

Committee Date	28 th January 2021		Agenda Item
Address	146 Charterhouse Road Orpington BR6 9EU		
Application number	20/01130/FULL1	Officer Agnieszka Nowak-John	
Ward	Orpington		
Proposal (Summary)	Demolition of 5 existing houses and associated structures and erection of 28 residential units comprising an apartment block with 9x1 bed and 11x2 bed units and 8x3 bed houses together with basement car parking with access from Saltwood Close, surface level car parking, cycle parking, refuse and recycling facilities and associated landscaping.		
Applicant		Agent	
RAA Ventures Ltd		Mr Seth Williams WYG Midsummer Court 314 Midsummer Boulevard Milton Keynes MK9 2UB	
Reason for referral to committee	Outside Delegated Authority	Councillor call in YES (previously refused and of significant local concern for the reasons the last application was refused)	
RECOMMENDATION	PERMISSION SUBJECT TO CONDITIONS AND LEGAL AGREEMENT		

KEY DESIGNATIONS

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 29

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
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Standard car spaces	9	33	+24
Disabled car spaces	N/A	3	+3
Cycle	N/A	36 (flats)	+36

Electric car charging points	8no. (20%) spaces with active provision, remaining 80% passive provision
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Representation summary	Neighbour letters were sent on the 8 th April 2020. A site notice was displayed from 21st April 2020. A press advert was published in the News Shopper on the 22 nd April 2020.
Total number of responses	79
Number in support	0
Number of objections	79

Section 106 Heads of Term	Amount	Agreed in Principle
Carbon offset	£38,148	Yes
Health	£32,078	Yes
Education	£127,469.91	Yes
Highways/Transport	£10,000	Yes
Affordable Housing	£99,000	Yes
Review Mechanisms	N/A	Yes
Total	£306,695.91	Yes

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would provide an acceptable mix and dwelling density.
- The proposed development would create good quality residential accommodation that would make a positive contribution to the borough's housing stock.
- The proposed design would not detract from the character and appearance of the area.
- The proposed development would not cause unacceptable harm to the amenities of neighbouring residential occupiers.
- No unacceptable Highways impacts would arise.

1. LOCATION

- 1.1 The application site is an approximately 0.23h parcel of land located at the junction of Charterhouse Road, Winchester Road and Saltwood Close. The site consists of 2 x two storey semi-detached dwellings (146 Charterhouse Road and 1 Winchester Road), 1 x two storey detached house (1A Winchester Road)

and 2 x single storey semidetached bungalows (3 Winchester Road and 5 Winchester Road).

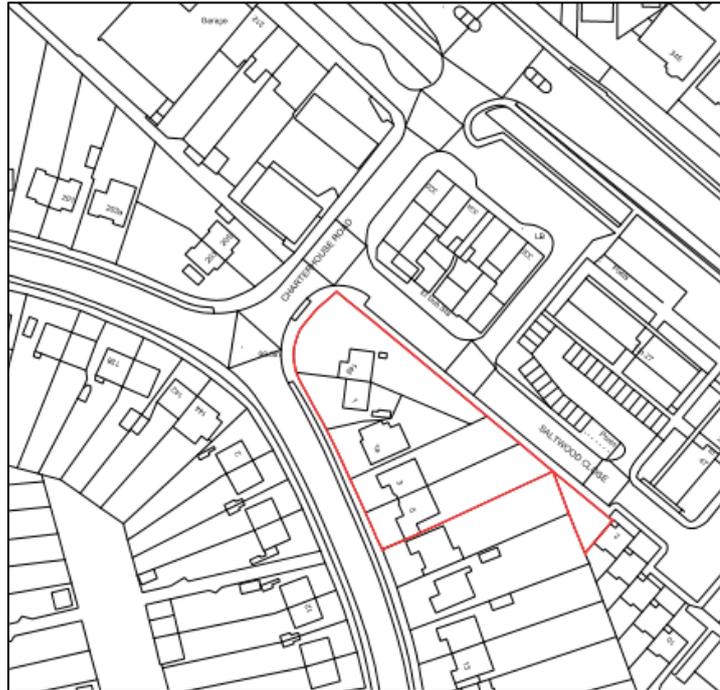


Fig.1. Site Location Plan.

- 1.2 The site is within a suburban mixed-use area with primarily single and 2 storey semi-detached residential properties to the south and west. To the north are semidetached houses and a petrol filling station with retail shops beyond. To the east are retail shops facing the Orpington By-Pass with 2 and 3 storeys of residential flats above. There is also a row of single storey houses to the south of the site which front Saltwood Close.
- 1.3 The site is located with the Cray Valley Renewal Area identified in Policy 17 of the Local Plan, and within an Area of Archaeological Interest. The site has a Public Transport Accessibility Level (PTAL) of 1b. The site is located above a Principal Aquifer and within Source Protection Zone 2.



Fig.2. Bird's eye view of the site.

- 1.4 There are no protected trees on the site and there are no nature conservation constraints.

2. PROPOSAL

- Demolition of a total of 5 existing detached and semi-detached houses.
- Erection of a 3 storey block of 20 flats (9x1 bedroom and 11x2 bedroom) located at the junction of Winchester Road/Charterhouse Road and Saltwood Close.
- Erection of a terrace of 3 bedroom houses comprising 4x3 storey units and 1x2 storey unit facing Saltwood Close.
- Erection of a terrace of 3 x 2 storey houses facing Winchester Road.
- Basement car parking for 23 cars, including 3 disabled spaces for the flats with an access ramp from Saltwood Close.
- Five frontage car parking spaces for the 3 units facing Winchester Road.
- Five car parking spaces for the 5 units facing Saltwood Close with 1 frontage space and 4 spaces adjacent to 2 Saltwood Close.
- A communal landscaped area located between the southern elevation of the block of flats and the first proposed house facing Winchester Road for use by residents of the development.
- A cycle store for 36 cycles within the block of flats using a two-tier stacking system of storage.
- Refuse store adjacent to the entrance along Saltwood Close for the apartment block, together with individual refuse stores for each house located in the front gardens.



Fig.3. Computer generated image (CGI) - view of the proposal from the junction of Charterhouse Road with Winchester Road.

3. RELEVANT PLANNING HISTORY

3.1 A planning application (ref: 19/01345/FULL1) for the demolition of 5 existing houses and erection of 28 residential units comprising an apartment block with 9 x 1 bed and 11 x 2 bed units and 8 x 3 bed houses with basement car parking was submitted on 9th April 2019.

3.2 The application was refused by Members at Development Control Committee held on 28th January 2020. Decision notice was issued on 2nd March 2020 listing the following reason for refusal:

The proposed development by reason of its density and design would be out of character with the area and impact detrimentally on residential amenity, contrary to Policies 3 and 4 of the Bromley Local Plan (2019).

3.3 The above refusal has been subsequently appealed and dismissed on 11th January 2021 (APP/G5180/W/20/3251271). The Inspector concluded that a slight harm identified to the character and appearance of the local area and to the living conditions of the occupiers of No 7, would not on their own significantly and demonstrably outweigh the benefits of the proposal. However, due to the lack of a completed Unilateral Undertaking concerning the provision for affordable housing and other provisions, the proposal conflicts significantly with policies 2 and 125 of the local plan.



Fig. 4. Computer generated images (CGIs) of the refused scheme.

4. CONSULTATION SUMMARY

a) Statutory

- **Environmental Agency – No Objection**

We have reviewed the document 'Phase 2: Site Investigation Report' by Constructive Evaluation' (reference 18.1077 dated 22/11/2018). No elevated concentrations of ground contaminants were reported that would represent a significant risk to Controlled Waters.

We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed as set out below.

Condition 1 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a

remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters (the site is located above a Principal Aquifer and within Source Protection Zone 2).

Condition 2 Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason To protect the underlying groundwater from the risk of pollution. Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

Condition 3 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

- **Thames Water – No Objection**

Waste Comments: There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities or inhibit the services we provide in any other way.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under

the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer.

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.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. 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.

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.

The proposed development is located within 15 metres of our underground waste water assets and as such we would like the following informative attached to any approval granted. "The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

Water Comments: There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. 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 proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken.

- **Historic England (Archaeology) – No Objection**

The planning application lies in an area of archaeological interest. As part of a similar planning application last year for this site, desk-based assessment report dated March 2019 by CgMS Consulting Ltd had been submitted. The report identified that the site held archaeological potential even though it was situated outside of an Archaeological Priority Area as defined by borough policy.

I have looked at this proposal and at the Greater London Historic Environment Record. I advise that the development could cause harm to archaeological remains. However, the significance of the asset and scale of harm to it is such that the effect can be managed using a planning condition.

This pre-commencement condition is necessary to safeguard the archaeological interest on this site. Approval of the WSI before works begin on site provides clarity on what investigations are required, and their timing in relation to the development programme. Without this pre-commencement condition being imposed the application should be refused as it would not comply with NPPF paragraph 199. The archaeological work should include:

Evaluation: An archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches. A field evaluation report will usually be used to inform a planning decision (pre-determination evaluation) but can also be required by condition to refine a mitigation strategy after permission has been granted.

- **Secured by Design Officer – No Objection**

Should Planning permission be granted for this development, I would advise that Pre-Commencement and Pre-Occupation conditions are considered to ensure end-to-end compliance with Secured by Design and are worded;

1. SBD Measures. The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific Security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of the development and shall be implemented in accordance with the approved details prior to occupation.

2. Secured by Design Certification. Prior to occupation, a satisfactory Secured by Design inspection must take place. The resulting Secured by Design certificate shall be submitted to and approved by the local planning authority.

Where planning conditions to achieve SBD certification exist, we will be on hand to assist all parties involved from concept to completion. Planning Conditions to achieve Secured by Design certification will invariably afford you comfort in the knowledge that all aspects of physical Security within any particular development have been considered and approved. Where Secured by design Certification is required to discharge Pre-Occupation Planning Conditions, a physical site inspection will always be carried out by a qualified Designing out Crime Officer (DOCO) upon completion.

Sometimes local crime trends and geographical location insist that heightened security measures are necessary to achieve SBD, and this is decided upon development, by development.

b) Local groups

Green Street Green Village Society – Objection

1. It is very similar to the previously rejected application on grounds of overdevelopment of the site.

2. It is contrary to Local Plan Policy:

Policy 2 on page 33 relates to affordable housing and explains that exceptionally a monetary payment may be accepted in lieu of affordable housing. This is on the grounds that the development would not be financially viable if affordable housing is required to be provided. However, as the development consists of tiny dwellings they should be sold or let at an affordable price and if they are not this demonstrates the greed of the developer. I note that the land will have been expensive to acquire as the owners of the houses have no particular wish or need to sell their pleasant reasonably spacious homes. It would be wise therefore for the developer to consider buying land from someone who does wish to sell it, so that it could be acquired at an affordable price. This is not an adequate reason for failing to provide affordable housing.

Policy 3 on page 38 of the Local Plan is also infringed. This refers to building on garden land. Most of the development is proposed to be built on garden land and it is important to respect the Council's local plan policy of only allowing building on garden land if certain criteria are met, e.g. there is no adverse impact on character of the area, there is adequate amenity space etc. This is not complied with as this is a massive overdevelopment of the site with very little amenity space remaining.

3. The increased traffic and parking pressure would not be acceptable in this busy already overdeveloped location where there is an accident black spot nearby.

4. The developer has described the area as predominantly residential but this ignores the fact that within a short distance of the property there is agricultural land, a park and sports ground so that most of the surrounding land is in fact open space or green belt land.

5. The development would be destructive, involve the loss of good quality family housing, be detrimental to the character of the area and out of keeping with the street scene.

6. The lack of adequate amenity land and play space means that this development falls short of the decent homes standard and amounts to nothing better than slum housing.

c) Adjoining Occupiers – Objection

Procedural matters (addressed in officer's response below)

- 1 Drawings submitted are deliberately misleading and do not represent the local neighbourhood accurately and therefore cannot be relied upon
- 2 Lack of transparency and uncertainty regarding the Developer, who seems to be an offshore company in the Seychelles. The Council should carry out due diligence checks on the applicant
- 3 The plans submitted are not the full extent of the intentions by the Developer which is seeking to develop further adjacent bungalows and this proposal does not truly reflect the size or structure of the plans
- 4 For each new dwelling this proposed build would bring substantial extra Council Tax into the Bromley Council purse, but it will be at existing owners' and residents' quality of life which will be irrevocable. It is not clear whether this is a deciding factor and there is a concern about this point as a motive if permission were to be granted
- 5 This planned development is extraordinarily similar (almost identical) to the one previously submitted. For all the reasons cited previously this plan should be rejected. Unsure why this application has been accepted
- 6 Timing of the submission is taking unfair advantage of the COVID situation. Much harder to discuss and galvanise as a community, and much more difficult to get a petition together in lockdown
- 7 Consultation letter arrived just days before the deadline for comments
- 8 No public notice displayed on the boundary
- 9 The semi-detached houses in Winchester Road have concrete ceilings which could be damaged by the constant vibration during digging out the proposed underground car park. Potential destabilising of the upper part of the hill on Charterhouse Road, resulting in expensive land slippage.

Officer's response:

- 1 Sufficient information has been submitted in support of the application to consider/assess the development and for interested parties to comment.
- 2 Private companies' jurisdictions and their tax affairs are not material planning consideration.
- 3 Each planning application is considered on its own merits. Any hypothetical future proposals for redevelopment of the adjacent properties/plots cannot form part of the assessment of the current application.
- 4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless

material considerations indicate otherwise. Council Tax covers many services the council provides such as schools, roads, libraries and rubbish collections but does not form a material planning consideration in assessment of planning applications.

- 5 Planning application can be made for a development which has already been refused. Local planning authorities have the power to decline an application for planning permission which is similar to an application that, within the last 2 years, has been dismissed by the Secretary of State on appeal or refused following call-in. A local planning authority may also decline to determine an application for planning permission if it has refused more than one similar application within the last 2 years and there has been no appeal to the Secretary of State. In declining to determine an application, a local planning authority must be of the view that there has been no significant change in the development plan (so far as relevant to the application) and any other material considerations since the similar application was refused, or dismissed on appeal. In this case none of the above circumstances are applicable, as at the time of the submission of the current application there was no appeal decision.
- 6 The Government has not opted out to change the determination timescales for planning applications. To ensure planning decisions continue to be made, residents were encouraged to submit their comments on line to enable the remote processing of planning applications in order to support the social distancing guidelines. Whilst it is accepted that public meetings were restricted during lockdown, no individual was prevented from making representations.
- 7 The Council has publicised the application in accordance with the Planning Regulations and its adopted practice including placing it on the planning register (viewable on the Council's website), writing directly to neighbouring properties and publicising in a local newspaper.
- 8 A written confirmation together with a photographic evidence of a site notice being displayed on 21st April 2020 was submitted to the Council and is available for public viewing on the Public Access Database.
- 9 Matters such as foundations and land stability are not material planning considerations although they may be relevant to the Building Regulations and/or the Party Wall Act.

General (addressed in paras 6.2.6-6.2.13, 7.1 and 7.2)

- Development of back gardens should not be the way to increase property portfolios. There are plenty of opportunities for developers to build on brownfield sites
- Removal of much needed family homes with 28 over developed flats
- Wasteful to lose the houses
- No benefit to the local area
- Increased pressure on local health services and school places
- Problems with local shopping
- Overdevelopment and overpopulation
- Not materially different from the previous application
- Doesn't address the density or the issues on which it was refused first time round

Affordable Housing (addressed in paras 6.2.16 – 6.2.18)

- Distinct lack of affordable housing options

- Developers are putting their profit above compliance with the relevant policies required
- Set a very dangerous precedent for similar developments
- Even the £99,000 payment in lieu is not high enough

Residential Amenity (addressed in paras 6.4.1 – 6.4.7, 6.7.1 – 6.7.5)

- Dust, noise and disturbance during construction
- Noise and pollution/fumes from traffic
- It will destroy the sense of community as blocks of flats are not conducive to creating a sense of community
- Flats are not aimed at families and will further negatively impact the community on Winchester Road
- Overshadowing of the existing bungalow gardens
- Overlooking
- Adverse effect on water pressure

Design (addressed in paras 6.3.1 – 6.3.9)

- Ignores the building line
- Not in keeping with the area
- Proposed footprint too large
- Overbearing and foreboding to the entrance of Winchester Road
- Bulky and ugly building
- Extremely obtrusive and invasive to the surrounding area, dominating the view
- Height out of keeping
- Appearance and materials "blocky", unappealing and out of keeping
- Introduction of flats to this road will change the street scene of the neighbourhood, not in keeping with the rest of the road
- Compromises the spacious contribution the corner plot makes to the character of the area

Highways and Transport (addressed in paras 6.6.1 – 6.6.4 and 6.6.7)

- The traffic survey was carried out at 1am, which is therefore inaccurate. Survey should be carried out during normal daylight hours
- Site lines crossing the road will be severely hampered
- Further increase in traffic and parking stress
- Highway safety: The junction with Charterhouse Road and Court Road is an accident black spot and will only be made worse with more traffic
- Road safety during construction
- Underground parking is seldom used by those who have it, and they just become storage spaces for households
- The heating system will be fed by biomass boilers and a weekly delivery by articulated lorry will be required to fuel the boilers

Crime (addressed in para 6.5.7)

- This sort of dense housing on top of the Salt Close social housing will no doubt lead to antisocial behaviour and increased levels of crime

- Potential for anti-social behaviour in the communal amenity space, which would become another area for people to congregate, consume alcohol from the off licences and then litter the area
- Underground car parks can be turned into gang hideouts where they can strip down vehicles and steal

Ecology (addressed in paras 6.8.3 – 6.8.5)

- Loss of space and natural habitat

Drainage (addressed in paras 6.9.1 – 6.9.3)

- Where will the additional water run off go as in the consultants' documents it states that 75% of the land will be either building or hard standing
- Adverse effect on water pressure

5. POLICIES AND GUIDANCE

5.1 National Policy Framework 2019

5.2 NPPG

5.3 The London Plan (2016)

3.3 Increasing housing supply

3.4 Optimising housing potential

3.5 Quality and design of housing developments

3.8 Housing choice

3.9 Mixed and balanced communities

3.10 Definition of affordable housing

3.11 Affordable housing targets

3.12 Negotiating affordable housing on individual private residential and mixed use schemes

3.13 Affordable housing thresholds

3.14 Existing housing

5.2 Minimising carbon dioxide emissions

5.3 Sustainable design and construction

5.6 Decentralised energy in development proposals

5.7 Renewable energy

5.9 Overheating and cooling

5.10 Urban greening

5.11 Green roofs and development site environs

5.13 Sustainable drainage

5.14 Water quality and wastewater infrastructure

5.15 Water use and supplies

5.18 Construction, excavation and demolition waste

6.3 Assessing effects of development on transport capacity

6.9 Cycling

6.13 Parking

7.2 An inclusive environment

7.3 Designing out crime

- 7.4 Local character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage and archaeology
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands
- 8.2 Planning obligations
- 8.3 Community infrastructure levy
- 8.4 Monitoring and review

5.4 Publication London Plan 2020

- 5.4.1 An updated 'Intend to Publish' version of draft London Plan – entitled Publication London Plan December 2020 - was published on 21 December 2020. This version of the draft plan includes changes made by the Mayor in response to a number of Directed Changes made by the SoS in March and December 2020. The relevant documents are available on the Mayor's website - <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/publication-london-plan>
- 5.4.2 The draft new London Plan (December 2020) is a material consideration in the determination of this planning application. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.
- 5.4.3 The draft New London Plan is at a very advanced stage; in a Written Ministerial Statement dated 15/12/2020, the SoS indicated that he expects to agree the London Plan with the Mayor early in the new year (early 2021).
- 5.4.4 The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan.
- 5.4.5 Prior to issuing further Directed Changes in December 2020, the SoS (in two SoS call-in appeals in the Royal Borough of Kensington and Chelsea, appeal ref: APP/C5690/W/18/3205926; and the London Borough of Hounslow, appeal ref: APP/G6100/V/19/3226914) had established that the draft London Plan policies are capable of having significant weight where they weren't subject to Directed Changes.
- 5.4.6 Considering this information against paragraph 48 of the NPPF, the draft new London Plan (December 2020 'Intend to Publish' version) is considered to have very significant weight where there are no Directed Changes to policies; and significant weight where there are Directed Changes to policies. Taking this into

account, the draft new London Plan policies should be used to determine this planning application, alongside policies in the adopted Local Plan and adopted London Plan. Where there is conflict between the policies in the draft new London Plan and the policies in the adopted Development Plan, the draft new London Plan should generally be given primacy although this may vary from case to case.

5.4.7 Upon adoption of the new London Plan, it will become the most up-to-date Development Plan Document for the London Borough of Bromley, and therefore, in accordance with section 38(5) of the Planning and Compulsory Purchase Act 2004, “if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.”

5.4.8 The following policies of the Publication London Plan are relevant:

GG2 Making the best use of land
GG3 Creating a healthy city
GG4 Delivering the homes Londoners need
GG5 Growing a good economy
GG6 Increasing efficiency and resilience
SD10 Strategic and local regeneration
D1 London’s form
D3 Optimising site capacity through the design-led approach
D4 Delivering good design
D5 Inclusive design
D6 Housing quality and standards
D7 Accessible housing
D11 Safety, securing and resilience to emergency
D12 Fire safety
D14 Noise
H1 Increasing housing supply
H4 Delivery affordable housing
H5 Threshold approach to applications
H6 Affordable housing tenure
H7 Monitoring of affordable housing
H10 Housing size mix
S4 Play and informal recreation
G5 Urban greening
G6 Biodiversity and access to nature
G7 Trees and woodlands
G9 Geodiversity
SI-1 Improving air quality
SI-2 Minimising greenhouse gas emissions
SI-3 Energy infrastructure
SI-8 Waste capacity and net waste self-sufficiency
SI 13 Sustainable drainage
T2 Healthy streets
T3 Transport capacity, connectivity and safeguarding

T4 Accessing and mitigating transport impacts
T5 Cycling
T6 Car parking
T6.1 Residential parking
T7 Deliveries, servicing and construction
DF1 Delivery of the plan and planning obligations
M1 Monitoring

5.5 Mayor Supplementary Guidance

Affordable Housing and Viability Supplementary Planning Guidance (2017)
Housing (2016)
Accessible London: Achieving an Inclusive Environment (2014)
Sustainable Design and Construction (2014)
Character and Context (2014)
Play and Informal Recreation (September 2012)

5.6 Bromley Local Plan 2019

1 Housing Supply
2 Affordable Housing
4 Housing Design
8 Side Space
30 Parking
31 Relieving Congestion
32 Road Safety
33 Access for all
34 Highway Infrastructure Provision
37 General Design of Development
73 Development and Trees
79 Biodiversity and Access to Nature
113 Waste Management in New Development
116 Sustainable Urban Drainage Systems
123 Sustainable Design and Construction
124 Carbon reduction, decentralised energy networks and renewable energy
125 Delivery and Implementation of the Local Plan

5.7 Bromley Supplementary Guidance

Affordable Housing SPD
Planning Obligations SPD
SPG1 Good Design Principles
SPG2 Residential Design Guidance

6 Assessment

6.1 Principle of development – Acceptable

6.1.1 The application site lies within the defined Cray Valley Renewal Area identified in Policy 17 of the Local Plan. Bromley has identified 5 'renewal areas' in the borough, one of which is Cray Valley based on indices of deprivation. Policy 13 of the Local Plan seeks to maximise opportunities for enhancement and improvement in these renewal areas including economic, social and environmental benefits.

6.2 Housing – Acceptable

Current Housing Land Supply Position

6.2.1 The current position in respect of Bromley's Housing Trajectory, including the Five Year Housing Land Supply (FYHLS), was agreed at Development Control Committee on 24th September 2020. The current position is that the FYHLS (covering the period 2020/21 to 2024/25) is 2,690 units, or 3.31 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply. The implications of this are set out in the Housing Trajectory report.

6.2.2 Policy H1 Increasing Housing Supply (clause B 2) of the Publication London Plan states that to ensure housing targets are achieved boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions. Policy 1 of the Local Plan and Policy H1 of the Publication London Plan set the context in the use of brownfield sustainable sites for new housing delivery.

6.2.3 London Plan Policy 3.14 and Bromley Local Plan Policy H1 resist the loss of housing unless the housing is replaced at existing or higher densities with at least equivalent floor space. The proposal would replace 5 dwellings with 28 new residential units, representing an uplift of 23 units. As such, the proposed redevelopment of the application site is making more efficient use of the land and would positively contribute to the housing supply in the Borough.

Density

6.2.4 The application site is located within PTAL zone 1b (where the 1 is the lowest and 6a is the highest) and has a site area of 0.23ha. The density threshold in the London Plan density matrix indicates a range of 35-75 units per hectare and 150-200 habitable rooms per hectare.

6.2.5 The previously refused application failed on the grounds of density and design. The previously refused development proposed a density of 121 units per hectare and 360 habitable rooms per hectare, thus exceeding the policy guidelines.

6.2.6 The Applicant states in this current submission that despite further consideration, no reduction in density has been possible due to the marginal viability of the scheme. It is noted that revisions to the design of the proposal resulted in a small reduction in the amount of bed spaces provided, however

this would slightly decrease the intended occupancy levels of the development, rather than lower its overall density.

6.2.7 The financial considerations evidenced in the Applicant's viability appraisal have been scrutinised by the independent consultants on behalf of the Council and their findings are reported in the subsequent section of this report. In summary, the appraisal of the financial viability of the scheme demonstrates that there is a deficit in the value of the proposal, leaving little room to further reduce the quantum of the proposed development.

6.2.8 Notwithstanding the above, Members are advised that that the Policy D3 'Optimising site capacity through the design-led approach' (Publication London Plan) sets out in Clause A that:

'All development must make the best use of land by following a design led approach that optimises the capacity of sites, including site allocations. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in Policy D2 Infrastructure requirements for sustainable densities), and that best delivers the requirements set out in Part B.'

6.2.9 The Publication London Plan does not include a prescriptive density matrix (as set out in the adopted London Plan) and instead promotes a design-led approach to optimise the capacity of sites. Policy D3B sets out the specific design considerations that should be factored into any design assessment. Specific density measures such as the number of units per hectare are still relevant as part of the assessment of design but they are not determinative in and of themselves. Therefore, it is necessary to demonstrate that an appropriate development threshold can be achieved having regard to the context of the surroundings whilst taking other issues into account, such as quality of design and other planning benefits of the scheme.

6.2.10 This current proposal represents an attempt to address the previous reason for refusal and the design concerns raised by Members through changes to architectural approach and materiality. The rationale behind the revised design is for the proposed development to more closely reflect the traditional character and appearance of the existing development present along Charterhouse and Winchester Road, whilst maintaining a relative density to the adjacent development located along Saltwood Close. An analysis of the impact of the proposed development in terms of its revised design and the resulting impact on the street scene and the character of the area is provided in the 'Design' section of this report. Officers have concluded that the revised proposals demonstrate that the design of the development would appear more in keeping with the established character of the area.

6.2.11 With regards to planning benefits of the scheme, due to an uplift in housing provision, the proposal would make the best use of previously developed land representing an important increment to the Council's required Housing Land Supply. Also of relevance is the proposed residential accommodation in terms

of the quality and the internal space standards achieved by individual units. It is considered that the proposed layout and the internal space planning would help to mitigate the high density of the scheme and in this instance a high density of housing on this site is in principle acceptable.

6.2.12 Officers note that despite the low PTAL rating, the application site is sustainably located with regards to the cluster of shops and services at the corner of Charterhouse Road and Court Road. It is also well located in terms of accessibility via private vehicular transport with the Orpington Bypass in close proximity and public transport with bus stops on each carriageway of Charterhouse Road at the junction with Saltwood Close. Orpington railway station and the adjacent Orpington town centre are situated within 10 minute cycle journey or 30 minute walk, whilst Chelsfield station is approximately 1,150m distant on foot (less than a 15 minute walk).

6.2.13 Appropriate mitigation to address any possible adverse off-site impacts would be secured through planning conditions and the s.106 obligations.

6.2.14 The above views are reinforced by the Inspector's decision in which he regarded the density of the previously refused development to be acceptable, when considered in relation to local social, commercial, natural and transport infrastructure etc. and with regard to the variety of density demonstrated by development in its immediate surroundings.

6.2.15 For these reasons, it is considered that the proposal would result in density levels that would be consistent with the aspirations of London Plan Policy 3.4, Bromley Local Plan Policy 2 and 37, as well as Publication London Plan Policy D3.

Affordable housing

6.2.16 The latest Authority Monitoring Report (covering the time period 2017/18) sets out affordable housing delivery figures as published by the GLA for 2014/15 – 2018/19. The total number of affordable dwellings completed in Bromley during the 5 year time period is 623 units highlighting still that there is a significant need for affordable housing in the borough, both from unmet need established in the 2014 SHMA and from whatever need has (and continues to) materialise since the SHMA was produced.

6.2.17 In line with the Publication London Plan and the Mayor of London's Affordable Housing and Viability SPG (2017), if a scheme delivers 35 percent affordable housing and meets the tenure and mix requirements, it is able to proceed through the viability fast track route and does not need to provide viability information. The proposed development is entirely for private market housing, with no affordable housing provision. In accordance with the requirement of Policy 2, a Viability Assessment Report has been submitted by the Applicant that assesses the viability of the development in order to identify the level of planning obligations that the development can sustain.

- 6.2.18 The report has been assessed by an independent consultant appointed by the Council who confirmed that the proposed scheme appraisal generates a residual land value of c. £3.12m and when benchmarked against a site value of c. £3.03m the scheme generates a surplus of c. £0.09m. However, the Applicant is still willing to offer the previously agreed (under planning application ref. 19/01345/FULL1) surplus of £0.099m as a financial contribution in lieu of on-site affordable housing.
- 6.2.19 In line with the Publication London Plan Policy H5 schemes that do not provide the threshold level of affordable housing or meet other relevant policy criteria, or that provide off-site or cash in lieu contributions, must follow the Viability Tested Route and are subject to viability scrutiny and late, as well as early, review mechanisms. Should planning permission be granted, a clause to manage and monitor the progress on implementation of the development would be secured in the S106 agreement.

Housing mix

- 6.2.20 The Strategic Housing Market Assessment (SHMA) 2014 identified the highest level of need across all housing tenures within the Borough up to 2031 is for 1-bedroom units (53%) followed by 2-bedroom (21%) and 3-bedroom (20%) units.
- 6.2.21 The proposed block would comprise of 20 units with the following mix: 9 x 1 - bed (2 person) flats, 5 x 2 - bed (3 person) flats and 6 x 2 - bed (4 person) flats, while the proposed houses would provide 6 x 3 - bed (5 person) and 2 x 3 - bed (4 person) units. The proposed housing mix would be characteristic of the existing mix and unit types in this area and is considered to provide a valuable addition to the housing stock of the Borough. The Council's Housing Division was consulted, and no objection was raised in this respect.

6.3 Design – Acceptable

- 6.3.1 As already noted in the preceding sections of this report, the current proposal seeks to address the shortcomings of the previously refused scheme in terms of the density and design which were considered by Members to be out of character with the area and to impact detrimentally on residential amenity.
- 6.3.2 The revised scheme would continue to propose a development that is mostly taller on the Saltwood Close elevation and less bulky and lower of the Winchester Road side. However, the proposal has undergone design changes to ensure that the architectural language draws closely from the local character and assumes more traditional traits and materials present along Charterhouse and Winchester Road.
- 6.3.3 The proposed buildings would feature pitched roofs similar to those that can be found on neighbouring properties. All mansard roofs have been removed and all dormers now also incorporate pitches. The changes to the roof profiles would not only reduce the massing of the development and further minimise the extent of the visual impact on the lower density side of Winchester Road, but they would also give the proposal a more traditional appearance that would fit in

better with the local surroundings. Other specific features that have been included in the design to ensure the development would reflect more closely the local character are: bay windows, front porches, window surrounds, soldier course lintels, arched entrance to the block of flats, eaves detailing and more traditional window proportions.



Fig. 5. Proposed elevations.

6.3.4 The materials are a key element in defining the appearance of the revised scheme and they have also been deeply influenced by the surrounding area. The primary finish proposed is brick. This approach has been influenced in the varied use of brick in the surrounding context. Two tones of brick would be used; a red brick as a predominant colour of all the buildings and a darker brown-red brick which would be used to emphasise specific architectural elements such as bay windows or the soldier coursing in window lintels. The window and door frames on the elevations would have a light grey finish which would harmonise with the white reveals and metal balustrading.



Fig.6. View of the proposed development from Saltwood Close.



Fig.7. View of the proposed scheme from Winchester Road.

6.3.5 Members are advised, that when considering the appeal scheme the Inspector reasoned that although the density of the proposed development does not fully reflect the very open grain of housing development in the local area away from the A224, the private garden spaces to the proposed houses, the side space nearest to No 7 and the shared amenity space at the centre of the proposed development would result in it appearing more open than the flatted development between the appeal site and the A224. Given the modest height of the proposal and the spaces between and around buildings on the site, the proposal would not appear as a cramped form of development. It would, however, provide a transition between the density and scale of the existing

flatted development and the apparent lower density and open grain of the houses and bungalows beyond. He went on to conclude as follows:

'the proposal would present itself as taller and of greater density than the existing housing on the site, this would result in an apparent visual change to the area when viewed in the context of the detached and semidetached houses and bungalows that face onto it. However, the proposal does provide for a transition between these single dwellings and the density and scale of the flatted development on the A224, which currently sits in stark contrast to the lower level and scale of development in the wider local area. For these reasons, the proposal would not, therefore, appear as so visually intrusive and dominant as to be discordant in the street scene of the local area when viewed in the round.'

- 6.3.6 Having considered all the above factors, officers take the view that the current proposal is of acceptable scale, design and appearance to integrate satisfactorily into the existing surrounding development and provide an appropriate response to the wider context of the site. To this end, officers are satisfied that subject to a condition requiring the submission of details of external materials for the building and soft and hard landscaping, the development would have no adverse impact on the character and appearance of the surrounding area and the streetscene.

6.4 Impact on Residential Amenity – Acceptable

Privacy and Outlook

- 6.4.1 The possible implications on amenity by way of overlooking and sense of enclosure have been addressed in the design of the proposals. The position of the buildings would ensure appropriate separation distances between the new building and neighbouring properties, while the orientation of balconies and the unit layouts would limit overlooking and avoid infringing on privacy.
- 6.4.2 The property most affected by the rear elevations of the new units would be 7 Winchester Road which is a bungalow with habitable rooms at ground floor level. The closest property would be the 2 storey house identified as BG5 and this has been designed so that there are no windows within the rear elevation at first floor level. The adjacent 3 storey houses would have habitable room windows facing No 7 but the viewing angle would be oblique and the separation distance between habitable room windows above ground level would be approximately 20m which is considered to be acceptable. The separation distances between the front elevations of the flatted element and the closest properties on Charterhouse Road, and Winchester Road would be at least 23m. This spatial relationship is typical to many urban locations in the borough and as such is considered sufficient to ensure that the privacy and outlook would not be unduly affected in the existing properties.
- 6.4.3 This view is validated by the Inspector's decision in which he confirms that the degree of overlooking resulting from the previously refused scheme would not

be greater than that to be expected in a residential area of this type (see paras 14-16 of the attached decision).

Daylight and Sunlight

- 6.4.4 The submitted Daylight and Sunlight Report assesses the impact of the development on properties at 2, 4, 6 and 8 Winchester Road and 203, 204 and 205 Charterhouse Road. Analysis shows that all the habitable rooms in these properties would be fully compliant with BRE Guidelines in terms of daylight and sunlight.
- 6.4.5 Any loss of light would be within the permissible margin of reduction. The occupants of these dwellings would not experience any noticeable or material change on perceived daylight conditions and levels of daylight post development would remain very good.
- 6.4.6 In terms of impact on the existing sunlight provision, the report shows that all windows facing within 90 degrees of due south would satisfy the BRE criteria and would continue to receive good levels of annual and winter sunlight.

General noise and disturbance

- 6.4.7 Although the intensification of housing use on site would introduce a greater level of activity to the surrounding area, officers acknowledge that the points of residential and vehicle access are located in areas that already experience significant activity from both existing pedestrian and vehicular sources relating to the residential flats, the adjacent car park and the commercial uses fronting Court Road, particularly the petrol filling station and the retail use. In officers view, the additional activity and any potential disturbance and noise generated by the development would not be of such significance as to result in a harmful impact on the amenity of existing neighbours. This view is reinforced by the Inspector's findings (see paras 16-18 of the attached decision).
- 6.4.8 As such, the proposals are considered to satisfactorily respond to the constraints of the site without resulting in any material harm to the residential amenities currently enjoyed by the existing neighbouring occupiers.

6.5 Standard of accommodation – Acceptable

- 6.5.1 All of the proposed units would meet or exceed the 'Technical housing standards - nationally described space standard' minimum thresholds and adequate internal living space would be provided. Each of the proposed flats would have access to a private patio area or a balcony of acceptable size, depth and proportion. In addition, a central community amenity space of approximately 135 sqm would be provided to serve the apartments and provide for usable semi-private amenity area to these residents. Each of the houses also have their own private garden.
- 6.5.2 The floor plans show that all houses would be dual aspect, while the flats would comprise a mix of dual and single aspect units. There would be no north facing

single aspect units. In terms of outlook, the proposed layout of the buildings and individual dwellings means that windows serving habitable rooms would generally not be enclosed by adjacent parts of the proposed development.

- 6.5.3 Privacy within the proposed dwellings would also be achieved through the relationship between the buildings and the orientation of the units as well as buffer zones and landscaping.
- 6.5.4 An Addendum Daylight Report submitted demonstrates that all of the tested rooms would achieve numerical results in excess of the BRE guidelines, thereby ensuring that the future occupants of the dwellings would enjoy a reasonable level of daylight amenity.
- 6.5.5 The requirement for the provision of playspace in a development is set out in the Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG (2012). In this instance, approximately 7 children are predicted to live in the flatted element of the scheme, giving rise to a total child playspace requirement of 73.8sqm (children of the houses are excluded from this calculation, as they would have direct access to private rear gardens). As such, it is considered that adequate child play areas can be accommodated within the central community amenity space proposed and subject to a condition requiring the submission of further details of these spaces as well as children's play equipment, the proposal would be acceptable in this regard.

Wheelchair unit and inclusive living environment

- 6.5.6 The proposal would provide 3 wheelchair user units (10%) which would be located on the ground, first and second floor. The proposed floor plans demonstrate that a step free access would be provided for the upper floor units via an internal lift. As such, it is considered that the proposal would achieve an inclusive living environment and would comply with the policies above.

Secured by Design

- 6.5.7 The proposed layout ensures that a good degree of natural surveillance can be provided. An access control system would be applied to the vehicular entrance to prevent unauthorised access into the car park. The use of gates and boundary treatment means there would be limited scope for passers-by or others to wander around the site, thus limiting the potential for anti-social behaviour. CCTV cameras would be installed in all vulnerable locations such as entrances and the communal amenity area. The communal amenity space, entrances on Charterhouse Road and Saltwood Close and other external areas would be provided with appropriate surveillance lighting. The design out crime officer was consulted, and no objection was raised in respect to the proposed layout, subject to a planning condition requiring the proposed development to achieve Design Out Crime accreditation.

6.6 Transport and Highways – Acceptable

- 6.6.1 Members are advised that the transport and highway aspects of this application are the same as with the previous proposal which was found to be acceptable in this regard. Nonetheless, an up to date parking surveys were carried out in December 2020 to show the current parking stress. Despite this being a worst-case scenario of undertaking them during the COVID19 pandemic, when the overnight residential parking demand must be getting close to the maximum, the surveys demonstrate that overall parking stress is around 54/57%, i.e. well below the 85% threshold when issues may arise. As such, there appears to be still a significant availability of on-street car parking spaces should there be overspill parking from the proposed development.
- 6.6.2 For the proposed flats an underground car park with access from Saltwood Close would provide 23 car parking spaces for 20 flats. Three of these spaces (10% of the overall provision) would be dedicated disabled parking bays for Blue Badge holders. For the 8 proposed houses a total of 10 car parking spaces would be provided with frontage parking for 4 of the units and nearby remote spaces directly off Saltwood Close for 4 units (see Figs 7 and 8 below).

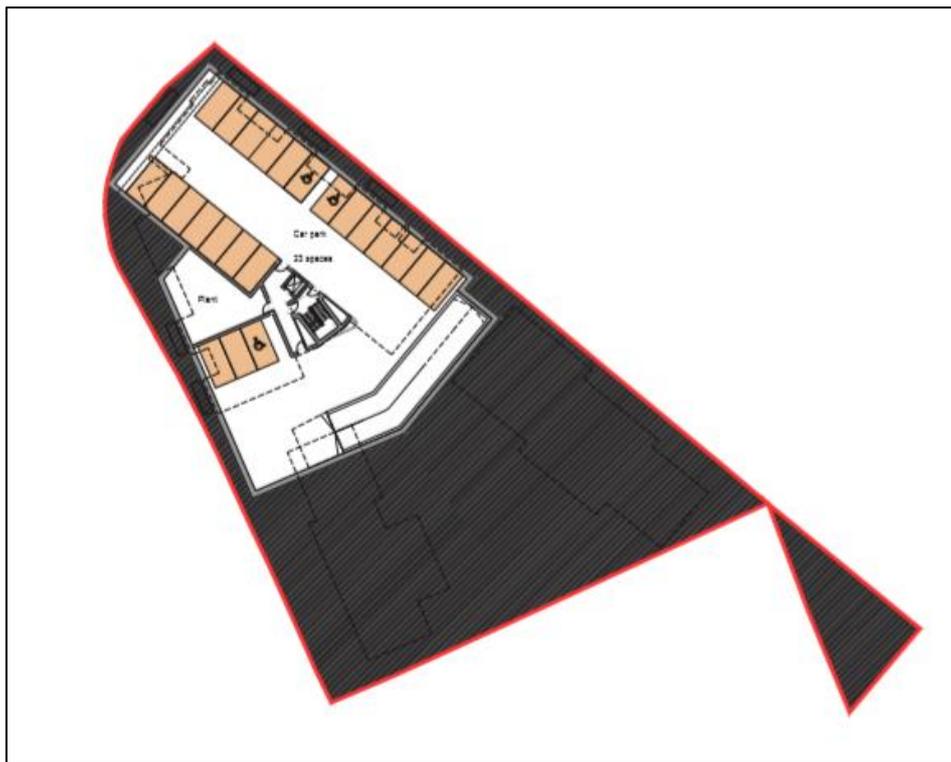


Fig. 8. Basement Car Parking Proposed.



Fig. 9. Ground Floor Car Parking Proposed (highlighted in orange).

6.6.3 The submitted plans show an inward opening gate at the top of the access ramp to ensure that the underground parking spaces are only used by residents. The gate would be set back from the highway to ensure that cars would only have to queue on Saltwood Close in exceptional circumstances. The applicant has advised that a CCTV for the car park would be provided as an additional level of security for residents. The Highways Officer raised concern about the width of the two-way access ramp. Whilst the ramp meets the minimum width required for 2 cars to pass, the separation distance between cars would be minimal. In order to avoid instances where cars have to reverse up or down the ramp to let approaching traffic pass, suggestions of a system that would warn incoming and outgoing drivers of likely movement on the ramp have been explored in order to alleviate most of the conflicts. A condition requiring details of measures to ensure safe access to the underground car park is recommended.

6.6.4 As with the previous scheme, regardless of significant concerns raised by the local residents in relation to the adverse impact of the development on the highway safety, the current application can only consider the impact from the additional vehicle movements generated by this particular development. In this instance, the TRICS database showed that the number of extra vehicular trips generated by the additional 23 units is likely to be around 74 trips per day, with 6 extra trips in the morning peak hour and 7 in the evening peak hour. This level of trip generation is unlikely to have an adverse impact on the local highways network or lead to unsafe highway conditions in the area.

Electric Vehicle Charging Points (EVCP)

6.6.5 Publication London Plan requires all residential car parking spaces to provide infrastructure for electric or Ultra-Low Emission vehicles. In line with Policy T6.1 'Residential Parking', 20 per cent of spaces (8 no.) would have active charging facilities, with passive provision for all remaining spaces. A condition to secure this provision is recommended.

Cycle parking

6.6.6 Secure long stay cycle parking spaces would be provided in a lockable internal cycle store on the ground floor close to the entrance onto Saltwood Close. A two-tier stacking system would be used providing 36 cycle parking spaces which, subject to their detailed design being acceptable, would meet the requirements of the London Plan. Cycle parking provision for the houses would be located within their back gardens and a condition requiring the submission of details of the individual cycle stores is recommended.

Construction Logistics Plan

6.6.7 A CLP setting out details of the measures relating to the demolition and construction process for this site has been submitted for consideration, however a condition requiring submission of a Construction and Environmental Management Plan prior to commencement of development is recommended, given the need to address the environmental impacts arising during construction phase (see paras 6.7.1 – 6.7.2 below).

Waste storage

6.6.8 Dedicated secure refuse storage for the apartment block would be located adjacent to the entrance on Saltwood Close. Each house has a separate dedicated bin store within its curtilage with the exception of 2 houses in Saltwood Close where the bin store is located to the side of one of the houses.

6.6.9 In line with Bromley Council guidance on "The Storage and Collection of Refuse from Residential and Commercial Buildings" the proposed scheme would provide 4 x 1,100 litre euro-bins for waste, 2 x 1,100 litre euro-bins for recycling and a 240 litre wheeled bin for food waste. Each house would have space for a 2 x 240 litre wheeled bin, one for waste and one for recycling. Each house would also have space for a food waste bin within their kitchen. Whilst the bin capacity for all units is considered as acceptable, details of the design of the household bin stores is not fully provided and a condition requiring submission of these details is recommended.

6.7 Environmental Health – Acceptable

Air Quality

6.7.1 Air Quality Assessment submitted in support of the application indicates the proposal would not have an adverse impact on air quality, however, mitigation

would be required during the construction phase of the development. The assessment has been reviewed by the Council's Environment Health and no objection has been raised, subject to a construction and environmental management plan in line with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990 as well as the Council's Control of Pollution and Noise from Demolition and Construction Site Code of Practice 2017 being submitted and agreed before works commence.

6.7.2 In accordance with the London Plan, all construction plant would need to adhere to the emissions standards for NO₂ and PM₁₀ (particles with a diameter up to 10µm) and PM_{2.5} (particles with a diameter up to 2.5µm) set out for non-road mobile machinery (NRMM). Subject to the planning conditions, it is therefore considered the likely effect of construction plant on local air quality would not be significant. Overall, the development is considered acceptable from an air quality perspective.

Noise and light pollution

6.7.3 The site is located within an urban area and it is considered that the proposal to intensify the existing residential use of this site would not give rise to undue harm in terms of noise or light pollution (See more assessment on noise and disturbance in para 6.4.6.). With regard to the noise generated by the plant, it is recommended that at any time the measured or calculated absolute plant noise level shall not exceed 10dB below the typical background noise level (LA90 15 minute) at the closest residential window. This mitigation measure will be secured via appropriately worded condition.

Contamination

6.7.4 Local Plan Policy 118 requires the submission of desktop and detailed site investigation reports to include a proposed remediation strategy and closure report. Land should be remediated to a standard such that there is no appreciable risk to end users or other receptors once the development is complete. The applicant has submitted two relevant reports; a Phase 1 Environmental Risk Assessment and a Phase 2: Investigation Report. Potential sources of contamination have been identified as follows:

- Garage located approximately 30m north and associated fuel infrastructure, including associated tanks and pipework. Contaminants of concern include, but are not exclusive to, petroleum hydrocarbons; and
- Electricity substation located 10m northeast and potential PCBs.

6.7.5 The Site Investigation report submitted advises that the refinement of the Preliminary CSM and subsequent Risk Assessment, the risks associated with the outlined pollutant linkages are currently deemed to be Negligible to Low or Low. Therefore, specific remedial measures will not be required. However, development/construction works must still include measures to ensure end users and site workers are adequately protected; by use of PPE and wash/mess facilities etc.

6.7.6 The Council's Environmental Health Officer advises that as risk associated with contaminants and pollutant linkages are negligible to low or low remedial measures are not required, however, if during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

6.8 Trees, Ecology and Landscaping – Acceptable

Trees

6.8.1 The Arboricultural Report submitted by the applicant identifies the existing trees and groups of trees on the site, and advises that all of the individual trees and groups of trees would be removed to facilitate development. The existing trees and groups of trees are all Category C with the exception of 1 Category B tree which is a mature beech tree located in the rear garden of 5 Winchester Road. The Category C trees are mostly in fair condition but do not have significant amenity value and the Category B beech tree is of moderate amenity value.

6.8.2 The report concludes that the loss of the trees would have a minor impact in the short term but high quality replacement tree planting is proposed and this would result in wider benefits in the longer term. This creates a neutral impact in the medium term and positive impact in the longer term. The Council's Tree Officer raises no objection to the loss of the existing trees and considers the development would present an opportunity to plant feature trees and provide landscaping on the site.

Ecology

6.8.3 A Preliminary Ecological Appraisal Report submitted assesses the ecological value of the existing habitat on site and considers that there is some ecological value and the presence of protected species is of moderate potential. The report concludes that there is no evidence of badger activity or Great Crested Newts and concludes that reptile species would not be impacted by the development. No further surveys relating to these species is recommended by the report.

6.8.4 The boundary habitats provide limited potential and foraging grounds for local bats. Gaps are noted in the roof of existing houses that provide low potential for local bat roosts. The trees and hedgerows provide potential for nesting birds and the gardens for foraging for local invertebrates. The gardens are not considered suitable for hedgehogs, reptiles or amphibians given the access road to the west, north and south.

6.8.5 The activity associated with the redevelopment of the site would combine to result in a minor impact on surrounding habitats. Clearance would need to be carried out outside the nesting season. It is considered that the conclusion of the report is acceptable, including a recommendation that a detailed endoscope survey is carried out and should no evidence be found then works can proceed

with precautionary measures in place. Should evidence be found, then further echolocation surveys must be carried out during the active bat survey season. A condition is recommended to ensure this commitment is secured.

Landscaping

6.8.6 Detailed landscape proposals have not yet been fully formulated but the ground floor plan shows where trees and hedges could be planted along internal boundaries and along the southern boundary with 7 Winchester Road to provide a landscaped and tree buffer. The communal amenity area would also provide an opportunity for planting shrubs and trees and provide a small children's playspace on the site. A condition is recommended requiring the submission of details of the treatment of the site not covered by buildings prior to the commencement of any above ground works to include details of hard and soft landscaping, trees, boundary treatment and proposed play equipment.

6.9 Flooding and Drainage – Acceptable

6.9.1 The site lies within Flood Zone 1. The applicant has submitted a Drainage Report which confirms that the surface water drainage has been designed in accordance with the requirements of the London Plan. Sustainable Urban Drainage (SUDS) features proposed include porous surfacing to external areas and provision of gardens and communal areas to allow some infiltration. This would be used in conjunction with below ground attenuation crates. In total the scheme is designed to accommodate a 1 in 100 (+40% climate change) event without flooding occurring.

6.9.2 Thames Water advise that they raise no objection with regard to the impact on water network and water treatment infrastructure capacity and request an informative relating to water pressure. They also raise no objection to the use of Thames Water sewers for the disposal of foul waste. Informatives are recommended relating to prior approval to access TW sewers and filters for potential car related pollution.

6.9.3 The Council's Drainage Officer raises no objection to the proposed method of dealing with SUDS and recommends a condition requiring the submission of a detailed design of the measures proposed. Subject to the appropriate measures being implemented, it is considered that there would be no adverse impacts resulting from the proposed development.

6.10 Energy and Sustainability – Acceptable

6.10.1 The applicant has submitted an Energy Statement which outlines how energy efficiency, low carbon and renewable technologies have been considered as part of the energy strategy. The Energy Statement is based on the energy hierarchy set out in policies in Chapter 5 of the London Plan where priority is given to energy reduction and efficiency through the use of renewables and low carbon technologies.

6.10.2 In order to meet the London Plan target of zero carbon emissions when compared to the existing baseline emissions, the following measures are proposed:

- High performance construction methods to reduce energy demand for space heating, cooling, ventilation and lighting; and
- The provision of air source heat pumps to provide space heating and hot water.

6.10.3 The outcome of the analysis demonstrates that the development would have a carbon reduction of greater than 35% relative to the Building Regulations Part L (2013). However, as there is a shortfall to meet the zero carbon target, in line with the GLA Energy Assessment Guidance, a carbon off-setting payment of £38,148 is required to be secured by a S106 legal agreement towards off-site projects to reduce carbon emissions. The applicant has agreed this contribution.

6.10.4 The Councils' Policy Officer advised that the improvements in energy efficiency as set out in the Energy Statement submitted are acceptable and a condition requiring compliance with the carbon saving measures proposed is therefore recommended.

6.11 Archaeology – Acceptable

6.11.1 The site lies within an Area of Archaeological Importance and the applicant has submitted an Archaeological Desk-Based Assessment which identifies that the site holds low to moderate archaeological potential for the prehistoric, Roman and Medieval periods even though the site is located outside an Archaeological Priority Area.

6.11.2 The Historic England Archaeological Advisor has reviewed the report and advises that the development could cause harm to archaeological remains and the scale and significance of the asset will need further examination. A condition recommending the submission of a written scheme of investigation (WSI) prior to the commencement of development is recommended.

7. Other Issues

Heads of Terms

7.1 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 (paragraph 56) 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.

7.2 Local Plan Policy 125 states that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.

7.3 The following planning obligations will need to be secured as part of an S106 legal agreement, which the applicant has agreed to, should permission be granted:

- Affordable Housing £99,000
- Health £32,078
- Education £127,469.91
- Carbon Offset £38,148
- Orpington to Green Street Green Cycle route £10,000
- Early stage affordable housing review
- Late stage affordable housing review

Community Infrastructure Levy

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

8. Conclusion

8.1 This application forms a resubmission of a previously refused scheme (ref: DC/19/01345/FULL1) and seeks to address Members' objections to density and design of the proposed development and its potential impact on residential amenity.

8.2 Member's attention is drawn to the subsequent appeal decision dated 11th January 2021 made with regard to the previously refused scheme. This decision is a material consideration in the assessment of the current proposal.

8.2 In the above decision Planning Inspector concluded that the proposal would not result in significant harm to the character and appearance of the local area or to the living conditions of the occupiers of No 7 and other neighbouring properties, and would not be contrary to policies 3, 4 and 37 of the Local Plan.

8.3 Officers consider that a reduction in the massing of the current proposal at roof level would further minimise the extent of the visual impact of the scheme whilst the revised architectural treatment would give the development a more traditional appearance that would fit in better with the local surroundings.

8.4 The proposal would continue to appropriately respond to the constraints of the site without resulting in any material harm to the amenities of the neighbouring residential properties in terms of outlook, privacy, daylight/sunlight and general noise and disturbance.

- 8.5 The proposal would continue to provide adequate living environment for all future occupiers, ensuring that internal space requirements and amenity space provision accord with policy requirements. All of the proposed units would achieve appropriate levels of privacy, outlook and daylight, and sunlight.
- 8.6 The application continues to demonstrate that the traffic and parking provision would not have a significant impact on local highways infrastructure or road safety and the proposed parking, access and servicing arrangements are acceptable.
- 8.7 The development would continue to be acceptable in respect of Environmental Health, Ecological, Archaeological, drainage and flooding effects as well as Energy and Sustainability aspects.
- 8.8 Consequently, the positive impacts of the development are considered of sufficient weight to approve the application with regard to the presumption in favour of sustainable development to increase the housing supply in the Borough. For these reasons the application is recommended for permission, subject to conditions and the prior completion of a s106 legal agreement.

9. RECOMMENDATION: PERMISSION SUBJECT TO A LEGAL AGREEMENT

SUMMARY OF CONDITIONS AND INFORMATIVES

Standard Conditions

1. Time limit of 3 years
2. Approved drawings

Pre-commencement

3. Construction and Environmental Management Plan
4. Water Drainage
5. Archaeological written scheme of investigation (WSI)

Above Ground

6. External Materials
7. Landscaping (hard and soft)
8. Secured by Design details and accreditation
9. Refuse/recycling enclosure
10. Glazing and ventilation (Acoustics Noise Assessment)
11. External lighting
12. Mechanical ventilation of the basement car park

Pre-occupation

13. Safe and convenient movement of vehicles in to and out of the basement car park
14. Stopping up of access
15. Energy statement
16. Travel Plan

17. Electric vehicle charging
18. Cycle parking (Houses)
19. Cycle parking (Flats)
20. disabled car parking spaces
21. Wildlife
22. CCTV
23. Parking

Compliance conditions

24. Site Investigation Report (Contamination)
25. Accessible and Adaptable Dwellings
26. Daylight and Sunlight Report
27. GPDO No building, structure, extension, enlargement or alteration
28. GPDO No windows or other openings in the southern elevation
29. No structure, plant, equipment or machinery on the roof
30. Plant noise levels
31. Hardstanding for wash-down facilities for construction vehicles
32. Preliminary Ecological Appraisal Report
33. EA Contamination
34. EA Drainage
35. EA Piling

Any other planning condition(s) considered necessary by the Assistant Director of Planning.

Informatives

1. Mayoral CIL
2. Party Wall Act
3. Highways: Stopping up of highway rights
4. Thames Water: various
5. Written scheme of investigation (Archaeology)
6. Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017.