

<b>Committee Date</b>	07.03.2024	
<b>Address</b>	Suite 6 Royal Parade Mews Chislehurst BR7 6TN	
<b>Application Number</b>	23/03457/FULL1	<b>Officer</b> - Robin Evans
<b>Ward</b>	Chislehurst	
<b>Proposal</b>	Partial demolition of existing building. Erection of part two storey building, part first floor extension, with mansard roof, over existing building, and conversion of existing offices to form 4x dwellinghouses and 1x roof flat (total 5 units) with cycle storage, car parking spaces, refuse/recycling storage and landscaping.	
<b>Applicant</b>	<b>Agent</b>	
Mr Mike Clark	Mr John Escott	
Suite 6 Royal Parade Mews Chislehurst BR7 6TN	Downe House 303 High Street Orpington BR6 0NN	
<b>Reason for referral to committee</b>	Call-In	<b>Councillor call in</b> Yes <b>Cllr Mark Smith</b> – local residents concerns

<b>RECOMMENDATION</b>	Application Permitted
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<p><b>KEY DESIGNATIONS</b></p> <p>Conservation Area: Chislehurst Article 4 Direction Biggin Hill Safeguarding Area GS Protection Zone London City Airport Safeguarding Statutory Listed Buffer Smoke Control SCA 16</p>
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<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)

Existing	Office Residential	445 200
Proposed	Residential	828

<b>Residential Use</b>					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total/Payment in lieu
Market	0	1	4	0	5
Total	0	1	4		5

<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	1	9	+8
Disabled car spaces	0	0	0
Cycle	0	8	+8

<b>Electric car charging points</b>	Percentage or number out of total spaces 20%
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<b>Representation summary</b>	Neighbour letters sent 17.10.2023, 27.11.2023 and 09.02.2024 Newspaper advert published 18.10.2023 Site notice displayed 20.10.2023 and 09.02.2024
Total number of responses	9
Number in support	0
Number of objections	9

## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would not impact detrimentally on the character of the area including the Conservation Area and Listed Buildings,
- The proposal does not result in a significant loss of amenity to local residents
- There would be no other adverse impacts.

## 2. LOCATION

- 2.1 The application site relates to Royal Parade Mews, located on the southwestern side of Royal Parade Chislehurst. Royal Parade Mews is a single lane/width

access between No. 12 and Ivy Cottage Royal Parade. The application buildings within Royal Parade Mews are a mixture of joined up single storey and two storey buildings set around a courtyard and according to the planning records it appears to be in use or last in use as offices. The rear (southern) site boundary abuts properties at No 9 Church Road and The Studio, Church Road. The building(s) are not locally or statutorily listed although they lie close to/or abut a row of Grade II Listed dwellings Ivy Cottage, Gravetts Cottage and Walton Lodge, and locally listed buildings Nos. 6-12 Royal Parade. The site lies within the Chislehurst Conservation Area: Sub Unit 5 – Royal Parade.

2..2 The Chislehurst Conservation Area: Sub Unit 5 – Royal Parade, commemorates the association of Chislehurst with the French Imperial Family. The main part of the sub-unit comprises the shops fronting on to Royal Parade, like the High Street, Chislehurst. However, the dominant elements of Royal Parade are terraced shop/houses, providing it with a substantially different character from most other parts of Chislehurst. Although it is a retail area, the character of Royal Parade is distinct from that of the High Street as it has become an area of specialist shops, antiques, fashions and small restaurants, also with some other businesses and professional services including architect and accountant offices, and the diverse and specialist nature of the retailing on the Parade contributes greatly to its character. The use of each shopfront by a separate business reinforces the ‘village shopping’ effect of multiple small traders and the retention of this format is encouraged. The appearance of the street is further enhanced by the condition of the buildings: original shop windows, fittings and signage remain in place in some cases. The parade setting is greatly enhanced by the tongue of green (being the former village pound), which extends open space from the Common into the active core.

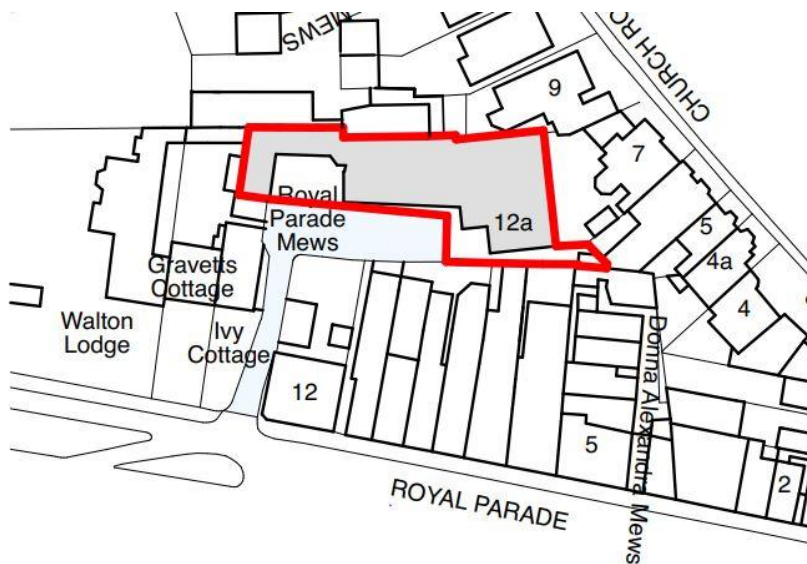


Fig 1 Site location plan.



Photograph 1 view from Royal Parade into Royal Parade Mews.



Photograph 2 internal site looking southwest towards The Studio.



Photograph 3 internal site looking south east.



Photograph 4 internal site looking northwest towards existing maisonette.

### 3. PROPOSAL

- 3.1 Planning permission is sought for partial demolition of existing building. Erection of part two storey building with mansard roof/part first floor extension with mansard roof and mansard roof over existing building, and conversion of existing offices to form 4x dwellinghouses and 1x roof flat (total 5 units) with cycle storage, car parking spaces, refuse/recycling storage and landscaping.





Fig 2. Proposed ground floor plan.

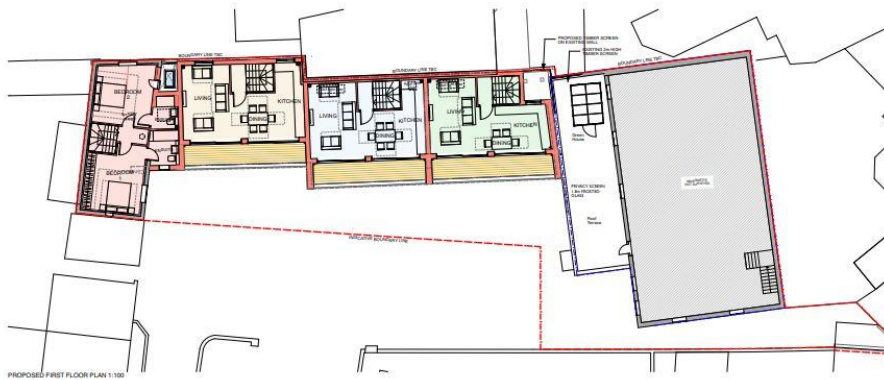


Fig 3. Proposed first floor plan.

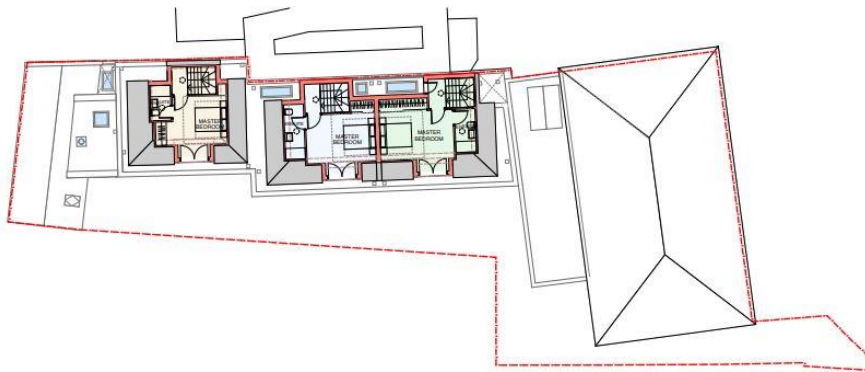


Fig 4. Proposed second floor plan.



Fig 5. Proposed elevations.



Fig 6. Refused/dismissed elevations 21/04266/FULL1.

#### 4. RELEVANT PLANNING HISTORY

- 4.1 19/00216/FULL1 – Erection of first floor extension over part of existing building and formation of 6 apartments with 7 car parking spaces – was approved on 15.07.2019. According to the Appeal Inspector’s decision (21/04266/FULL1) the ground works have commenced, the permission is extant, with a prospect of

being completed as a fallback option, and it is therefore a material consideration in assessing any new scheme.

- 4.2 21/04266/FULL1 – Erection of first floor extension and Mansard roof over part of existing building and conversion of existing offices to form 4x dwellinghouses and 1x roof flat (total 5 units) with cycle storage, car parking spaces, refuse/recycling storage and landscaping was refused by the Council for the following reasons:
1. The proposal would overdevelop the site and would lead to an excessive, cramped and incongruous form and design of development out of keeping with the prevailing character and appearance of the site and the local area, harmful to the visual amenities of the site the wider Chislehurst Conservation Area contrary to Policies D4 and HC1 of the London Plan 2021 and Policies 3, 4, 8, 37 and 41 of the Bromley Local Plan 2019.
  2. The siting, mass and bulk of the proposed development would be significantly harmful to the amenity of occupiers of neighbouring buildings by reason of overshadowing and overbearing effect and it would fail to respect amenity of occupiers of neighbouring buildings contrary to Policy 37 of the Bromley Local Plan 2019.

In the corresponding appeal the Appeal Inspector agreed that the development would appear cramped and that its built form together with the proposed materials would not be visually separate from The Studio at the rear and it would be visually over dominant to the existing maisonette at 12A and to the smaller modest scale of the neighbouring dwellings at Ivy Cottage and Gravetts Cottage, and would therefore harm the character of this localised area. However the Inspector considered that the site location; within a rear courtyard area makes a limited contribution to the Conservation Area (CA) as the CA Supplementary Planning Guidance (SPG) mostly focuses on the frontages, and that the proposal would not affect the key attributes of the CA and upon specific locally listed and statutorily listed buildings, including the streetscene of the Royal Parade and the designated Heritage Assets which would continue to be preserved. The Inspector considered that the height and length of the additional storey and mansard roof would have a harmful effect on the outlook of neighbouring occupants at No. 12A although it would not be more harmful to The Studio. The Appeal Inspector consequently dismissed the appeal.

## **5. CONSULTATION SUMMARY**

### **A) Statutory**

- 5.1 Highway Department: No objection
- Planning permission was refused for a previous scheme although not on highway grounds. The application site lies in an area with a PTAL 2 rating (on a scale where 0 has the poorest access and 6b has the best access to public transport services) indicating that the application site and the proposed development would be more dependent upon private transport such as the car or bicycle than on public transport, and indicating a potentially higher demand for car ownership and vehicle parking than an area/development with better public transport accessibility. Access to the site is via Royal Parade Mews, a private road with a narrow width, no dedicated pedestrian footpath and limited turning space with



limited turning at the end, and appears to be unlit. Given the narrow width of the access and parking area large vehicles would have difficulty entering the site, turning and leaving. Servicing and deliveries are likely to have to take place from Royal Parade causing obstruction to the free flow of traffic and inconvenience to other highway users and pedestrians. It is not clear how refuse collection would take place. Given the narrow width of the access and the lack of pedestrian footpath the proposal would cause conflict between vehicles and pedestrians. The proposal is for 3x 3-bedroom units and 2x 2-bedroom units; requiring 4.5 parking spaces according to The London Plan maximum standards and 6.5 spaces according to the Bromley Local Plan minimum standards. The proposal would provide 8 parking spaces for the new units and one space for the existing maisonette, which just exceeds the Local Plan minimum standard. Given the layout of the bays it is not clear whether they would be allocated or unallocated. The proposed cycle store would be positioned in a remote corner of the site, where it would not provide convenient access and lacking natural surveillance would be at risk of theft/vandalism, and the route to the store would be obstructed by the parking space for the maisonette, and this is likely to discourage its use and therefore lower the likelihood and frequency of cycling in the development. If planning permission is granted it will require a detailed CEMP, refuse storage/collection and delivery and serving plan.

## **B) Local Groups**

- 5.2 APCA: comments 21/04266/FULL1 – The proposal is an overdevelopment, and its strident design is inappropriate for this mews location and in the setting of listed buildings such as Ivy cottage and non-designated heritage assets such as the former stable block which would be overwhelmed with much of its historic integral lost and the development allows no separation or legibility from other buildings such as the studio to the rear.

## **C) Adjoining Occupiers**

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

### 5.3.1 Procedural matters – addressed in section 7.1

- A revised red edged application site plan has been submitted however the concerns/objections raised still remain,
- The application relates to land outside the Applicant's ownership/control,
- There is inconsistency in the assumed property boundary,
- The application site does not include access from a public highway,
- Access to the development is over separate private land, notice has not been served on that owner, permission to pass over that land will not be granted, and the development could not be delivered,

### 5.3.2 Housing matters – addressed in section 7.5

- Single aspect would compromise outlook and internal daylight,
- Limited amenity space for new dwellings,

- 5.3.3 Design and landscaping – addressed in section 7.6
- Over intensification of residential development,
  - Overdevelopment of the site,
  - Mew style dwellings are not in keeping with the typology and character of development in this area,
  - Front balconies would be out of keeping in the area,
  - Insufficient landscaping,
- 5.3.3 Heritage Assets – addressed in section 7.7
- Harmful to the historic centre of Royal Parade and neighbouring listed buildings,
- 5.3.4 Residential amenity – addressed in section 7.8
- Overshadowing to neighbouring properties,
  - Upper floor windows and patio areas are unnecessary and overlook neighbouring properties,
  - Noise impact to neighbouring properties during and after construction,
- 5.3.5 Highways and parking – addressed in section 7.1 and 7.9
- High parking stress in the area,
  - Insufficient and poorly integrated on-site parking,
  - Space shown as on-site parking belongs to other properties,
  - Additional parking pressure/stress exacerbating existing on-street parking,
  - Constrained turning space would hinder service and delivery for large vehicles such as refuse vehicles,
- 5.3.6 Drainage and flooding – addressed in section 7.11
- Existing drainage services are inadequate,
  - Additional properties would exacerbate existing poor drainage utilities,
- 5.3.7 Ecology – addressed in section 7.12
- Impact on wildlife and ecology,
- 5.3.8 Other – addressed in section 7.1
- Proposal is for profit only,
  - Impact on neighbouring property values,
  - Additional strain on existing utilities services,
- 5.4 The above is a summary of comments received and the full text is available to view on the Council's website.

## **6. POLICIES AND GUIDANCE**

### **6.1 National Planning Policy Framework 2023**

### **6.2 NPPG**

### **6.3 The London Plan**

H1 Increasing Housing Supply

H2 Small sites

H10 Housing size mix

D3 Optimising site capacity through the design-led approach

D4 Delivering Good Design

D6 Housing quality and standards

D14 Noise

HC1 Heritage conservation and growth

SI13 Sustainable Drainage

T5 Cycling

T6.1 Residential parking

DF1 Delivery of the Plan and Planning Obligations

### **6.4 Mayor Supplementary Guidance**

The Mayor's Housing Supplementary Planning Guidance (March 2016)

London Plan Guidance Housing Design Standards (June 2023)

### **6.5 Bromley Local Plan 2019**

1 Housing Supply

3 Backland and Garden Land Development

4 Housing Design

9 Residential Conversions

10 Conversion of Non-Residential Buildings to Residential

30 Parking

32 Road Safety

37 General Design of Development

38 Statutory Listed Buildings

39 Locally Listed Buildings

41 Conservation Areas

83 Non-Designated Employment Land

115 Reducing Flood Risk

116 Sustainable Urban Drainage Systems

119 Noise Pollution

### **6.6 Bromley Supplementary Guidance**

Urban Design Supplementary Planning Document (Bromley, 2023)

## **7. ASSESSMENT**

### **7.1 Procedural matters**

7.1.1 In response to the Council and representations received, the Applicant has submitted an amended red edged application site plan which they state is correct and that they have right of way over the private highway of Royal Parade Mews to access the application/development site. Matters of land ownership, boundaries, means of access over private land are not a planning matter, they are private/civil matters to be addressed by the parties concerned. If planning permission is granted it does not convey any permission or consent that might also be separately required from a relevant landowner(s) and as such if permission to build on land or to access private land is not forthcoming, then it is possible that a development cannot be implemented. As such the Council has endeavoured to address this issue/matter and based on the information submitted is able to continue to determine the planning application as submitted. If planning permission is granted it is for the relevant individual parties to address the land ownership/access issues and to obtain any necessary consents or permissions from the landowner(s). Matters of construction impacts such as upon the condition/structure/stability of neighbouring land or on public utilities and infrastructure, and effects on property values, are not a planning matter, although they may relate to other legislation such as Building Regulations, and are a matter for the parties/utilities companies involved.

7.1.2 The reason for a development proposal; such as whether it is a development/investment opportunity or for the applicants own use is not a material planning consideration.

### **7.2 Resubmission**

7.2.1 As mentioned above the current application follows the previous application 21/04266/FULL1 and according to the application details compares/differs in ways including the following:

- reduction in size and scale of mansard roof formation,

7.2.2 The current proposal is therefore materially different from the previously proposed scheme, and it will be assessed on its own merits.

### **7.3 Principle of development – Acceptable**

7.3.1 Housing is a priority use for all London Boroughs. London Plan Policies H1, H2, H10, D3, D4 and D7 generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. 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.

- 7.3.2 NPPF paragraph 123 also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.
- 7.3.3 Bromley Local Plan Policy 4 advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.
- 7.3.4 The current published five year housing land supply (covering the period 2021/22 to 2025/26) is 3,245 units or 3.99 years supply. This position was agreed at Development Control Committee in November 2021 and acknowledged as a significant undersupply. Subsequent to this, an appeal decision from August 2023 (appeal ref: APP/G5180/W/23/3315293) concluded that the Council had a supply of 3,235 units or 3.38 years; this figure assumes the new London Plan target of 774 units per annum applies from FY 2019/20 and factors in shortfall in delivery against past targets since 2019.
- 7.3.5 The Housing Delivery Test 2022 results (published in December 2023) indicate that housing delivery against Bromley's housing requirement has fallen below 85% over the HDT period; this requires the addition of a 20% buffer to the Council's housing requirement over the FYHLS period (in accordance with Footnote 8 of the NPPF). Applying this buffer to the appeal derived figure noted above gives a supply of 2.96 years. The Council acknowledges this amended appeal derived figure for the purposes of determining this application/this appeal, and considers this to be a very significant level of undersupply.
- 7.3.6 The Council is in the process of preparing an updated FYHLS position, reflecting changes since the last published position in November 2021.
- 7.3.7 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.
- 7.3.8 Having regard to footnote 8 of the NPPF, the policies which are most important for determining this application, including Policy 1 of the Bromley Local Plan, are



out-of-date and consequently the presumption in favour of sustainable development as set out in Paragraph 11(d) is engaged.

- 7.3.9 This proposal would provide 5 new dwellings, representing a minor contribution to the supply of housing within the Borough. This will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.
- 7.3.10 The application lies within the Conservation Area which is a designated heritage asset and therefore an area where policies in the NPPF that protect such areas or assets of particular importance, may give a clear reason for refusing the proposed development and in that event the presumption in favour of sustainable development would not apply as directed in paragraph 11. d) i. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.
- 7.3.11 The application site lies within the confines of a built up village location. The location of the proposed new building/extension itself lies within the village area where there is no objection in principle to the loss of the employment site and new residential development at the site although it lies within a Conservation Area and close to statutorily listed buildings where any new development may be constrained in the interest of preserving the historic setting/context of the application site. Furthermore, it is noted that the earlier permission 19/00216/FULL1 for 6 flats within part(s) of the building could be completed and the principle of that development is a material consideration in assessing a new application. For these reasons there is no objection in principle to residential development at the site, although this is subject the other detailed considerations set out herein.

#### **7.4 Land use – loss of employment site – Acceptable**

- 7.4.1 Policy 83 of the Local Plan (Non-Designated Employment Land) states that proposals for change of use or redevelopment of non-designated sites containing Class B uses for alternative employment generating uses will normally be allowed provided that the amenity of any nearby residential areas is not detrimentally affected. However, it was demonstrated in the earlier application (19/00216/FULL1) and accepted by the Planning Committee Members that there would not be an unacceptable loss of a viable office use at the site, thereby establishing the principle the loss of the commercial use and the change of use from office to residential, and given the unchanged Development Plan Policy context the current proposal does not alter this conclusion.

#### **7.5 Housing matters – Acceptable**

- 7.5.1 Unit size and mix
- 7.5.1.1 New development is expected to provide mixed and balanced communities. The Bromley Local Plan does not set a prescriptive unit size breakdown and individual sites are assessed on a case by case basis in consultation with the Council's

Housing Department. The 2014 SHMA highlights that the highest level of need across tenures within the Borough up to 2031 is for one bedroom units (53%) followed by 2 bedroom (21%) and 3 bedroom (20%) units. Larger development proposals (i.e. of 5+ units) should provide for a mix of units sizes and considered on a case by case basis.

- 7.5.1.2 This proposal would provide 3x 2-bedroom 4-person units and 3x 3-bedroom 5 person units, and would not directly reflect the greater need for smaller 1-bedroom units within the Borough although balanced with the density characteristics of the area it may provide a suitable arrangement within this area.
- 7.5.2 Standard of residential accommodation
- 7.5.2.1 Policy D6 of the London Plan relates to 'Housing quality and standards', and states that housing development should be of high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners. The policy also prescribes internal space within new dwellings and external spaces standards that are in line with the National Technical Housing Standards.
- 7.5.2.2 Policy D7 of the London Plan - Accessible Housing, states that to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings' and; all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. The relevant category of Building Control Compliance should be secured by planning conditions. The proposal would comprise a purpose built residential development and should either provide directly accessible/adaptable homes and/or opportunity for future adaptation to comply with this requirement. In this case it is proposed to provide 5 new dwelling(s) and category M4(2) is applicable, and this could be managed by condition.
- 7.5.2.3 Policy 4 of the Bromley Local Plan sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the London Plan's 'Housing quality and standards'.
- 7.5.2.4 The minimum space standard for the proposed 2-bedroom 4-person (2b4p) to 3-bedroom 5-person (3b5p) units ranges from 70sqm–99 sqm with corresponding room size/dimension requirements. The proposed units would exceed the relevant internal space standards, room sizes and room dimensions including the

relevant ceiling heights where the mansard roof has been reduced. It would also provide exterior balcony/terrace private amenity space for the 3x 3-storey units in the centre. Although the 2x end units would not have exterior amenity space they would comfortably exceed the overall floor space standard, and this would go towards offsetting the absence of external space. Overall, in this context and having regard to a numerical/quantitative analysis and a qualitative analysis the proposed dwelling would appear to function reasonably well in terms of their internal space and layout.

- 7.5.2.5 The Council's Environmental Health (Housing) Department notes some of the internal layouts, with bedrooms accessed directly off communal areas and combined kitchen/dining/living spaces, would compromise the living environment for the future occupants however although they may not be ideal, they are not necessarily unusual and furthermore do not differ significantly from the previously approved scheme. Many of the units would have a less desirable single aspect and some of the rooms in some of the units would not have an ideal outlook however the main living spaces and bedrooms would have a normal window and in some cases another secondary window or patio door and some of the other interior spaces would have a roof light window and this would provide an overall suitable living arrangement.
- 7.5.2.6 The Council's Environmental Health Department notes potential issues of landownership (of the whole site), rights of way and access to the existing/proposed properties and potential conflict that might arise therefore affecting the standard of living for the future occupants. Notwithstanding this, matters of landownership and private rights of way are a private/civil matter to be addressed by the private individual parties involved and not a planning matter. Furthermore, the principle for the development and this arrangement has already been established in the previous permission.
- 7.5.2.7 The Council's Environmental Health Department noted that the site lies within a mixed residential and commercial area where previous commercial uses and may have lead to contaminant linkages and or other effects on the residential amenities of future occupants and neighbouring properties and considers that this could be addressed through a site inspection/investigation and recommended mitigation measures as necessary and that there is no objection in principle subject to the recommended conditions.
- 7.5.2.8 The Council's Waste Services has not commented on the refuse/recycling storage and collection arrangement, nonetheless there are existing dwelling(s) on the site including No. 1 Royal Parade Mews which is served by the Council's Waste Services arrangements.

## **7.6 Design and landscaping – Acceptable**

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

- 7.6.2 NPPF paragraph 131 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.6.3 NPPF paragraph 135 requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.6.4 Policy 37 of the Bromley Local Plan requires all development proposals, including extensions to existing buildings, to be of a high standard of design and layout. Policies 43 and 73 of the Bromley Local Plan states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.
- 7.6.5 Policy 77 of the Bromley Local Plan states that development proposals will seek to safeguard the quality and character of the local landscape and seek the appropriate restoration and enhancement of the local landscape through the use of planning obligations and conditions.
- 7.6.6 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.6.7 Policy D3 of the London Plan relates to 'Optimising site capacity through the design-led approach' and states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Form and layout should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape. The quality and character shall respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.

- 7.6.8 Policy D4 of the London Plan outlines the various methods of scrutiny that assessments of design should be based on depending on the level/amount of the development proposed for a site.
- 7.6.9 As set out above the Appeal Inspector noted the two storey built form of extant permission 19/00216/FULL1 (which could be constructed) and considered that the width, height and overall scale of the previously proposed third storey of the appeal scheme 21/04266/FULL1 would have appeared cramped within the site, it would not have been sufficiently separate from the Studio at the rear and it would have been over dominant to the existing retained maisonette building at No. 12A. The current proposal maintains the ground and first floor elements of the appeal scheme 21/04266/FULL1 (and the extant scheme 19/00216/FULL1) and in terms of the second floor and it would split the mansard roof into two separate elements and reduce its maximum width setting it in from both sides. As such it would allow views through to the roof of The Studio behind and it would have a generally less extensive roof formation which would be less dominant to The Studio, to No. 12A Royal Parade Mews and to the more modest scale of Ivy Cottage and Gravetts Cottage. In light of these reductions in size and scale and the greater separation from the neighbouring properties, the remainder of the design and the external materials would appear suitable to this reduced scale of building and would not appear out of keeping, as the Appeal Inspector did not appear to object to the principle of this design approach, subject to its scale and massing. Notwithstanding this, the detail of the proposed external materials are required for the Council's consideration and approve to ensure they would be appropriate and sensitive to this location.
- 7.6.10 Notwithstanding this, although the proposed dwelling would be considered acceptable in its current form and in relation to the site context and its surroundings; including the neighbouring dwellings, it is possible that the dwelling(s) could potentially be substantially further extended through permitted development rights, such as upper floor extensions, and this could be significantly harmful to the character of the area and/or the amenities of neighbouring properties and therefore it would be prudent to remove the permitted development rights through planning condition.
- 7.6.11 The NPPF and Bromley Local Plan Policies 4 and 37 encourage all new housing developments to include appropriate measures to maximise security and prevent crime and in terms of security and crime prevention measures the development has the potential to achieve the physical security requirements of Secured by Design incorporating the use of tested and accredited products this development will be safer and more secure and providing a more resilient and attractive development overall including: approved doors, windows and locks, post boxes, robust/secure cycle store and the Developer can be reminded of this by planning informative.

## **7.7 Heritage Assets – Acceptable**

- 7.7.1 NPPF Section 16 sets out the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss



of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

- 7.7.2 NPPF paragraphs 207-208 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.7.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 7.7.4 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 7.7.5 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 7.7.6 The Appeal Inspector noted the location of the site within the Chislehurst Conservation Area summarising that its significance visually and in terms of character is in still retaining the atmosphere and character of a traditional village or small market town, enhanced by elegant street trees and the visual immediacy of the commons. The Inspector observed that in the Sub-Unit 5 Royal Parade the parade itself, also comprising locally listed buildings, is its key feature comprising a retail and service node with a strong range of facilities and particularly specialist shops, and that the parade provides the area with a substantially different character from most other parts of Chislehurst. The Inspector also noted the statutorily listed buildings including Gravetts Cottage and Ivy Cottage, and Walton Lodge at the entrance to Royal Parade Mews contributing towards this group of heritage assets. Notwithstanding this, the Inspector observed that the application site itself forms part of a rear courtyard area behind the key Royal Parade section and that Royal Parade Mews is not historic and does not contribute significantly towards the wider Conservation Area and notwithstanding the Inspectors objection in pure design terms, did not consider that the appeal scheme harmed the key attributes of Royal Parade as a focal point, nor the visual setting and importance of the heritage assets or its relationship with the adjacent commons. As such the Inspector noted that the proposal would not be prominent within the streetscene and would be separated from the listed buildings and did

no object to the loss of some attractive historic patina from the application site as it is not itself a designated heritage asset. As mentioned, the current proposal; seeking to address the Inspectors objections in design terms and residential amenity terms would have a smaller roof formation and mass and as such this would have a neutral if not a reduced impact in heritage terms compared with the appeal scheme considered by the Inspector.

## **7.8 Neighbourhood Amenity – Acceptable**

7.8.1 Policies 4, 6 and 37 of the Bromley Local Plan seek to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

7.8.2 The Appeal Inspector; observing that the roof formation was the main difference between the appeal scheme and the extant scheme, noted that the length/width, height and overall massing of the appeal scheme and its proximity would have a harmful effect on the outlook of No. 12A Royal Parade Mews. However, the Inspector did not consider that the roof formation in the appeal scheme would adversely affect The Studio. As mentioned, the current proposal would amend the roof formation separating it into two individual roofs and set in from each side, and this would reduce the impact on the outlook of the neighbouring properties including No. 12A.

7.8.3 The existing building beneath No. 1 Royal Parade Mews is an existing office space, its southern elevation forms the boundary with No. 9 Church Row, which does not appear to have another boundary or form of screening in between, and it has two windows in the ground floor south elevation facing into No. 9 Church Row. However those windows are higher level and obscure glazed and the application details confirm that they would remain as such, in order to preserve neighbouring privacy amenity, whilst maintaining a suitable standard of accommodation for the future of occupants of this proposed residential part of the building (compared with the existing office part of the building and the undercroft parking area in the previously approved scheme 19/00216/FULL1), and this could be managed by planning condition.

## **7.9 Highways – Acceptable**

7.9.1 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.9.2 The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should

be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

- 7.9.3 London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.
- 7.9.4 The Council's Highway Department raised concern over the nature of the access into the site; its narrow width, absence of a pedestrian footpath, and the limited turning space within it particularly to accommodate larger vehicles such as emergency services, refuse vehicles or delivery vehicles. However, notwithstanding this, the current scheme and the appeal scheme did not alter the red edged application site area from the and would not encroach further into the highway of Royal Parade Mews than the extant scheme and it would therefore have the same access and turning space than in the extant scheme. The proposal would provide 8 parking spaces for the new units and one space for the existing maisonette, exceeding the London Plan maximum standard of 4.5 spaces and the Bromley Local Plan minimum standard of 6.5 spaces. The layout and allocation of the bays is unclear however this could be confirmed if necessary. The proposed cycle store is not ideally located, obstructed by a proposed parking space, and located in a remote corner overall not as encouraging to cyclists as it could be however again this would not differ significantly from the extant scheme. If planning permission is granted it will require a detailed CEMP, refuse storage/collection and delivery and serving plan. Neither the Council nor the Appeal Inspector objected to this part of the appeal scheme and the current proposal would not differ in this regard.

## **7.10 Climate change, sustainable construction and energy saving**

- 7.10.1 The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and the Bromley Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.
- 7.10.2 The London Plan encourages the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy SI2 Minimising greenhouse gas emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be Clean: supply energy efficiently, Be Green: use renewable energy and Be Seen: monitor those renewable energy measures.
- 7.10.3 Local Plan Policy 123 states that all applications for development should demonstrate how the principles of sustainable design and construction have been taken into account.
- 7.10.4 The proposal would involve existing and new building elements offering the opportunity for some modern construction; energy efficiency measures, and the

opportunity to incorporate renewable energy generating technology such as air source heat pumps and/or solar panels, thereby contributing towards carbon dioxide emissions savings. Neither the Council nor the Appeal Inspector objected to this part of the appeal scheme and the current proposal would not differ in this regard.

## **7.11 Drainage Flooding**

7.11.1 There is no objection from the Council's Drainage Engineer or Thames Water regarding drainage matters. Neither the Council nor the Appeal Inspector objected to this part of the appeal scheme and the current proposal would not differ in this regard.

## **7.12 Ecology**

7.12.1 Although the site is not a designated site for nature conservation given the age and condition of the existing buildings and proximity to trees and areas of woodland it could nonetheless potentially offer suitable habitat and/or commuting/foraging habitat and any demolition and site clearance should be undertaken in accordance with the Natural England precautionary approach and could be managed by planning condition/informative.

## **8. CIL**

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

## **9. CONCLUSION**

9.1 The NPPF (2023) sets out in paragraph 11 a presumption in favour of sustainable development. 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 terms of decision making, where a plan is out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole.

9.2 As mentioned, the application site is designated land protected by policies in the Framework [NPPF], which may provide a clear reason for refusing the development, however in this particular case they do not provide a clear reason for refusing the development and as such the presumption in favour of sustainable development in NPPF 11 d) does apply.

9.3 Having regard to the above it is considered that the development in the manner proposed is acceptable in that it would not impact detrimentally on the character of the area, it would not result in a significant loss of amenity to local residents nor other adverse impacts.

- 9.4 There are also no other adverse impacts of the scheme that are considered to significantly and demonstrably outweigh the economic, social and environmental benefits of the scheme when considering the objectives of the NPPF as a whole. The balance test is therefore tilted towards granting planning permission and the scheme is considered to be acceptable overall. Subject to compliance with the approved drawings and documents and implementation of the recommended works undertaken where necessary, it is concluded that the application should be approved.
- 9.5 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

### **RECOMMENDATION: Application Permitted**

Subject to the following conditions:

1. Statutory time limit
2. Accordance with the approved plans/details
3. Existing site ground levels and proposed slab levels
4. Scheme for Surface Water Drainage
5. Contaminated Land Assessment and Mitigation
6. Sound insulation
7. Construction and Environmental Management Plan
8. External materials
9. Landscaping (soft and Hard)
10. Refuse Storage Details
11. Cycle parking Details
12. Obscure glazing/restricted opening windows (ground floor southern boundary)
13. Balcony privacy screening
14. Provision of parking/turning spaces
15. Restricted permitted development rights (extensions/alterations)
16. Restricted upward extensions
17. Wheel wash facility
18. Electric vehicle charging points
19. Accessible adaptable dwellings
20. Low NOx gas boilers
21. Non-road mobile machinery emissions
22. Ecology precautionary approach

**And delegated authority be given to the Assistant Director: Planning & Building Control to make variations to the conditions and to add any other planning condition(s) as considered necessary.**