neighbouring residents.
  - The proposed development would not cause unacceptable harm to the visual amenity of trees and the trees protected by Tree Preservation Orders in the application site.
- 2.2 With regards to the recent Transport Assessment, our highways officer does not raise any further objection to the proposal and there are no unacceptable highways impacts would arise.
- 2.3 The PEA and Badger Survey Report have confirmed that there is no badger sett on the application site. However, the report has identified

that the proposal would lead to the loss of at least 50% of the site's badger foraging areas. The badgers' territorial markings observed as part of the site survey indicate that the site provides an important foraging resource for the local badger population.



Figure 3. Map showing camera locations and evidence of badger activity.

2.4 Whilst it is acknowledged that no evidence was found of a badger sett on-site, the survey shows that the site is heavily used by badgers. It is therefore considered that the proposal would cause a detrimental impact on the badgers habitat. This adverse impact would significantly and demonstrably outweigh the benefits of the proposal.

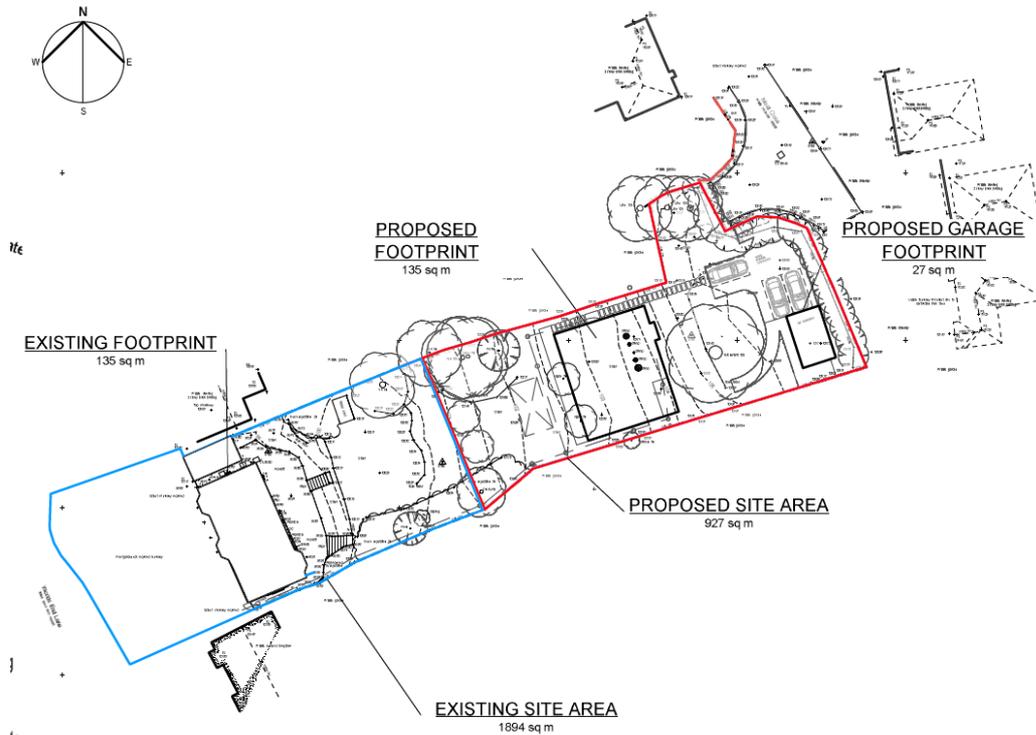
2.5 The badger survey report includes recommendations on how to adjust the proposal to mitigate the impacts it has identified such as including the retention of a wider band of vegetation along the northern boundary and the relocation of the proposed cycle shed further into the site to allow a vegetated corridor to be maintained linking the eastern and southern site boundaries. Given that implementing these recommendations would significantly alter the design/layout of the current proposal, it is considered that the current scheme should not be supported and therefore, it is recommended to refuse the application.

### 3. SUMMARY OF KEY REASONS FOR REFUSAL

- The proposed development will have an adverse impact on protected species in and adjacent to the site. The proposed mitigation measures are not considered sufficient to provide the necessary protection to the local badger population and their habitat.

## 4. LOCATION

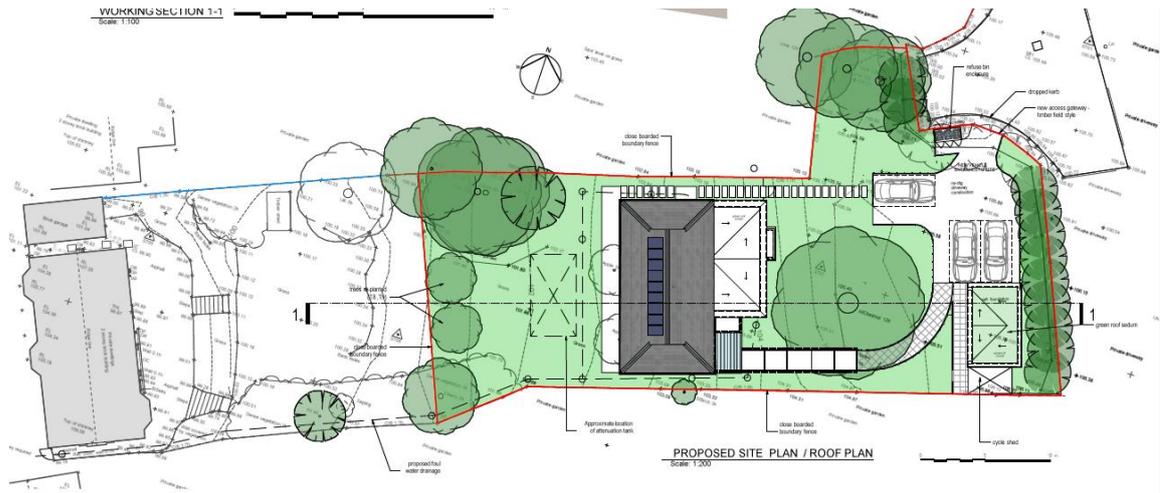
- 4.1 The site is No. 46 Worlds End Lane, Orpington. There is a two storey detached dwelling located on the east side and St. Mary's Church to the west of Worlds End Road. The application site slopes downwards to the east towards St. Mary's Church which is set on lower ground. The total site area is 1894 m<sup>2</sup> and the site has been fenced off to separate it from the vicarage gardens and it is currently well-vegetated and to the east part of the application site, there are trees which are covered by Tree Preservation Orders (TPOs).
- 4.2 The east boundary of the application site is bounded by Moat Close, which is a cul-de-sac serving 11 detached properties.
- 4.3 The site does not lie within any conservation area and the property is not a listed building. The character of the area is residential in nature.



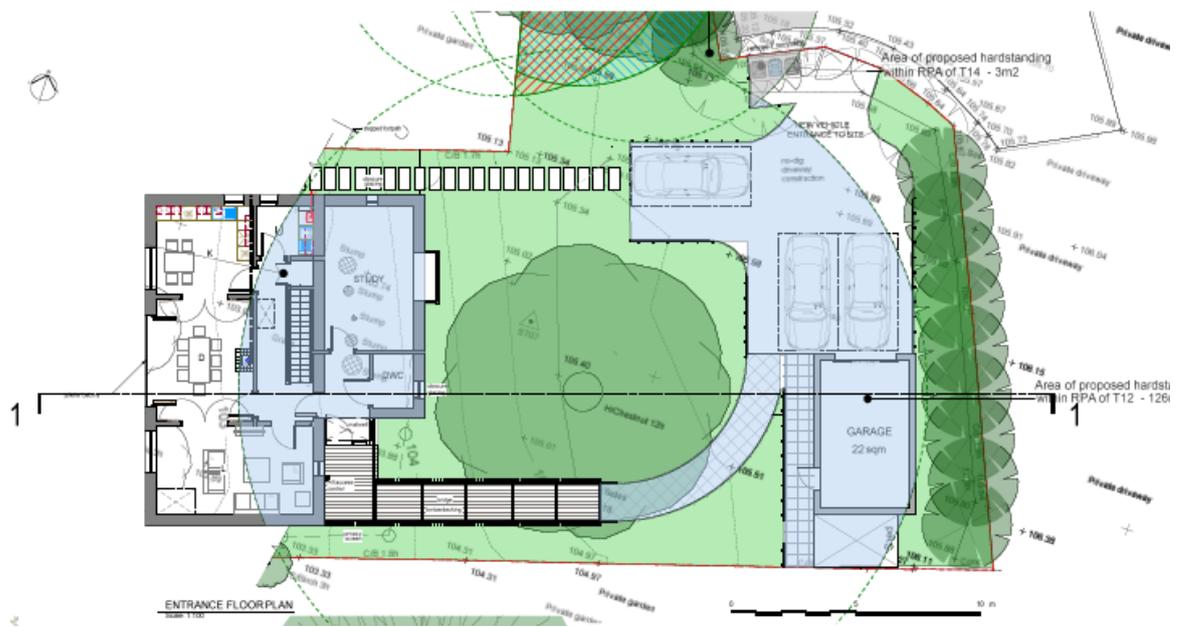
## 5. PROPOSAL

- 5.1 The proposal includes the subdivision of the existing site to create two plots and to erect a new Vicarage to the east side on a plot with an area of 927 m<sup>2</sup>. The dwelling would have a part pitched two storey structure to the west elevation and part flat-roof two storey element to the east. The pitched two storey structure would measure approximately 13.4m wide, 7.2m deep and 8.5m high with an eaves height of 5.8m; with a two storey flat roof element measuring approximately 10m wide, 4m deep and 5.5m high. The total footprint of the new Vicarage would be 162m<sup>2</sup>.

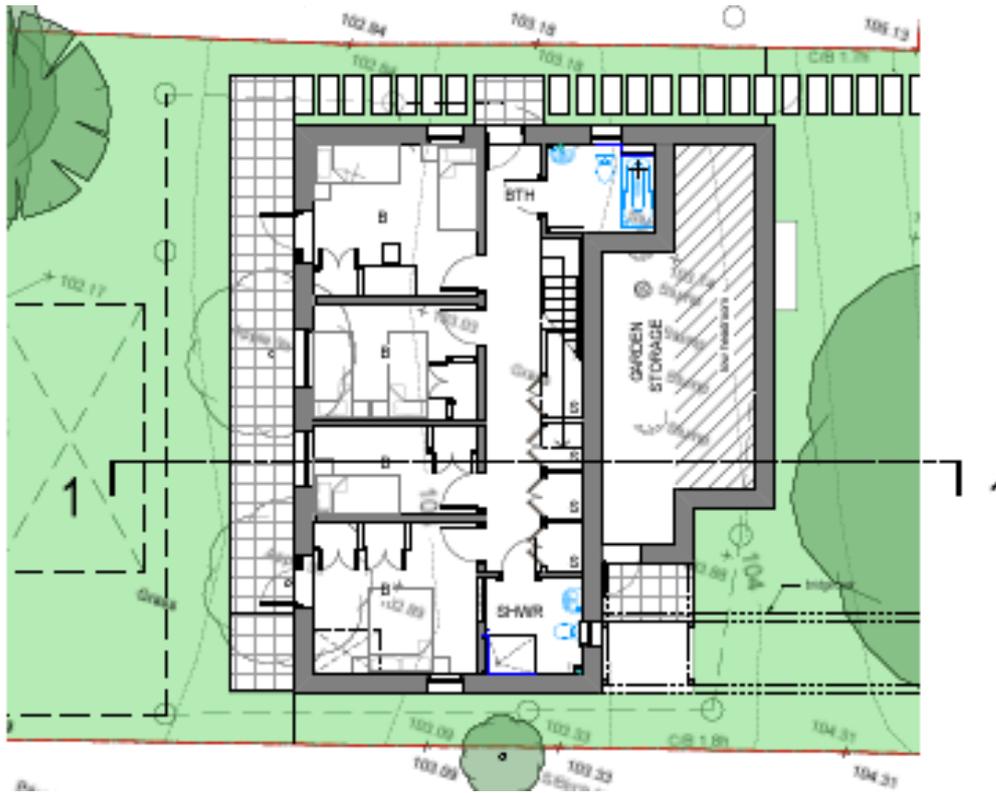
- 5.2 The access to the new building would be on the east elevation, facing Moat Close. As the ground level of the proposed Vicarage is lower than the entrance at Moat Close, the main entrance to the house would be located on the first floor level of the proposal (Entrance floor level) with a timber decking bridge to the south side of the application site linking the front garden to the east side of the dwelling.
- 5.3 The ground floor (garden lower level) would have four bedrooms, two bathrooms and a storage space for garden tools. The first floor level (entrance floor level) would have an entrance hall, study room, a disabled toilet, a living room, a kitchen, a dining room and utility room. In the supporting documents, it is stated that part of the first floor level would cater for public function use i.e. the entrance hall, a study room and the disabled toilet.
- 5.4 The proposed materials are a mix of brickwork and natural timber cladding and the materials for the roof would be natural slate. The dwelling would have a pitched roof to the west elevation. There would be three first floor windows in the north flank elevation which would be obscure glazing. There would be no windows in the south flank elevations.
- 5.5 A proposed flat-roof single garage (22m<sup>2</sup> floorspace) and 3 parking spaces would be located to the south east corner of the site and there would be a new vehicular access from Moat Close.



## Site Plan



## Entrance floor level



## Garden (Lower) Level



## 6. RELEVANT PLANNING HISTORY

6.1 The relevant planning history relating to the application site is summarised as follows:

- 96/00356/TFL - application to reduce two lime trees by approx. 30% subject to TPO 497 - 26.06.1996 (Refused)
- 08/03721/TPO - Remove epicormic growth, crown thin by 20% and reduce overhanging into neighbour's garden by 2 metres from two limes in back garden SUBJECT TO TPO 497 - 11.12.2008 (Consent)
- 19/01819/FULL1 – The provision of a part single and part two storey Vicarage within the curtilage of the existing redundant Vicarage, a single garage, 3 parking spaces and a new vehicular access at Moat Close – (withdrawn)

## 7. CONSULTATION SUMMARY

### a) Statutory

7.1 Highways Engineer – **No objections**

#### Comments – original

7.11 The proposed property is to the rear of 46 Worlds End Lane and would have a vehicular access from Moat Close. Moat Close is an adopted road and if any planning application is permitted the applicant will need to apply for a crossover. The application forms are on the Council's website.

7.12 The site is within a low (1b) PTAL. There are 4 parking spaces shown, including a good sized single garage. Moat Close does not appear to be suitable for additional on street parking especially in the turning head adjacent to the site. There appears to be no pedestrian access other than through the vehicle access gates so details of the operation of the gates should be provided.

7.13 If this was an ordinary residence the parking provision would be more than adequate and the impact on the road would be negligible. The question would be whether the trip generation with a vicarage is significantly more than with an ordinary house.

7.14 The Design and Access statement indicates that;

*The Church Commissioners' Guide requires a provision of three car parking spaces as a minimum. In view of the domestic and intimate nature of Manor Close, it is assumed that street parking could be*

*deemed unneighbourly. For a modern Vicarage, vehicular movement could be marginally more than for a private detached domestic property, with the occasional visitor / meeting of the Vicar with a parishioner or Diocesan personnel.*

When asked to clarify the visitor pattern the applicant's response was:

*(a) Within the Benefice there are 7 full or part time leaders. It is possible that the monthly meetings of this group would be held in the proposed Vicarage, although they could equally be held in St Mary's Church on Worlds End Lane. There would be a maximum 4 no. cars which are able to park within the curtilage.*

*(b) Meetings of the St Mary's Church Council will take place within St Mary's Church on Worlds End Lane.*

*(c) Most visitors will be individuals and will not take place every day.*

7.15 From this information it would appear that the additional trips in Moat Close are unlikely to be significant and I have no information that would contradict this. Consequently I think it would be hard to justify a ground of refusal.

7.16 The construction phase is, however, likely to raise issues particularly given the width of Moat Close."

#### (UPDATES) Comments on the Transport Statement dated July 2020

7.17 The TS looked at the likely trip characteristics of the vicarage residents. The Highways Officer agrees that they are likely to have a similar pattern of trips as for any of the other residential properties in the road and therefore this is unlikely to cause a significant impact.

7.18 The trip characteristics of a typical vicarage are likely to depend on each situation. Therefore, it is difficult to assess it. Surveys of the original vicarage could have helped but I assume they are in lockdown.

7.19 In terms of a construction management plan, this should be submitted prior to any commencement of construction.

7.2 Environmental Health Officer: **No objections**

7.3 Tree Officer: **No objections**

7.4 Drainage officer: **No objections**

7.4.1 There is no public surface water sewer near the site, so the applicant is required to make their own arrangements as how to dispose of surface water run-off. The applicant is committed to use SuDS to attenuate surface water run-off from the site.

**b) Local groups**

7.5 West Kent Badger Group: **No objections**

Comments – original

7.5.1 Although there were signs that badgers have and probably still are visiting the proposed development site there were no signs of a sett or setts. During the site visit, it was noticed that there are a couple of push throughs (gaps in the fence where badgers push through to the site) but badgers do not appear to have taken up permanent residence.

(UPDATES): Comments to PEA (July 2020)

7.5.2 Bromley Council has since requested a Biodiversity report on the site and this has been carried out by Kent Wildlife Trust and is an excellent report. This was carried out in July so much later than the original survey but again the photos appear to show the site very overgrown and difficult to survey. They did not find any confirmed badger setts but did find one or two holes that could be setts that have possibly been established in recent months. It is suggested to confirm the presence or otherwise of badgers that a trap camera is used for a number of days. It seems the most sensible thing to do in the circumstances.

(UPDATES): Comments to Badger Survey report (Oct 2020)

7.5.3 In the latest Badger Survey by the Kent Wildlife Trust Consultancy Service, it is noted that they were unable to confirm that badgers are presently using the hole at Location 1 but have suggested seven points of (4.2) Mitigation measures to be taken should Planning Approval be granted. To protect the badgers visiting this site, the recommendations should form part of the Conditions that should be placed on this application.

7.5.4 Although no confirmation of a sett in use appears to have been made, there is evidence of badgers using the site and there is no doubt that there will be a negative impact on their welfare if this building goes ahead.

7.5.5 Badgers often move from sett to sett on a fairly frequent basis so it is concerning that there is a sett on site which may well become occupied at some point in the near future. Photographic evidence from near neighbours suggest there are at least 6 badgers visiting the gardens adjacent to the site and it is quite probable that some of this year's cubs could move to the site in question.

7.5.6 A further worry is the ability to monitor the progress of the development. The ecologist's report talks of the need to monitor things if and once planning permission is granted and building is underway as the badgers sett on site would be in danger of collapse if not carefully protected.

However, without proper monitoring system in place, the welfare of these badgers is at perilous risk.

7.6 Bromley Biodiversity Partnership & Orpington Field Club: **No objections**

Comments – original

7.6.1 It is highly likely that bats do forage around the garden of the application site. These are probably pipistrelle bats. There is also a concern regarding the possible detrimental effect of the new build on trees, despite the protections suggested in the Tree Survey and Method Statement. Some of the remaining trees are very close to the suggested new build which may harm them in the medium term and lead to their removal soon after building works have been completed. Mitigation measures are suggested and relevant conditions and informatives will be imposed.

7.6.2 With regards to the bat video, the bats appear to be pipistrelles. The new build should not affect them greatly apart from the loss of trees/bushes which support the larvae of the flying insects they eat, so mainly the issue for them is maintaining native vegetation and replacing losses with native trees & shrubs since native invertebrates are adapted to eat native plants so these are more important for maintaining the bat population. A condition will be imposed to encourage the installation of bat bricks and roofing felt with a hessian matrix instead as per Natural England standing advice.

(UPDATES): Comments to the PEA (July 2020)

7.6.3 **Badgers** – As the PEA showed the presence of badgers including 3 holes of characteristic badger shape, a badger survey is required. The monitoring of badger holes must be carried out for 4 weeks following Natural England Standing Advice, (e.g. by using camera traps) to see whether the holes within the site are in current use by badgers. Because badger tunnels may extend 20metres or more from a hole, the hole '*just beyond the southern boundary*' must be included in the survey if within 20 metres of the site boundary. The area under the cherry laurel which was inaccessible at the time of the PEA will also need to be checked. Advice in the Badger survey must be followed and may include the need for a protective zone to be fenced off around the holes. Even if the holes are not active, obvious badger movement around the site is shown by the use of latrines. Any development excavations should therefore not be left open for animals to fall into and where this is unavoidable planks of wood should be placed to enable any animals to escape. In addition, mitigation regarding badgers should be included.

7.6.4 **Reptiles** – Orpington Field Club members endorse the PEA recommendation for a reptile survey and if reptiles are recorded, then a mitigation strategy for their protection. As well as measures outlined in the PEA this could involve leaving some scrub and long grass around

the site perimeter and cutting the long grass carefully on a high cut annually in autumn, then composting the cuttings. A very short Management Plan would be required for this.

7.6.5 In addition to the specific issues raised in the PEA, Orpington Field Club members remain concerned regarding loss of habitats, specifically the scrub and grassland, currently in appearance like a hay meadow with additional scrub which while it may appear 'untidy' is such a rich habitat for invertebrates and the birds, bats, reptiles and small mammals including shrews and hedgehog that feed on them as well as voles which live and feed on the grasses and are prey of predatory birds such as owls. We would therefore endorse the recommendation in the PEA that the landscaping proposals include provision for invertebrates, with native species rich grassland and native shrubs retained at the periphery and/or created.

(UPDATES): Badger Survey Report (Oct 2020)

7.6.6 Orpington Field Club & Bromley Biodiversity Partnership Sub-group members were pleased to see that the areas in the north and west of the site were to be retained as at present but agree with the Badger Survey report that the habitat linking these two areas should be retained as far as possible with a wider band of vegetation along the northern boundary than currently advocated. We also agree that the proposed cycle shed is moved further into the site to allow a vegetated corridor to be maintained linking the eastern and southern site boundaries. For other mitigation measures re landscaping which affects many other species too, see below.

7.6.4 Foxes were recorded during the Badger Survey quite frequently investigating the entrances of currently unused badger holes. They are protected under the Protection of Mammals Act 1996, which protects animals against cruelty, such as the destruction of a warren or den while animals are sheltering within so any care must be taken not to damage these areas during construction even if badger are absent from them.

**c) Adjoining Occupiers**

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

Objections (neighbouring consultation from 18.02.2020)

- Loss of light and overshadowing;
- Overlooking and loss of privacy from the proposal;
- Loss of amenity for the neighbour's swimming pool;

- Severe traffic generation and highway safety;
- Proposed vehicular and pedestrian access via Moat Close will severely impact on the safety of both local residents and users of the vicarage;
- Noise and disturbance resulting from the use;
- Should demolish and redevelop the existing vicarage;
- Very modern facade and the scale and design of the vicarage is not in keeping with the area;
- Removal of a significant amount of hedgerow and soft landscaping;
- Evidence of presence of badgers, wild birds and bat activities;
- The development will jeopardise the stability and survival of the protected trees in the long term;
- Different character and appearance compared to the surrounding area;
- It is unclear why the new vicarage needs to be built when the existing one could simply be renovated;
- The proposed vicarage will cast a shadow on the neighbouring houses, limiting the amount of sunlight on their gardens;
- Pavements at Moat Close are limited;
- Loss of the giant chestnut tree;
- Increased traffic to the proposed development and heavy lorries during the construction phase;
- Council refuse lorries have difficulties accessing the road once a week so a succession of building lorries accessing the Close numerous times a day over several months is going to result in congestion, potential damage to parked vehicles and damage to the brick paved road. Will the damaged paved road be repaired at the expense of the builders?
- Construction lorries accessing the Close will result in congestion, potential damage to parked vehicles and damage to brick paved road;
- Parking is already a problem in Moat Close and Dowlerville Road, especially at school drop-off and pick-up times;
- The proposal will significantly overlook neighbouring gardens;
- The trees in the application site are the natural habitat of squirrels and many species of birds;
- An overt money making and "Garden Grabbing" development;
- The development should be used for affordable housing, possibly flats allowing for diversity;
- The proposed footpath from Worlds End land will change use from private garden to an access way, not a very nice thing to do to an adjoining owner;
- The proposal is contrary to Policy 3 relating to backland and garden land development, Policy 4 and Policy 37 of the Bromley Local Plan;
- The new access gateway, adjacent to the turning circle in Moat Close, would most probably cause the turning circle to be used for parking by visitors to the proposed site. This would further compromise safety and restrict safe turning for vehicles;

- Platform lift – the planning application refers to the 'future installation of a platform lift'. However there is no guarantee that this will be provided. What alternative accessibility provisions will assist disabled visitors to the working premises?
- Proposal will have impacts on Moat Close, Worlds End Lane and Dowlerville Road;
- Incomplete information in the proposal – this property does not have the rights to use all the land. I don't believe the adopted highway land totally abuts the church's land.
- Under the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes their home and other land. The proposed development on this green space will have a dominating impact on neighbours and their right to the quiet enjoyment of their property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life, which includes home and surroundings.

#### Objections (neighbouring notification from 03.08.20) – TS and PEA

- Objections as stated in the previous objections
- Transport report was conducted when the nearby primary school was closed due to lockdown and does not address all of the excess traffic and safety issues that parents parking causes;
- Moat Close has no continuing pavements and access would create a greater risk to residents and compound the already congested school traffic that parks in the Close and its pedestrians.
- The new building will increase pedestrians and vehicular access.
- The proposal will remove some of well-matured trees and hedging and would have an adverse impact on the environment.
- photos and videos showing badgers, Song Thrush and stag beetles at the application sites
- disputed the conclusion contained in the Transport Statement and there are numbers of accidents in the immediate area.
- Potential harm and disturbance, not just to badgers, but all species that make this site home.
- Footpath beside the house is narrow.
- Common Pipistrelles has found at the horse chestnut tree (referred to as "T1" in the report)
- Human Rights Act gives the right to peaceful enjoyment of the neighbour's possessions, without interference, deprivation or control of those possessions.
- Not mentioned in the TS to explore the feasibility of access from Worlds End Lane;
- The accident information collated by Crashmap relates to injury collisions reported by the policy. These do not include collisions where no injury is involved;

## Objections (neighbouring notification from 26.10.20) – Badger Survey Report

- Objections as stated in the previous objections
- badgers, foxes and other wildlife moving up and down the road to and from the turn around area at the top of Moat Close;
- the application site is a safe place to bring up foxes and badgers;
- badger's hair was found at the entrance of the hole which it must be fairly contemporary;
- seen badgers (sometimes in pairs) walked straight past the neighbouring sites;
- Light and noise pollution
- Carrion Crow was seen attending a nest at the top of the Horse Chestnut Tree on 1<sup>st</sup> April 2020.

### **8. POLICIES AND GUIDANCE**

#### **8.1 National Policy Framework 2019**

#### **8.2 The London Plan**

- 3.3 Increasing Housing Supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing development
- 5.3 Sustainable design and construction
- 5.13 Sustainable drainage
- 7.4 Local Character
- 7.6 Architecture
- 7.19 Biodiversity and access to nature
- 7.21 Trees and Woodlands

#### **8.3 Draft London Plan**

- H1 Increasing Housing Supply
- H12 Housing size mix
- D1 London's form, character and capacity for growth
- D4 Housing quality and standards
- SI13 Sustainable drainage
- H2A Small housing developments
- G6 Biodiversity and access to nature
- G7 Trees and woodlands

#### **8.4 Mayor Supplementary Guidance**

The Mayor's Housing Supplementary Planning Guidance (March 2016)  
DCLG Technical Housing Standards (March 2015)

## 8.5 Bromley Local Plan 2019

Policy 1	Housing Supply
Policy 3	Backland and Garden Development
Policy 4	Housing Design
Policy 8	Side space
Policy 9	Residential Conversions
Policy 30	Parking
Policy 31	Reliving Congestion
Policy 32	Road Safety
Policy 33	Access for All
Policy 34	High Infrastructure Provision
Policy 37	General design of development
Policy 70	Wildlife Features
Policy 72	Protected species
Policy 73	Development and trees
Policy 116	Sustainable Urban Drainage System (SUDs)
Policy 119	Noise Pollution

## 8.6 Bromley Supplementary Guidance

Bromley's SPG No.1 - General Design Principles  
Bromley's SPG No.2 - Residential Design Guidance

## 9. Assessment

- Resubmission
- Principle of development – Acceptable
- Housing Need – Acceptable
- Design – Acceptable
- Standard of residential accommodation – Acceptable
- Highways (with updates) – Acceptable
- Neighbouring amenity – Acceptable
- Trees – Acceptable
- Protected Species (with updates) – Unacceptable

### 9.1 Resubmission

9.1.1 A similar proposal was previously submitted but then withdrawn. In the current proposal, the raised footbridge has been relocated from the north to south side of the application site. Also, the footprint of the dwelling has been reduced from 194m<sup>2</sup> to 162m<sup>2</sup>. The proposed entrance floor level balcony has been removed and the total height of the proposed vicarage would be lower.

### 9.2 Principle of Development – Acceptable

9.2.1 The National Planning Policy Framework (NPPF) states that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high

environmental value. The NPPF defines "previously developed land" as: "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure".

- 9.2.3 Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.
- 9.2.4 Policies including 3.3 of The London Plan 2016 and Policy 1 of the Bromley Local Plan have the same objectives.
- 9.2.5 Policy 3 of the BLP states that new residential development will be considered acceptable on backland or garden land if: a) there is no unacceptable impact upon the character, appearance and context of an area in relation to the scale, design and Design of the proposed development; b) there is no unacceptable loss of landscaping, natural habitats, or play space or amenity space; c) there is no unacceptable impact on the residential amenity of future or existing occupiers through loss of privacy, sunlights, daylight and disturbance from additional traffic, d) a high standard of separation and landscaping is provided.
- 9.2.6 Policy 4 of the BLP advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.
- 9.2.7 The site lies within the built up ( Suburban) area in Orpington where there is no objection in principle to new residential development. The proposal would be similar to other residential developments in the wider area and the spatial standards and increase in the density of the area is considered acceptable to this established character. The proposal is subject to an assessment of the impact of the proposal on the appearance/character of the building, the surrounding area, the residential amenity of the adjoining and future residential occupiers of the scheme and car parking and transport implications as set out below. It is considered that the principle of residential development on backland or garden land at this site is acceptable.

### 9.3 Housing Need – Acceptable

9.3.1 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'.

9.3.2 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, permission should be granted unless:

- i) the application of policies in the 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 the Framework taken as a whole.

9.3.3 This application results in a new vicarage. The proposal would therefore represent a minor contribution to the supply of housing within the Borough.

### 9.4 Design – Acceptable

9.4.1 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. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

9.4.2 The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and

materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

- 9.4.3 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 9.4.4 The character of the area is one of predominantly two-storey detached dwellings on Worlds End Road and the surrounding roads. The proposed dwelling will have a two-storey appearance and a detached single garage. The roof would be part-pitched and part-flat and as shown on the drawings, the proposed maximum height of the house would be approx. 8.5m. The overall proposed height of the house is acceptable and the scale of the single flat-roof garage appears to be modest and not intrusive.
- 9.4.5 In terms of the visual impact of the proposal, it is considered that the relationship between the proposed building and neighbouring buildings is acceptable, in view of the retention of separation provided along the boundaries of the site. While the proposal would result in the loss of some amenity space associated with the existing vicarage, given that this application site has a spacious garden and part of the rear garden has been fenced off, it is considered that adequate space would be retained around the building to provide an appropriate setting and usable amenity space.
- 9.4.6 In terms of the plot size and the scale of the development, the proposed dwelling would occupy a larger footprint than the adjacent dwellings at Lopakeda, Dowlerville Road and Nos. 1 and 2, Farrant Close. However the size of the dwelling in relation to the site area is not considered to be disproportionate. While the south side space between the boundary and the house leaves a minimum of 1.2m, the rear garden and front gardens are considered to be sufficiently spacious to provide meaningful amenity space for a family dwelling of the size proposed.
- 9.4.7 With regards to its design, the proposed materials are a mix of brickwork and natural timber cladding; and the materials used for the roof would be natural slate. The dwelling would have a pitched roof to the west elevation and solar panels would be installed on the south facing roof. Part of the entrance floor level (first floor) and the pitched roof could be visible from Worlds End Lane. Given that the land is sloping down from Moat Close to Worlds End Lane, there is a timber decking bridge from Moat Close to enter the entrance floor level (first floor) of the house. It is noted that there are various designs and styles of houses in the area. It is considered that given that most of the proposed house would not be not visible from the street that the design of the house would be in

keeping with the area in general and would not have a detrimental impact on visual amenities.

## 9.5 Standard of residential accommodation – Acceptable

- 9.5.1 Policy 4 of the Bromley Local Plan 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 Housing Standards.
- 9.5.2 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.
- 9.5.3 Policy 3.5 of the London Plan and the Housing SPG (2016) Standard 24 states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Technical housing standards - nationally described housing standard (2015).
- 9.5.4 According to the submitted plans the proposal would comprise a 2-storey, 4-bedroom, 7 people dwelling (4b7p). The garden lower and entrance floor levels and ancillary use for public function would measure some 162 m<sup>2</sup> (exceeding the required 115 m<sup>2</sup> minimum for a 2-storey dwelling).
- 9.5.5 The bedrooms would all have a single aspect which is not an uncommon arrangement. The proposed new dwelling would be positioned to the rear of the existing property and have a separation distance of some 18m from the existing vicarage. Given the siting, size, scale and separation distance of the building, it is considered that the proposal would not have significant detrimental amenity impacts to the existing vicarage at No. 46 by reason of overshadowing or overbearing effect. Therefore, the proposed vicarage would provide accommodation with a good standard of amenity.
- 9.5.6 With regards to the neighbouring amenity impacts on the other neighbouring properties in the area, this will be discussed separately under the "neighbouring amenity" section 9.7.

## 9.6 Highways (with updates) – Acceptable

- 9.6.1 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.
- 9.6.2 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, Bromley Local Plan should be used as a basis for assessment.
- 9.6.3 The application site has a PTAL score of 1b (low) and it therefore has low/poor access to public transport services, and a higher dependency on the private leading to a higher level of car ownership amongst the occupants of the existing host dwelling and the proposed new dwelling. The Council's parking standard for a 1b PTAL rating is for a minimum of 1 space per dwelling. The existing forecourt would provide a single garage and 3 off-street parking spaces.
- 9.6.4 Transport officers have been consulted and no objections have been raised to the proposed car parking spaces and cycle parking. In the Design and Access statement, the applicants mention that most visitors will be individuals and will not take place every day. It is possible that the leaders (total of 7) within the Benefice will hold their monthly meetings in the proposed Vicarage, although they could equally be held in St Mary's Church on Worlds End Lane. Given that 4 parking spaces would be allocated on site, the officers commented that this arrangement should be able to accommodate these additional trips from the visitors.
- 9.6.5 With regards to the construction phase, a construction management plan will be imposed to make sure the neighbours will have minimum disruption during construction. Also, Moat Close is an adopted road and the applicants are required to submit a crossover application.

### (UPDATES):

- 9.6.6 The Highways Officer has been consulted on the Transport Statement (July 2020) which provides the likely trip characteristics of the vicarage residents. It is commented that it is likely to have a similar pattern of trips as any of the other residential properties in the road and unlikely to cause a significant impact. Transport officers did raise a question about the trip characteristics for a Vicarage and asked if there are any examples for this type of use. Also, any information on construction management impacts.

9.6.7 The applicants commented that:

*“The trip characteristics of a typical vicarage will depend totally on each situation. There is no common denominator. The proposed onsite parking provision seeks to address this reality. Generally, Vicarages are located nearby the church that the incumbent serves and as such passage from church car parks, Parish Offices or the church itself to the Vicarage are on foot. As like a typical suburban residential dwelling, parking and vehicle movements are the same and were the incumbent to hold an occasional meeting at the Vicarage where people came from further afield, I see no difference between this and a family gathering. In the case of Green Street Green, the church, with its own parking facilities, Parish Office and meeting Rooms is nearby. If vehicle movements are or become an issue, then meetings can be held at the church or visitors will be asked to park outside of Moat Close and walk to the house.”*

*With regards to Construction Management, it is considered that “the use of Moat Close for deliveries is the only practical approach as it would be if the other houses in the same street were having building work taking place. In view of the root protection areas of the protected trees and the presence of the badger setts in the neighbouring garden, I feel that there is insufficient room for delivery vehicles to turn in the site. I envisage vehicle turning in the statutory sized turning head outside of the site, the reversal of the vehicle into the site for unloading and then a straight drive away. I can provide a plan of this event if you require one which can be included in a constructor’s contract. As Moat Close is adopted, I assume that it is designed to accommodate such events.*

*With regards to the parking of site operatives, and in view of the Tree Preservation Order (TPO) and environmental context, it can be written also into the constructors contract, that vehicles must be parked outside of Moat Close and in unrestricted areas. I am happy for ‘Construction Management’ to be a pre-start Condition of a Consent for the building.”*

9.6.8 No technical objections are raised from a highways perspective regarding the proposal in terms of its impact on parking and road safety. Highway officers agreed that the trip characteristics of a typical vicarage is likely to depend on each situation and it is difficult to assess it. Surveys of the original vicarage could have helped but it is assumed that they are in lockdown. Also, a pre-commencement condition for the construction management plan should be imposed if this planning application will be granted.

9.7 Neighbouring amenity – Acceptable

9.7.1 Policy 37 of the Bromley Local Plan 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.

9.7.2 It is noted that the site backs onto the residential rear gardens of dwellings at Lopakeda, Dowlerville Road and No. 1, Farrant Close and a new vehicular access is proposed from Moat Close. The proposal provides a minimum gap of 1.8m from the shared boundary with Lopakeda and it is noted that this neighbouring property has a swimming pool in their rear garden. Three proposed flank windows in the north elevation of the proposal would be facing this shared boundary and they would be fitted with obscure glazing. It is considered that the proposal, on balance, would not have an unacceptable visual impact and loss of outlook to this neighbour's rear garden and their swimming pool.

9.7.3 With regards to Nos 1 and 2 Farrant Close, the house would be 1.2m from their shared boundaries and these neighbouring properties are some 18m away from their rear boundaries. Therefore, the distance between the proposed house and these neighbouring properties is considered to be satisfactory to limit the impact of the proposal in terms of overlooking and loss of privacy, taking account of the back to back separation and the relationship between windows and presence of boundary screening.

9.7.4 With regards to the properties at Moat Close, given the proposal would be separated from all neighbouring houses by a significant distance, it is considered that the siting would not cause visual impacts and loss of light.

## 9.8 Trees – Acceptable

9.8.1 There are a number of mature trees within the site and some of them are covered by Tree Preservation Orders (TPOs), some of which contribute to the visual amenity of the area and the landscape setting of the host vicarage.

9.8.2 Tree officers have been consulted and they have raised no objection to the proposal. A tree condition will be imposed to ensure *protective measures shall be installed in the submitted tree protection plan* to protect the TPO trees within the application site.

## 9.9 Protected Species (with updates) – Unacceptable

9.9.1 NPPF Policy 170 outlines that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This is reflected in the Valued Environments Policies of the Local Plan. Whilst the new London Plan awaits publication, policies not subject to directed changes should be given significant weight and therefore the relevance of Policy G6

(Biodiversity and Access to Nature) should be highlighted. This policy outlines in Part D that “Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.”

- 9.9.2 Policy 72 of the Bromley Local plan states that planning permission will not be granted for development or change of use of land that will have an adverse effect on protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitats.

(UPDATES):

- 9.9.2 The Badger Survey Report states that “the area in which the open hole and compost-filled hole are located in the north-west of the site will be retained as part of the proposals. However, excavation and construction works are proposed within 10-20m. Without mitigation, these activities would potentially result in damage of both on-site and off-site holes and/or the collapse of tunnels which extend towards the development area, with the potential for killing or injury of animals which are sheltering underground. Vibration and noise would also cause disturbance.”
- 9.9.3 However, it is considered that the development would be sited very close to the possible future sett (mammal holes) which is likely to result in conflict and significant reduction in natural habitat. In the hierarchy of biodiversity mitigation measures, harm should firstly be avoided and only where it cannot be avoided should mitigation, restoration and compensatory offsetting be considered. The harm may be mitigated by providing better separations between the dwelling (including gardens) and the potential sett (mammal holes). It is considered that the recommendations suggested in the report would not mitigate the harm of the proposal.
- 9.9.4 Comments from West Kent Badger Group and Bromley Biodiversity Partnership & Orpington Field Club are noted. Whilst it is acknowledged that there is no existing badger sett found in the application site, the mammal holes and the other habitat currently at the site is clearly important to badgers according to the survey findings and therefore the development would have a negative impact to the protected species from the site.
- 9.9.5 In the Badger Survey Report, it further states that “the development proposals would lead to the loss of at least 50% of the site’s badger foraging areas. Also, the badgers’ territorial marking observed indicates that the site provides an important foraging resource for the local badger population.”
- 9.9.6 In the absence of any other suitable habitat immediately nearby it is unlikely that the entrances on the site are subsidiary or annexe

entrances to a larger main sett elsewhere, so it is possible that the badgers foraging at the site may have travelled from elsewhere in their range and there is potential either for the sett to be in occasional use or for this year's cubs to be prospecting the sett and habitat for future use.

9.9.7 Whilst the development includes other biodiversity enhancements (as outlined in the PEA), it is considered that these do not outweigh the harm to a protected species. Also, given that the proposal is only for one single dwelling, it is considered that the community benefits of the development would not outweigh the detrimental impact on a protected species.

9.9.8 The badger survey report also recommends changes to the proposal, including the retention of a wider band of vegetation along the northern boundary and the proposed relocation of the cycle shed further into the site to allow a vegetated corridor to be maintained linking the eastern and southern site boundaries. Given that these recommendations would significantly alter the current proposal, it is considered that the current scheme, should not be supported and therefore, is recommended for refusal.

## **10. Conclusion**

10.1 In summary, it is considered that the proposal would be in a suitable location for housing and it would cause no harm to the character and appearance of the area. However, given that the proposal would be harmful to badgers, which are a species protected by law, this adverse impact would significantly and demonstrably outweigh the benefits, and therefore, the proposal is recommended for refusal.

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

## **RECOMMENDATION: REFUSAL**

### **As amended by documents received on 15.11.2020.**

1. The proposed development will have an adverse impact on protected species in and adjacent to the site. The proposed mitigation measures are not considered sufficient to provide the necessary protection to the local badger population and their habitat contrary to Policy 72 of the Bromley Local Plan and Draft London Plan Policy G6.