

Committee Date	19/05/2022	Agenda Item:	
Address	169 High Street Orpington BR6 0LW		
Application number	21/03035/FULL1	Officer Jessica Lai	
Ward	Orpington		
Proposal	Demolition of the existing buildings and construction of a four-storey building to provide 2 ground floor retail units and 16 apartments above with associated refuse, cycle, storage and amenities spaces.		
Applicant		Agent	
Yellow Bridge Partners Old Coffee House Yard London Road Sevenoaks TN13 1AH		Mr Chris Scarr MortonScarr Architects 47 Middle Street Brighton BN1 1AL	
Reason for referral to committee	Major Application	Councillor call in No	

RECOMMENDATION	Refuse
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<p>KEY DESIGNATIONS</p> <ul style="list-style-type: none"> • Area of archaeological significance • Biggin Hill Safeguarding Area • London City Airport Safeguard • Orpington Town Centre • Cray Valley Renewal Area • Primary Shopping frontage • Smoke Control
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Residential Use			
Number of Unit	1	2	Total
Market	9	7	16
Affordable Housing	0	0	0
Total	9	7	16
Commercial Use			
	Existing	Proposed	Total
Retail	2 units (592sq.m including first floor)	2 units (251.41sq.m)	2 units (251.41sq.m)

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	N/A	2	+2
Disabled car spaces	N/A	2	+2
Cycle	N/A	24 long stay 4 short stay	+ 24 long stay + 4 short stay

Electric car charging points	20% active and 80% passive
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Representation summary	A 21 day neighbour consultation letter was sent on the 28 th July 2021. A site notice was printed the 10 th August 2021. The application was advertised in the News Shopper on the 11 th August, 2021.
Total number of responses	1
Number in support	0
Number of objection	1 (this recorded objection does not relate to the subject proposal)
Number of comment	0

Section 106 Heads of Term	Amount	Agreed in Principle
Carbon offset	£ 35, 703 including Be Seen measures	No
Affordable Housing Review mechanism	Early and Late Stage Review Mechanisms	No
Total	£ 35, 703	

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- This is a major residential-led redevelopment in Orpington Town Centre proposing to re-provide replacement retail floor space on the ground floor and introduce 16 new private residential units on the upper floors.
- The principle to redevelop the site to make more efficient use of the land and more housing at a sustainable location is supported, as the proposal would provide 16 private residential units (a net increase of 15 units). This provision of housing would attract a moderate weight due to its contribution to the Council's housing supply.
- A number of amendments were received aiming to address the identified concerns in terms of the quality of living environment including scale and intensity of the development. At the time of writing this report, further amended floor plans were received which indicated a total of five x 1 bed residential units which will now comply with the national minimum internal space standard.
- The applicant considers that the current proposal is acceptable with adequate distance between the habitable rooms of the proposed units. The updated proposal, in the applicant's view would address the concerns raised by officers, in relation to the overall scale, relationship between the proposed blocks and its surrounding areas as well as the quality of living environment. The applicant also considers that the proposal would represent a betterment when compared with the other approved developments adjoining to the site at No. 173 to 175 High Street (Dated 5th September 2017, ref: 17/02330) and No. 165 to 167 High Street (Dated 29th January, ref: 18/04523). The neighbouring developments are used to convey the design and layout of the current proposal.
- The proposal would be four storey in height with a maximum back-to-back/front distances of the current proposal measures approximately 12 metres which is comparable to the length of two standard parking spaces. An accompanied site visit was also carried out during the course of this application. However, the updated proposal would remain deficient due to the inadequate outlook, privacy, internal and external living standards of proposed units.
- Planning permission is assessed in accordance with the current development plan, taking into account any material considerations. In striking a balance between housing supply and quality of new build development for future occupiers in built up areas including town centres, officers considered that weight should also be given to the standard of living environment, particularly new build development with no identified site constraints preventing the delivery of good quality living accommodation, irrespective of the housing tenure.
- Each application should be considered in line with the current development plan at the time a planning decision is made and on its own merits. The deficiency of the small-scale developments adjoining the site are dated and should not be used as a benchmark or justification to support a cramped and over-intensive development.
- Based on the revised plans and responses received to date, it is considered that the proposed development would be beyond optimising the development potential of the site and would constitute overdevelopment

with poor outlook and privacy for the future occupiers. The planning merits generated by this development are limited as a result of its viability assessment with no affordable housing. The proposed layout, design and quantum of the development indicates that the priority to maximize the provision of housing is higher than the delivery of good quality accommodation.

- Consequently, it is recommended that planning permission should be refused with the reasons set out in this report.

1. LOCATION

- 1.1 The application site (No.169 to No.171 High Street) measures approximately 0.069 ha (690sq.m) in area and is located on the eastern side of Orpington High Street. The site backs onto a shared service yard.



Fig 1. Site location plan



Fig 2. Aerial Photo (site outlined in red)

- 1.2 The existing two storey buildings are occupied by two retail shops on the ground floor with ancillary retail accommodation on the first floor and a self-contained residential unit above the shop. The site forms part of the primary retail frontage and is located within Orpington Town Centre and the Cray Valley Renewable Area.

- 1.3 There is a narrow public footpath along the southern side of the site. The existing parking and servicing area associated to the shops are accessed via Lych Gate Road.
- 1.4 To the rear of the site is a multi- storey commercial building as part of the Walnuts shopping complex. The application properties are not listed. The site is located approximately 168 metres from The Priory Conservation Area and is located within an Archaeological Priority Area.
- 1.5 The site is located within Flood Zone 1. The site is subject to medium risk surface water flooding.
- 1.6 The public transport accessibility of the site (PTAL) is rated at 4, on a scale between 0 to 6b, where 0 is worst and 6b is excellent. Orpington Railway Station is approximately 1, 280m from the site.

2. PROPOSAL

- 2.1 Full planning permission is sought for the demolition of the existing building, erection of a 4 storey building which measures approximately 12.7 metres in height to provide two retail units on the ground floor and 16 private residential units on the upper floors. The proposal would comprise of 9 x 1 bed units and 7 x 2 bed units.
- 2.2 The replacement retail units would be located on the ground floor with its own front and rear door. The proposed retail floor area for Unit 1 measures approximately 146.58sq.m. Unit 2 would measure approximately 104.83sq.m. A communal retail waste storage area, a communal residential bicycle and waste storage area would also be located on the ground floor. The proposed ground floor would measure 17 metres wide, 27 metres deep, 12.6 metres high to the top of flat roof.

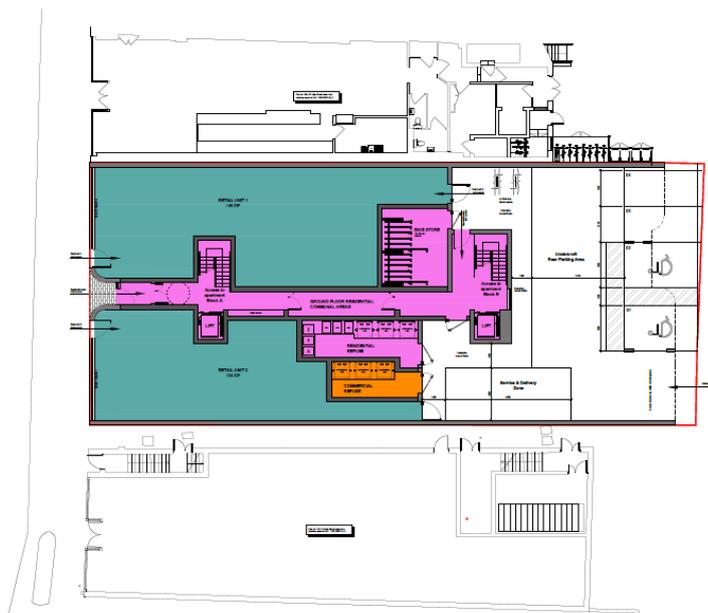


Fig.3 Proposed ground floor plan

- 2.3 The access to the residential units would be via the High Street. The vehicular access to the car park would be via Lych Gate Road. Four disabled parking spaces, including two disabled parking spaces and a shared off-street servicing delivery space would be provided to the rear of the building, accessed via Lych Gate Road.
- 2.4 The proposed residential accommodation would be arranged in two building blocks between first floor and third floor. The proposed front block (Block A) facing the High Street would measure approximately 17 metres wide and 17 metres deep with 8 residential units.



Fig 4. Proposed first floor plan

- 2.5 The proposed rear building block (Block B) would be positioned between 7.9 metres and 12 metres from the rear of the proposed front block (Block A), measuring approximately 17 metres wide, 11.7 metres deep. The proposed floor plan indicates that Block B would project up to 5.8 metres further than the neighbouring properties.
- 2.6 A communal outdoor space would be provided in Block A between the private outdoor area of two residential units on the third/top floor.
- 2.7 A total of 24 secured cycle storage areas including 4 short-stay cycle storage spaces would be provided.



Fig 5. Proposed south elevation plan

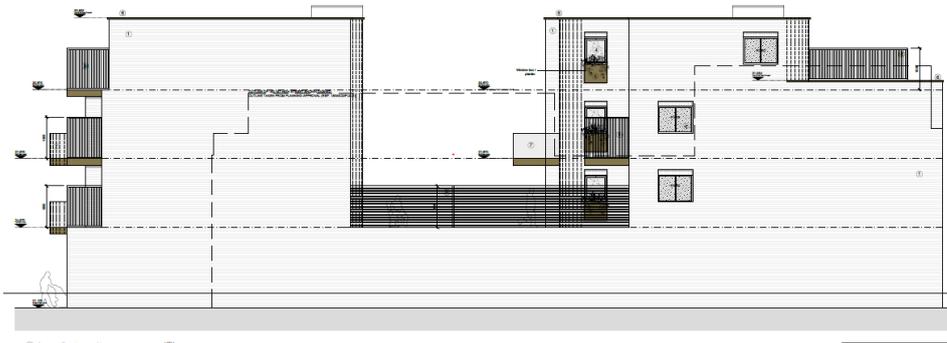


Fig 6. Proposed north elevation plan

3. RELEVANT PLANNING HISTORY

3.1 There is no recent planning application at this site. However, the planning applications adjoining to this site are considered to be relevant and are outlined below:

- *165- 167 High Street*

3.2 Full planning permission was granted on the 31st January 2019 (ref: 18/04523) for the erection of second floor extension and refurbishment of existing first floor to provide three x 2 bedroom units and one x 1 bedroom unit across first and second floors, with associated communal amenity space at second floor and roof level, along with associated bin and cycle store, and alterations to car parking area at rear for use with existing ground floor commercial unit.

N.B. The time period to implement this planning permission has expired and planning permission has not been implemented. Pre-commencement conditions have not been discharged.

- *173 - 175 High Street*

3.3 Full planning permission was granted on the 5th September 2017 (ref: 17/02330) for the demolition of the existing building and erection of a 4 storey building with retail on ground floor, with 8 residential units above.

N.B. This planning permission has been implemented.

4. CONSULATION SUMMARY

a) Statutory

4.1 Highways – No objection

The site has a moderate public transport accessibility rating and is rated at 4 although it is within the town centre and close to amenities. The site currently has 2 accesses from Dryden Way. There are 28 cycle spaces proposed which is in line with the London Plan. The rear wall of the site is not solid and will have some visibility for vehicles exiting the site. Waste Services should be consulted regarding to waste storage and collection arrangements.

It is difficult to object to the reduction in parking provision with the London Plan. The revised parking arrangement would require an additional crossover. If it gets permission the applicant would need to apply to the Council for the works and the following planning conditions should be attached:

- OC03 Car Parking
- AG12 Cycle Parking
- PC17 Construction management plan
- OC 06 car free housing
- AG24 highway drainage

4.2 Drainage - lead local flood authority – No objection

The Council's drainage officer has advised that permeable paving (with type 3 materials in the sub-base area) should be used for the car park area. Should planning permission be recommended, a pre-commencement condition requiring the detailed design measures should be provided. The details of the proposed green roof should also be secured by planning condition.

4.3 Thames Water – No objection

Waste comment

The site is located within 15 metres of a strategic sewer. A condition requiring piling method statements including the depth and method used shall be submitted and approved by the local planning authority in consultation with Thames Water. Developer is expected to demonstrate what measures will be undertaken to minimise ground water discharge into the 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. Should the Local Planning Authority be minded to approve the planning application, an informative requiring a

Groundwater Risk Management Permit from Thames Water should be attached

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. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

There is no objection in relation to waste water network and sewage treatment works infrastructure capacity.

Water comment

Thames water must be notified prior to any use of main water for construction purpose or there will be a potential fines for improper usage.

Water network and water treatment infrastructure capacity

No objection but an informative should be attached to this planning permission reminding the developer to take account of the development to enable Thames Water to maintain 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 development boundary falls within a Source Protection Zone for ground water abstraction. These zones may be at particular risk from polluting activities on or below the land surface. The applicant is encouraged to read the Environment Agency approach to ground protection and may wish to discuss the implication for their development with a suitably quality environmental consultant. A condition requiring the details of a foundation design to assess the risk to groundwater resources should be attached. The detail should include:

- Method to be used;
- Depth of the various structure involved;
- Density of piling if used;
- Details of materials to be removed or imported to the site

4.4 Historic England (Archaeology) - No objection

Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.

b) Local groups

None received

c) Adjoining Occupiers

4.7 Forty-five (45) letters of objection have been received. One letter of comment has been received concerning the neighbouring development at 173 High Street.

5. POLICIES AND GUIDANCE

5.1 National Planning Policy Framework 2021

5.2 National Planning Practice Guidance

5.3 The London Plan

Policy SD6	Town centres and high streets
Policy SD7	Town centres development principles and development plan documents
Policy D3	Optimising site capacity through the design-led approach
Policy D4	Delivery good design
Policy D5	Inclusive design
Policy D6	Housing quality and standards
Policy D7	Accessible housing
Policy D11	Safety, security and resilience to emergency
Policy D12	Fire safety
Policy D13	Agent of change
Policy D14	Noise
Policy H1	Increasing housing supply
Policy H2	Small sites
Policy H4	Delivering affordable housing
Policy H5	Threshold approach to applications
Policy H6	Affordable housing tenure
Policy H7	Monitoring of affordable housing
Policy H8	Loss of existing housing and estate redevelopment
Policy H10	Housing size mix
Policy S4	Plan and informal recreation
Policy G5	Urban Greening
Policy G6	Biodiversity and access to nature
Policy SI-1	Improving air quality
Policy SI-2	Minimising greenhouse gas emissions
Policy SI-4	Managing heat risk
Policy SI-5	Water infrastructure
Policy SI-13	Sustainable drainage
Policy T4	Assessing and mitigating transport impacts
Policy T5	Cycling
Policy T6	Car parking
Policy T6.1	Residential parking

- Policy T6.3 Retail parking
- Policy T6.5 Non-residential disabled persons parking
- Policy T7 Deliveries, servicing and construction
- Policy DF1 Delivery of the Plan and Planning Obligations

5.5 Mayor Supplementary Guidance

- London Housing SPG 2016
- Affordable housing and viability SPG 2017
- Accessible London: Achieving an inclusive environment 2011
- Character and context SPG 2014
- Plan and informal recreation SPG
- Energy Assessment Guidance 2020
- The control of dust and emissions in construction SPG

5.6 Bromley Local Plan 2019

- Policy 1 Housing Supply
- Policy 2 Provision of affordable housing
- Policy 4 Housing Design
- Policy 5 Parking of commercial vehicles
- Policy 13 Renewal areas
- Policy 17 Cray Valley renewal area
- Policy 30 Parking
- Policy 31 Relieving congestion
- Policy 32 Road Safety
- Policy 33 Access for all
- Policy 37 General design of development
- Policy 46 Ancient monuments and archaeology
- Policy 59 Public open space deficiency area
- Policy 72 Protected species
- Policy 79 Biodiversity and access to nature
- Policy 92 Metropolitan and major town centres
- Policy 112 Planning for sustainable waste management
- Policy 113 Waste management in new development
- Policy 115 Reducing flood risk
- Policy 116 Sustainable Urban Drainage systems
- Policy 118 Contaminated land
- Policy 119 Noise Pollution
- Policy 120 Air Quality
- Policy 122 Light pollution
- Policy 123 Sustainable design and construction
- Policy 124 Carbon dioxide reduction, decentralised energy networks and renewable energy
- Policy 125 Delivery and implementation of the Local Plan

5.7 Bromley Supplementary Guidance

- Bromley Affordable housing SPD and subsequent addendums

6. Assessment

6.1 Principle of development – Acceptable

6.1.1 Bromley Local Plan (BLP) Policy 92) states new development in Orpington Town Centre will be required to provide a range of uses that contribute towards its role as a major centre. This is consistent with BLP Policy 17 where development is required to support Orpington town centre, servicing the east of the Borough in respect of retailing and community services and developing a thriving retail office and leisure economy.

6.1.2. The application site forms part of the primary shopping frontage and is located along the eastern side of the High Street. The application property is a post-war two storey building and is occupied by two retail units on the ground floor with ancillary accommodation on the first floor and off-street parking and servicing deliveries to the rear of the building. There is an existing first floor residential flat located to the rear of the building.

- *Replacement retail*

6.1.3 It is noted that the existing building would be demolished, and the proposal would result in a reduction of commercial floor spaces from approximately 592sq.m to 251.41sq.m. It is also noted that there are no details relating to the possible storage areas and ancillary welfare facilities that would be provided for each replacement unit. However, it should be noted that the reduction of retail/commercial floor space would be mainly related to existing ancillary storage areas and this reduction is mainly located on the first floor. Given that two replacement retail units would be re-provided, an active shopping frontage along the High Street would be maintained and an off-street servicing and delivery space would be provided to the rear of the building, it is considered that the proposal would not have a significant impact upon the shopping function of this primary shopping frontage or Orpington Town Centre.

- *Heritage*

6.1.4 Historic England has confirmed the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. There was no further assessment or conditions are therefore necessary.

- *Housing*

6.1.5 The proposal would provide 16 private residential units (net increase of 15 units) at a sustainable location. The principle to redevelop the site to provide more housing and make more efficient use of the land is therefore considered acceptable in land use terms. The planning merits of the current proposal in terms of housing design, residential amenities, highway safety, sustainability, and other issues are outlined in the

following sections of this report. It should be noted that the current National Planning Policy Framework was published in 2021, The London Plan was adopted in March 2021 and the Bromley Local Plan was adopted in January 2019.

6.2 Housing - Unacceptable

- 6.2.1 The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 2nd November 2021. The current position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units, or 3.99 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications this means that the presumption in favour of sustainable development will apply.
- 6.2.2 The NPPF (2021) sets out in paragraph 11a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up-to-date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless 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 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.
- 6.2.3 According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'. In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.2.4 London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.

6.2.5 Policy H2 requires Boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size). Policy D3 requires all development to make the best use of land by following a design led approach.

6.2.6 This application includes the provision of 16 residential dwellings (net increase of 15) and would make a positive contribution to the Council's housing targets. This element is considered to be a significant benefit of the scheme.

– *Affordable housing*

6.2.7 London Plan Policy H4 sets a strategic target of genuinely affordable homes at 50 percent across London and requires that these should be provided on site. London Plan Policy H5 set the threshold approach to applications with an initial and minimum level of 35 percent by habitable room. The Mayor of London's Affordable Housing and Viability SPG (2017) states that applications not meeting the 35 percent affordable housing and tenure threshold are considered under the Viability Test Route and will be subject to an early and late-stage review. This requirement will be secured by way of a legal agreement should planning permission be granted.

6.2.8 BLP Policy 2 seeks 35 percent of affordable housing to be provided by habitable room with a split of 60 percent affordable rent and 40 percent for intermediate units. London Plan Policy H6 sets the following affordable housing tenure threshold: 1) A minimum of 30 percent low cost rented homes, at either London affordable rent or social rent, allocated according to the need and for Londoners on low incomes. 2) A minimum of 30 percent intermediate projects which meet the definition of genuinely affordable housing, including London Living rent and London Shared ownership 3) The remaining 40 percent to be determined by the borough as low cost rented homes or intermediate product based on identified need.

6.2.9 A Financial Viability Assessment is submitted which indicates that the proposal providing 100 percent private residential units would generate approximately £414k and would not be able to provide any on-site affordable housing. The assessment has been reviewed and assessed by an independent viability consultant appointed by the Council and they have indicated that the inclusion of affordable housing would result in a further deficit. Should planning permission be forthcoming they suggest that in line with the London Affordable Housing and Viability Supplementary Planning Guidance to ensure the maximum level of affordable housing can be provided at the point of implementation, an early and late stage review be secured by a s106 legal agreement. This is to ensure any future in surplus can be contributed towards affordable housing.

6.2.10 The Planning Statement states that the Council has a significant shortfall of housing supply following a recent appeal decision at the Footsie social club (APP/G5180/W/20/3257010). The contribution of 16 private units would significantly contribute to the Council's housing target.

6.2.11 Planning policy guidance at Paragraph 34 relates to viability assessment in decision making, it states "*The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances*".

6.2.12 Officers acknowledge that there is planning merits in contributing to the Council's housing stock and this element would attract weight in the planning balance. However, officers would point out this contribution is limited due to its limited units. Furthermore, the viability assessment also confirms the proposal would not be viable to provide any on-site provision. As such, the planning benefits which can be derived from this proposal to meet the Council's housing supply including affordable housing provision is therefore further limited.

- *Wheelchair unit and inclusive living environment*

6.2.13 London Plan Policy D7 requires at least 10 percent of proposed new dwellings to meet Building Regulation requirement M4(3) Wheelchair users dwelling standard. The remaining dwellings should meet Building Regulation M4(2) accessible and adaptable dwellings. London Plan paragraph 3.73 also states that "to ensure all potential residents have choice within a development, the requirement for M4(3) wheelchair user dwelling applies to all tenures and should be distributed throughout a development to provide a range of aspects, floor level, locations, views and unit sizes.

6.2.14 BLP Policy 4 states the wheelchair units will be required to comply with the South East London Housing Partnership Wheelchair Home Design Guidance. However, Planning Practice Guidance 31 states that Local Plan policies for wheelchair accessible homes (M4(3) units) should only be applied to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling. As such, the South East London Housing Partnership Wheelchair Home Design Guidance would not be applied in this case.

6.2.15 A total of two one bed / two person private wheelchair units would be provided in the proposed front block (Block A) and assessable via internal lifts with two disabled parking spaces. This would comply with the London Plan Policy D7 which requires a minimum of 10 percent wheelchair units (Building regulation Part M4(3)) be provided.

6.2.16 These private wheelchair accessible units would all be one bed unit only with an identical housing size and would be single aspect located in a close proximity to its opposite block (Block B) or its opposite boundary

treatment. It should be noted that one of the wheelchair units would be provided with no private outdoor space. Given that the housing size for these wheelchair unit are limited to one bed only, it is considered that the overall design and layout would represent a degree of overdevelopment and fail to provide adequate private outdoor space.

6.2.17 The remaining residential units are required to achieve adaptable dwellings standard (Building Regulation Part M4 (2)). Should planning permission be forthcoming, a planning conditions requiring this achievement should be attached.

6.2.18 It is noted that a communal outdoor space would be provided at the third floor in block A, adjacent to the private outdoor spaces of the adjacent units. It is also noted that the deficiency of a private balcony could be addressed with the provision of an additional private balcony. However, such provision would further reduce the distance between the proposed residential blocks as private outdoor space is required to comply with the national space standard with a minimum of 5sq.m and standard 27 of the London Housing SPG requiring a minimum depth of 1.5 metres. Notwithstanding the proximity to its opposite block, the provision of a balcony would also have an impact upon the availability of lights for the lower floor unit.

6.2.19 Overall, it is considered that the design and layout would appear to be cramped. The priority to retain a set number of residential units appears to be higher that providing a good quality living environment. Whilst the site is located within a town centre and more intensive development should be supported, the design, layout and relationship between the proposed units is not considered acceptable in its current form, contrary to London Plan Policies D7, SD6 and BLP Policy 37.

– *Housing mix*

6.2.20 Pursuant to London Plan Policy H10, schemes should generally consist of a range of unit sizes. The proposal would provide a mixture of 1 to 3 bed units. Paragraph 2.1.17 under BLP Policy 1 states the 2014 SHMA which highlights that the highest level of need across tenures within the Borough up to 2031 is for one bedroom units and is then followed by 2 bedroom units.

6.2.21 The proposal would provide a mixture of 1 to 2 bed units. Whilst there are no large family units (3 bedrooms) provided, it should be noted that the proposed housing size and mix would range between 2 to 4 person occupancy. Given that there is a higher housing need for 1 and 2 bed units, it is considered that the proposed housing mix would not be unacceptable at this location.

6.3 Standard of living environment – Unacceptable

- *Internal space standards*

6.3.1 In March 2015, the Government published 'Technical housing standards - nationally described space standard.' This document sets out requirements for the gross internal floor area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. This is supported by the Mayor's 'Housing' SPG 2016 to reflect the national guidance and BLP Policies 4 and Policy 37.

6.3.2 At the time of writing this report, further revised first, second and third floor plans were received with an updated annotation stating 5 of the 1 bed units would comply with the minimum internal living space standards measuring 50sq.m or above. It is noted that there are no changes in terms of the envelope of the building or the furniture layout. The updated floor plans with new internal floor area annotation have been submitted and accepted as part of this application. However, a two bed 4 person unit B7 in Block B would be slightly below the minimum required standard at 69.91sq.m. The policy requirements and details of the remaining units are outlined below.

	Internal living space policy requirements	Proposed internal floor area
1 bed/ 2 person	50sq.m	50sq.m to 58.54sq.m
2 bed/ 4 person	70sq.m	69.91sq.m to 80.49sq.m

Table 1. Internal space standard

6.3.3 The Nationally Describe space standard also sets the minimum required built-in storage area. Six (6) out of the proposed sixteen (16) units would provide inadequate built-in storage areas.

	Built-in storage policy requirements	Proposed minimum proposed built-in storage
1 bed/ 2 person	1.5sq.m	1.22sq.m
2 bed/ 4 person	2sq.m	1.13sq.m

Table 2. Built-in storage standard

6.3.4 Furthermore, the deficiencies identified in each of the proposed units are summarized as follows:

Block A (front block) 3rd floor	Identified Deficiencies

Unit A9 (2b/4p - floor area 70.25sq.m)	<ul style="list-style-type: none"> - Lack of outlook. Distance between the bedroom windows and Block B, measures approximately 7.7 metres and 8.4 metres. - Lack of outlook and privacy. Distance between kitchen window and Block B measures approximately 11.7 metres. - Built in storage area is 1.13sq.m (required 2sq.m)
Unit A8 (1b/2p - floor area 50.02sq.m)	<ul style="list-style-type: none"> - Lack of outlook. Distance between the bedroom window and Block B measures approximately 7.8 metres.
Block A (front block) 2nd floor	Identified Deficiencies
Unit A6 - (1b/2p – floor area 58.52sq.m)	<ul style="list-style-type: none"> - Single aspect unit - Lack of outlook. Distance between living/dining and kitchen to Block B measures 8.5 metres - Lack of outlook. Distance between bedroom window and Block B measures 7.9 metres. - Unclear side obscured glazed window serving any meaningful purpose.
Unit A5 (2b/4p – floor area 80.49sq.m)	<ul style="list-style-type: none"> - Location of private outdoor space is via a bedroom. - Lack of privacy and outlook. Distance the bedroom window to the bedroom windows in Block B measures 11.8 metres. With balcony, distance is reduced to 10 metres.
Unit A4 (2b/4p – floor area 79.93q.m)	<ul style="list-style-type: none"> - Location of private outdoor space is via a bedroom. - Lack of privacy and outlook. Distance the bedroom window to the bedroom windows in Block B measures 12 metres. With balcony, distance is reduced to 10 metres. - Built-in storage is 1.42sq.m(requires 2sq.m).
Block A (front block) 1st floor	Identified Deficiencies
Unit A3 (1b/2p – floor area 58.54q.m)	<ul style="list-style-type: none"> - Single aspect - Lack of outlook. Distance between living, kitchen and dining room window and Block B measures 8.5 or 4.5 metres to its opposite boundary treatment. - Lack of outlook. Distance between bedroom window and Block B measures 7.9 or 3.9 metres to its opposite boundary treatment.
Unit A2 (2b/4p – floor area 80.49.m)	<ul style="list-style-type: none"> - Location of private outdoor space is via a bedroom. - Lack of outlook and privacy. Distance between bedroom window and the bedroom window in

	<p>Block B (Unit B3) measures 11.8 or 6.5 metres to its opposite boundary treatment</p> <ul style="list-style-type: none"> - Built-in storage is 1.76sq.m(requires 2sq.m) - Unclear side obscured glazed window serving any meaningful purpose.
Unit A1 (2b/4p – floor area 79.93q.m)	<ul style="list-style-type: none"> - Location of private outdoor space is via a bedroom. - Lack of outlook and privacy. Distance between bedroom window and the bedroom window in Block B (Unit B1) measures 12 or 7.5 metres to its opposite boundary treatment - Built-in storage is 1.42sq.m(requires 2sq.m)
Block B (rear block) 3rd floor	Identified Deficiencies
Unit B7 (2b/4p – floor area 69.91sq.m)	<ul style="list-style-type: none"> - Internal living space below required 70.sq,m - Built in storage area is 1.64 (2sq.m required). - Lack of outlook. Distance between bedroom window and Block A measures 12 metres. - Lack of outlook. Distance between living kitchen and dining room window measures 4.3 metres to its rear boundary. This distance reduced to 2.4 metres with the balcony.
Unit B8 (2b/4p – floor area 73.58q.m)	<ul style="list-style-type: none"> - Lack of outlook. Distance between living kitchen and dining room window measures 4.1 metres to its rear boundary. This distance reduced to 2.2 metres with the balcony. - Lack of outlook and privacy. Distance between bedroom window and the living, kitchen and dining window and Block A (unit A9) measures approximately 11.7 metres. - Distance between bedroom window to its rear boundary measures 3.9 metres.
Block B (rear block) 2nd floor	Identified Deficiencies
Unit B4 (1b/2p – floor area 50.1sq.m)	<ul style="list-style-type: none"> - Lack of privacy and outlook. Distance between bedroom window to the bedroom window in Block A measures 12 metres. With balcony, distance is reduced to 10 metres. - Lack of outlook. Distance between living kitchen and dining room window measures 4.1 metres to its rear boundary. This distance reduced to 2.6 metres with the balcony.
Unit B5 (1b/2p – floor area 50sq.m)	<ul style="list-style-type: none"> - Lack of outlook. Distance between living kitchen and dining room window measures 3 metres to its rear boundary. This distance reduced to 1.47 metres with the balcony.

	<ul style="list-style-type: none"> - Lack of outlook. Distance between bedroom window and its rear boundary measures 3.09 metres.
Unit B6 (1b/2p – floor area 50.08sq.m)	<ul style="list-style-type: none"> - Lack of outlook. Distance between living kitchen and dining room window measures 2.95 metres to its rear boundary. This distance reduced to 1.42 metres with the balcony. - Lack of privacy and outlook. Distance between bedroom window to the bedroom window in Block A measures 12 metres. With balcony, distance is reduced to 10 metres. - Lack of privacy and outlook. Distance the bedroom window to the bedroom windows in Block A (Unit A4) measures 11.8 metres. With balcony, distance is reduced to 10 metres.
Block B (rear block) 1st floor	Identified Deficiencies
Unit B1 (1b/2p – floor area 50.1sq.m)	<ul style="list-style-type: none"> - Lack of outlook and privacy. Distance between bedroom window and the bedroom window in Block A (Unit A1) measures 12 or 4.3 metres to its opposite boundary treatment. - Lack of outlook. Distance between living kitchen and dining room window measures 4.2 metres to its rear boundary. This distance reduced to 2.5 metres with the balcony.
Unit B2 (1b/2p – floor area 50sq.m)	<ul style="list-style-type: none"> - Lack of outlook. Living kitchen and dining room window measures 2.9 metres to its rear boundary. This distance reduced to 1.3 metres with the balcony. - Lack of outlook. Distance between bedroom window and its rear boundary measures 3 metres.
Unit B3 (1b/2p – floor area 50.8sq.m)	<ul style="list-style-type: none"> - Lack of outlook. Living kitchen and dining room window measures 2.9 metres to its rear boundary. This distance reduced to 1.25 metres with the balcony. - Lack of outlook and privacy. Distance between bedroom window and bedroom window of bedroom units of Unit A2 measures 11.8 metres. This distance is reduced to 5 metres to its opposite boundary treatment. - Built-in storage is 1.22sq.m(requires 1.5sq.m)

Table 3. Identified deficiencies

6.3.5 While individual deficiencies might not constitute a reason for refusal when considered in isolation, the cumulative deficiency of the internal space requirements, the size of built-in storage, private outdoor space, inadequate outlook, privacy, and the qualitative availability of light for the

whole proposal would when combined result in an unacceptable development.

- *Amenity space*

6.3.6 Standard 26 and 27 of the London Housing SPD requires a minimum of 5sq.m private outdoor space to be provided for a 1 to 2 person dwelling and an extra 1sq.m to be provided for each additional occupant. The minimum depth and width of all balconies and other private extension spaces should be 1.5m.

6.3.7 Paragraph 2.3.31 of the Housing SPD states "*Private open space is highly valued and should be provided for all new housing development. Minimum private open space standards have been established in the same way as the internal space standards, by considering the spaces required for furniture, access and activities in relation to the number of occupants*".

6.3.8 Whilst the acknowledged that the site is located within a busy town centre, there is no justification for the absence of private amenity spaces, in particular when there are no other identified constraints such as heritage issues. The proposed layout indicates that one of the proposed units in Block A would not be provided with a private outdoor space. Whilst a communal outdoor space would be provided in Block A, there is no adequate justification for this overly intensive layout and the absence of private outdoor space. As such, it is considered that the proposal would fail to provide a good quality living environment.

6.3.9 Furthermore, the adoption of the new London Plan has put the focus on optimising site capacity through the design-led approach (London Plan Policy D3). It is noted that higher density development should generally be promoted at sustainable locations such as Town Centres. Policy D3 also indicates that new development should deliver appropriate outlook privacy and amenity.

6.3.10 In summary, the proposal would provide inadequate internal living space, built-in storage areas, outlook and privacy. The design and layout would represent a degree of over-intensive development due to the deficiencies identified above, contrary to national described space standard, London Plan Policies D3 and D6, BLP Policies 4 and 37 and London Housing design guidance.

- *Daylight, sunlight and outlook*

6.3.11 An updated sunlight and daylight report states that the average daylight factor of the proposed 4 living/kitchen and dining rooms (B1, B2, B3 and B4) would be below the recommended guidance. However, when taking into account the balconies, it was concluded these rooms would accord with the BRE guidance.

6.3.12 Officers would point out that the BRE guide advises that “*for a fairly light-coloured rooms a value of 0.5 can be taken. This value can be used as a default if room reflectance are not known*”.

6.3.13 The ADF adopted in the sunlight and daylight report is set at 0.65 with a relatively high internal wall (painted pale cream) reflectance value of 81%, internal ceiling (Painted white) at 85% and internal flooring at 30%. Whilst the BRE puts a recommended default value at 0.5, there is no set value in the BRE as each assessment is unique. With the findings illustrated in the sunlight and daylight report confirming the value would be acceptable at this town centre location. It is therefore, considered that adequate natural lights would be provided.

6.3.14 The extensive use of light colour internal walls and white internal ceilings are used in the sunlight and daylight report in arriving at its finding and confirming adequate daylight can be achieved. The reliance of internal light colour walls and ceilings does further highlight the proposal would constitute over-development. It should also be note that Block B is located in a close proximity to the commercial building located to the rear/east of the site.

- *Adjoining Developments*

6.3.15 The proposed floor plans indicated that each of the proposed units contain a level of deficiency in terms of the delivery an acceptable level of outlook, privacy and/or amenities. The applicant considered that the current proposal would represent a betterment when compared with the recently completed development at No.173 to No.175 High Street and a dated development at No.165 to No.167 High Street.

6.3.16 Each development is considered on its own merits. New developments are required to be considered in line with the current development plan. The reliance of the deficiency of the neighbouring development as justification for an over-intensive development and introduction of a more deficient development is not considered sustainable. It should also be noted that the time period to implement the approved development at No.165 to No.167 High Street has expired. The recently completed development at 173 and 175 High Street only contains 6 residential units located in a close proximity. It is noted that some of these neighbouring units are designed with both a front and rear living, dining and kitchen window where there is an alternative window in the same habitable room to retreat.

- *Child play*

6.3.17 London Plan Policy S4 states that development proposals that are likely to be used by children and young people should: 1) increase opportunities for play and informal recreation and enable children and young people to be independently mobile; 2) for residential development, incorporate good-quality, accessible play provision for all

ages. At least 10 square metres of play space should be provided per child.

6.3.18 The child yield associated to this development is 2.2 children and a play area of 22.sqm should be provided. A communal outdoor area would be provided at the top floor of Block A. Should planning permission be recommended, details of play equipment could be secured by a planning condition.

6.4 Design - Unacceptable

- *Form and layout*

6.4.1 The historic mapping record indicates that the High Street is the main route between St Mary Cray to the North and Farnborough to the South. The built settlement is spread along Orpington High Street and was once occupied by suburban houses and farm houses further along the High Street. Urbanization to date, has resulted in Orpington becoming a major town centre with more intensified built development populated along the High Street. The buildings along the High Street are mainly designed with the main building containing main activity facing the High Street with back of house activities to the rear. This pattern of development remains apparent and forms part of an established urban grain along the High Street.

6.4.2 The application property is a two storey building with a principal elevation facing the High Street and a late addition of a limited size located to the rear. The focus of current activities is concentrated to the front along the High Street which reflect the established form and layout.

6.4.3 The principal elevation of the replacement building would be facing the High Street and this element would reflect the apparent established form and layout. However, the proposed building is designed with a “tandem” element and the rear element is isolated from the High Street. It is noted that the proposed rear block would not be visible from the High Street, except visible via the footpath adjoining to the south of the site. In considering the form and layout, including activities associated to the proposed development, the residential block to the rear would appear to be in isolation with a comparable level of residential activities to the front block. As such, it is considered that the form and layout of the proposed development would reduce the significance of the proposed front block and would fail to enhance the established distinctiveness of layout along the High Street, contrary with London Plan Policy D3.

6.4.4 A number of references were made regarding to the approved development to the south at No.173 to No.175 High Street. As outlined under the paragraph “Adjoining Development” of this report, new development is required to be considered in line with the current development plan.

- *Experience*

6.4.5 At present, there is an existing residential unit above the shops and there is a various external equipment or plant placed above the roof area or attached to the rear wall of the shops. There are also a number of external equipment / plants associated to the Walnuts located to the east/rear of the building. Whilst the proposed land use would be identical to the existing, it should be noted that the proposal would intensify the use of the site with more residential units located close to an area dominated by servicing and delivery and external plants. It is unclear any facilities could be allocated within the site to accommodate the replacement retail units. Overall, it is considered that the quantum of the proposal would represent an over-intensive development and priority to ensure a high quality of experience is low.

6.4.6 The issues relating to the delivery of appropriate outlook privacy and amenity under Policy D3.7 are outlined in the Housing Section of this report.

6.4.7 The applicant has also made reference to the other developments including the redevelopment of Walnuts Shopping Centre where a similar back-to-back distance was accepted/being considered. Officers would point out that the current redevelopment of Walnuts Shopping Centre remains under consideration and each application is considered on its merits in line with the development plan.

- *Scale and massing*

6.4.8 The proposed building would be four storeys in height and measures approximately 12.6 metres. The top floor would be set in from the High Street and measures approximately 5 metres and is of a comparable height when compared with the adjoining properties. It is noted that the solar panel and green roof would be introduced at the roof level and the ultimate height would be higher. Having compared the floor levels of the building along the High Street, it is considered that the proposed building height would be acceptable.

6.4.9 The proposed ground floor plan indicates that an under-croft car park would be provided. The rear wall of the proposed building from the first floor level would project further than the adjoining properties to its rear, it measures between 5.4 and 7.2 metres to its rear boundary. The massing and layout of the proposed building block appears to be at odds when compared with the settlement along the High Street, out of keeping with its surrounding area.

- *Material palette*

6.4.10 The proposed external materials would mainly comprise of pale off-white brick with matching mortared colour brick with a line of green wall in Block B. The windows and doors would be made of bronze/light brown

and aluminium formed. The privacy screen would be made of light brown aluminium. The boundary fence would be made of slatted timber. The balcony and communal area would be surrounded by a clear glass balustrade. A green roof would be introduced at roof level. Given that there is a variation of architectural building styles and materials along the High Street, it is considered that the proposed external materials would be acceptable.

- *Fire Strategy*

6.4.11 London Plan Policy D12 requires information to achieve the highest standards of fire safety and a fire statement covering the building's construction, means of escape, features which reduce the risk to life, access for fire service personnel and equipment, provision be made to enable fire applicant to gain access to the building and ensuring that any potential future modification to the building will take into account and not compromise the base build fire safety/protection measures.

6.4.12 The matter of fire safety compliance is covered by Part B of the Building Regulations. In the absence of a fire strategy, it is considered inadequate information is submitted to demonstrate the proposal would comply with London Plan Policy D12.

- *Secured by design*

6.4.13 London Plan Policy D3 states measures to design out crime should be integral to development proposals and be considered early in the design process. Development should reduce opportunities for anti-social behaviour, criminal activities, and terrorism, and contribute to a sense of safety without being overbearing or intimidating. Developments should ensure good natural surveillance, clear sight lines, appropriate lighting, logical and well-used routes and a lack of potential hiding places. This approach is supported by BLP Policy 37 (General Design).

6.4.14 The Design out crime officer has raised no objection to the proposal. The developer is advised that accredited doors and windows should be used in all required locations. The undercroft should be gated to prevent unauthorised access. Waste storage areas should be self-closing and self-securing. A condition requiring the development to achieve secured by design accreditation would be attached, should planning permission is recommended.

6.5 Neighbourhood Amenity – Unacceptable

6.5.1 London plan Policy D6 states design of the development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context. BLP Policy 37 requires development be expected to respect the amenity of the occupants of the neighbouring buildings and ensure they are not harmed by noise and disturbance, inadequate daylight, sunlight privacy or by overshadowing.

6.5.2 The residential units at 173 to 175 High Street and 165a High Street are adjoining to the application site and would be impacted by the proposed development.

- *No.173 to No. 175 High Street*

6.5.3 No. 173 and No.175 is a part three and part four storey recently completed development located to the south of the application site. The submitted sunlight and daylight report indicates that two first floor living, dining and kitchen windows would result in noticeable reduction of daylights and not to a level considered to be harmful in line with the BRE Guidance. Based on the updated assessment, it is considered that the proposal would not have an adverse impact on the residential amenities to the neighbouring properties in terms of loss of sunlight and daylight.

6.5.4 A second floor bedroom window, a first floor bedroom window and the attached with a balcony located adjacent to Block A at No.173 to No.175 High Street would be situated in a close proximity to the bedroom windows in Block B, measuring approximately 8.5 metres to the first floor balcony and 10.5 metres to the bedroom window. Due to its close proximity, it is considered that the proposal would have an adverse impact in terms of loss of privacy and outlook.

- *No.165a High Street*

6.5.5 No. 165a Street is a residential unit above an existing restaurant at No, 165 High Street. The windows on the east elevation of this residential units are sealed by solid timber for a long period of time, in excess of 10 years. There are no windows on the south and west elevation of this unit, except a north facing window. Due to the orientation and this window and relationship of the proposed development, it is considered that the proposal would not result in any significant impact on sunlight, daylight, sense of enclosure, outlook and privacy.

6.5.6 It is noted that the submitted sunlight and daylight assessment relates to an assessment to the expired development. This part of the assessment is no longer relevant,

6.5.7 It should be noted that the projection of the proposed development would be approximately 7.3 metres further from the rear wall of the expired development. Should there be any east facing windows located in close proximity to the proposal, the impact on outlook, enclosure and lights will need to be assessed.

6.6 Transport - Acceptable

- Access

6.6.1 BLP Policy 32 states the Council will consider the potential impact of development on road safety and will ensure there is no significant impact on highway safety.

6.6.2 The main pedestrian access to the residential units would be from the High Street and accessible from the rear. Vehicular access to the rear car park and servicing and delivery space would be via Dryden Way. The Council's highway division have advised that amendment to a crossover would be subject to an application to Highway division and the cost would need to be met by the developer.

- Parking provision - residential

6.6.3 London Plan Policy T6.1 sets a maximum parking standard and states that new residential development should not exceed the maximum parking standards under Table 10.3. These standards are a hierarchy with more restrictive standard apply when a site falls into more than one category. Development in town centre should be car free, except disabled parking spaces.

6.6.4 The proposal would provide 4 off-street parking spaces including 2 disabled parking spaces. This would exceed the maximum parking policy standard outlined in the London Plan. In view of the site is located on Orpington High Street and there are 17 bus routes (Route number 51, 61, 208 363, 368, B12, R1 R2, R3, R4, R5 R6, R7, R8, R10 and R11) within 370 metres from the site, it is considered that the above level of maximum parking provision is not considered sustainable as at this town centre location with good accessible by public transport. As such, it is considered that the proposal would be contrary to London Plan Policy T6.1.

- Parking provision - retail

6.6.5 London Plan Policy T6.3 relates to retail parking and the starting point for assessing the need for parking provision at all retail development should be the use of existing public provision, such as town centre parking.

6.6.6 Table 10.5 sets the maximum retail parking for outer London retail is up to 1 space per 75sq.m. Given that the proposal is to provide replacement retail units and the site is located in Town Centre, the absence of retail parking spaces is not considered unacceptable in this instance.

- Electric charging point

6.6.7 London Plan Policy T6.1 requires at least 20 percent of residential parking spaces should have active charging facilities with the remaining spaces should have passive provision. Should planning permission be forthcoming, a minimum of 1 active electric charging point and 3 passive spaces would be required and these details should be secured by a planning condition.

- *Cycle parking*

6.6.8 London Plan Policy T5 set a minimum residential cycle standard for new development with a ratio of 1.5 spaces per 2 person unit and 2 spaces per all other dwellings. A minimum of 20 residential long stay spaces and a minimum of 2 short stay spaces should be provided (2 spaces per 5 to 40 dwellings). For the commercial element, a minimum of 2 long stay and 2 short stay spaces should be provided.

6.6.9 The revised ground floor plan indicates that a total of 24 long stay and 4 short stay cycle storage would be provided and would comply with the London Plan.

- *Waste services*

6.6.10 BLP Policy 113 states major development proposals will be required to implement site waste management plans to reduce waste on site and manage remaining waste sustainability. New development will be required to include adequate space to support recycling and efficient waste collection. Standard 22 of the London Housing SPD states the location of communal waste storage should satisfy local requires for waste collecton.

6.6.11 The Council published a guidance note for waste storage and collection in October 2011. On developments comprising 6 or more dwellings in one block, it stipulates that the following be provided: 1 x 1100 litre bin for non-recyclable, 1 x 240 litre bin for bottle/plastic, 1 x 240 litre for paper including provision for food waste.

6.6.12 A communal residential storage area would be provided on the ground floor which indicates that 3 x 1100 litre and 6 x 240 litre bins will be provided for non-recycle and recycle waste. A clear access path measures approximately 1.5 metres would be provided. The Council's waste services have reviewed the revised proposal and considered that the location and size of the proposal would be acceptable for the Council to maintain its duty for domestic properites. With regards to the details of commerical waste collection arrangment, these details will be secured by a planning condition prior to the first occupation of the commerical unit.

6.7 Environmental Health - Acceptable

- *Air Quality*

6.7.1 The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality. Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality.

6.7.2 BLP Policy 120 states developments which are likely to have an impact on air quality or which are located in an area which will expose future occupiers to pollutant concentrations above air quality objective levels will be required to submit an Air Quality Assessment. Developments should aim to meet "air quality neutral" benchmarks in the GLA's Air Quality Neutral report. London Plan Policy SI-1 also echo this requirement.

6.7.3 The site is within Bromley Air Quality Management Area which means the site is located within an area that has been declared for exceedance of the annual mean Air Quality Objectives for nitrogen dioxide (NO₂). An air quality assessment is submitted which assess the likely effects of the proposals for the proposed end-users, and to assess potential impacts as a result of the development.

6.7.4 The Council's Environment Health officers have considered the details and have recommended that the following should be secured by planning conditions:

- i) Construction Environmental management plan
- ii) Electric vehicle charging points
- iii) Any gas boilers to be installed at the site must meet a dry NO_x emission rate of <40mg/kWh.
- iv) Report of any suspected contamination

- *Noise and vibration*

6.7.5 An acoustic assessment is submitted which indicates that which suggested a range of measures can be employed such as glazing, ventilation and sound insulation to comply with the required environmental standard. The Council's Environmental Health officer have recommended that the scheme of noise mitigation measures in full compliance with the submitted acoustic report including the full adaptation to part walls and or ceiling between residential and non-domestic uses, detail of insulation should be submitted and approved by the Council, should planning permission be recommended.

- *Land Contamination*

6.7.6 The Council's Environmental Health officers have considered the submitted details and considered that there is no evidence to suggest the site is contaminated. Should planning permission be recommended, an informative should be attached requiring the report of unexpected or any suspected contamination immediately to the Council's Environmental Health, measures to fully assess and an appropriate remediation scheme should then be submitted to the Local Authority for approval in writing.

6.8 Ecology - Acceptable

6.8.1 BLP Policy 72 states planning permission will not be granted for development that will have an adverse effect on protected species, unless mitigation measures can be secured to facilitate survival, reduce disturbance, or provide alternative habitats. London Plan Policy G6 states that development proposals should manage impacts on biodiversity and aim to secured net biodiversity gain.

6.8.2A preliminary bat roost assessment has been submitted which considers the likely impact of the scheme upon protected species. The building was inspected by a qualified consultant and no evidence of bats were found. It was considered that there are very limited external features that could provide preferred roosting conditions for crevice roosting species such as pipistrelles and further surveys for bats are not required.

6.8.3 Should planning permission be recommended, it is considered that the ecological enhancement measures including green roof, bat box and swift bricks would be incorporated and secured by planning conditions.

- *Urban greening*

6.8.4 London Plan Policy G5 states major development should contribute to the greening of London including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping, green roofs, green wall and nature- based sustainable drainage. The London plan recommends a target score of 0.4 for developments that are predominantly residential. London Plan Policy G6 states development should manage impacts on biodiversity and aim to secure net biodiversity gain.

6.8.5 Green roofs, a line of green wall on Block B and planting would be incorporated as part of this proposal achieving an Urban Greening Factor of 0.48 and would meet the minimum requirements. Should planning permission be recommended, the details of the suggested provision should be secured by conditions.

- *Biodiversity net gain*

6.8.6 NPPF Policy 174 (b) relates to biodiversity net gain requirements and a minimum of 10 percent net gain is required to be calculated using the Defra Biodiversity metric. In the absence of the biodiversity net gain details, this element cannot be fully assessed, contrary to NPPF policy 174 and London Plan G6.

6.9 Drainage and flooding - Acceptable

6.9.1 The NPPF states that major development should incorporate sustainable drainage systems which should take account of advice from the lead flood authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits. London Plan Policy SI-13 and BLP Policy 116 states development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

6.9.2 The application site is subjected to high risk of surface water flooding. A Foul and Surface Water Drainage Assessment is submitted which indicate the surface water run off would be more than the existing levels at post development stage. A flow restriction and on-site surface water is proposed at 2litre/ second and a 33.3 cubic metres attenuation storage would be installed and to mitigate and manage the level of surface water runoff.

6.9.3 The Council's drainage officers have reviewed the Foul and Surface Water Drainage assessment and considered that the proposed drainage strategy would be acceptable, subject to the design details. The Council drainage officers have also considered that permeable paving material should also be included to mitigate its impact. Should planning conditions be recommended the design details covering including pavement material of the car park will be secured by planning conditions.

6.10 Energy - Acceptable

6.10.1 BLP Policy 124 and London Plan Policy SI-2 requires major development should be net zero- carbon and to achieve a minimum of 35 percent on-site reduction beyond Part L 2013 of the Building Regulations. The energy assessment is required to follow the GLA energy hierarchy which comprises of Be Lean; Be Clean; Be Green and Be Seen measures. Under the Be Lean measures, residential development should achieve 10 per cent through energy efficiency measures and non-residential should achieve 15 percent. Any short fall should be secured by a legal agreement though a cash in lieu contribution to the borough's carbon offset fund.

- 6.10.2 The proposal on-site carbon offsetting measures are air source heat pump system and Photovoltaic panels are proposed to generate on-site carbon off
- 6.10.3 An Energy Assessment following the GLA's energy hierarchy has been received and this has been reviewed by the Council's Energy officer. Under the "Be Lean" category, a range of passive design features would be employed to reduce the heat loss and demand for energy.
- 6.10.4 The measures include enhanced building fabric, minimising heat loss through air infiltration, reducing reliance on artificial lighting, utilising low energy lighting and efficient space heating and hot water systems, coupled with advanced controls.
- 6.10.5 These measures would meet the minimum 10 percent requirement for domestic development and minimum of 15 percent for non-residential outlined in the GLA energy guidance and this is considered acceptable.
- 6.10.6 As there is no district network in the area, it is not possible to achieve any carbon reduction under the "Be Clean" category at the present time and no carbon reduction can be awarded under this category.
- 6.10.7 Under "Be Green" category, a range of on-site renewable energy technologies. It is considered that the use of air source heat pumps and solar photovoltaic (PV) would be the most feasible option for this site. The air source heat pumps would operate by extracting heat energy from the surrounding air and transferring that energy in the form of higher graded heat into the building using under floor heating or radiator systems or through an all-air system. Solar panels would be installed on the roof level.
- 6.10.8 The energy statement indicates that shortfall of the perspective uses and the breakdown of the required planning obligation for each use are as follow:

Residential

- On site regulated carbon dioxide emissions (Building Regs 2013 Compliant Development) = 17 tCO₂ per annum
- Proposed on site reduction of carbon emissions from energy demand/CHP/renewables = 7.7 tCO₂ per annum
- On site shortfall = 9.2 tCO₂ per annum
- Payment-in-lieu amount calculated as 9.2 (tCO₂) x £95 (per tCO₂) x 30 (years) = £26,341

Non-residential

- On site regulated carbon dioxide emissions (Building Regs 2013 Compliant Development) = 5.7 tCO₂ per annum
- Proposed on site reduction of carbon emissions from energy demand/CHP/renewables = 2.4 tCO₂ per annum
- On site shortfall = 3.3 tCO₂ per annum
- Payment-in-lieu amount calculated as 3.3 (tCO₂) x £95 (per tCO₂) x 30 (years) = £9,362

6.10.9 Should planning permission is forthcoming, the identified shortfall should with a total amount of carbon offsetting payment should be **£35,703** be secured by a s106 legal agreement.

7.0 Other Issues

- *CIL*

7.1 The development is liable to London and Bromley Community Infrastructure Levy (CIL).

- *Head of Terms*

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

- Carbon off-setting and Be Seen measures,
- Early and Late Stage review; and,
- Monitoring fee.

8.0 Planning balance and conclusion

8.1 The principle to redevelop the site to make more efficient use of the land and housing in Orpington Town Centre is supported. Replacement retail floor area would be provided, and active shopping frontage would be maintained.

8.2 The proposal would provide 16 private residential units (net increase of 15 units) and this element would attract weight in favour of the proposal given the current Council's 5 Year Housing Land Supply. However, the weigh is considered to be limited as the proposal would be unviable to provide affordable housing.

8.3 A number of amendments have been received during the course of this application. However, the design, layout and relationship between the proposed building blocks is considered over-intensive development with habitable room windows located in a close proximity, resulting in lack of outlook, privacy, internal living space and private outdoor spaces.

- 8.4 The amendments received to date indicates that the priority to achieve a set number of residential units is high. The scale, design and layout of the proposal fail to fully echo the established pattern of development.
- 8.5 Planning permission is assessed in accordance with the current development plan, taking into account any material considerations. In striking a balance between housing supply and quality of new build development for future occupiers in built up areas including town centres, officers considered that weight should also be given to the standard of living environment, particularly new build development with no identified site constraints preventing the delivery of good quality living accommodation.
- 8.6 The reliance of neighbouring deficient development is not considered sustainable and should not be used as justification to create more deficient development of a varying degree.
- 8.7 Consequently, it is recommended that planning permission should be refused with the reasons set out in this report.

RECOMMENDATION

Planning permission be refused for the following reasons.

1 Design, layout, scale and massing

The proposed development, by reason of its layout, massing, design, relationship between the proposed building blocks and its surrounding area would fail to fully reflect the urban morphology of the High Street. The siting and scale of 2 residential blocks represents an over-intense development beyond the capacity of the site, contrary to London Plan Policy D3, D4, D6, Bromley Local Plan Policies 4 and 37.

2 Standard of accommodation for the new accommodation and impact on residential amenity

The proposed development, by reason of its close proximity of habitable room windows between the proposed building blocks, opposite boundary treatment, wall and site boundary would fail to provide a good standard of living environment in terms of outlook and privacy. The proposal would also fail to achieve the minimum internal living space standard and adequate private outdoor space for the future occupiers including built-in storage space, giving rise to privacy and outlook issues between the proposed development and the neighbouring properties, contrary to London Plan Policy D3, D4, D6 and Bromley Local Plan Policies 4 and 37.

3 Parking standard

The proposed residential parking provision would exceed the maximum parking standard as set out in the Table 10.3 of the London Plan, contrary

to London Plan Policy T6.

4 Fire Safety and biodiversity

In the absence of a fire strategy and details of the biodiversity metric, the proposal would fail to demonstrate the development proposal would achieve the highest standard of fire safety and would fail to achieve 10 percent biodiversity net gain, contrary to NPPF Paragraph 174 and London Plan Policies G6 and D12.

5 Planning obligations

Insufficient information is provided to confirm the required planning obligations necessary to mitigate the impacts of the development. As such, the proposal would be contrary to, London Plan Policies DF1 and M1, Bromley Local Plan Policies 125 and Planning Obligations (2010) and subsequent addendums.