



Town Planning

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Application No : DC/22/03515/CTERNND
Date : 31st October 2022

**TOWN AND COUNTRY PLANNING ACT 1990 & GROWTH AND INFRASTRUCTURE ACT 2013
THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 2015
(AS AMENDED) SCHEDULE 2 PART 20**

**NOTIFICATION THAT PRIOR APPROVAL IS REFUSED
UNDER CLASS AB, PART 20, SCHEDULE 2 OF THE TOWN AND COUNTRY PLANNING
(GENERAL PERMITTED DEVELOPMENT) ORDER 2015 (AS AMENDED)**

Take notice that the Council of the London Borough of Bromley, in exercise of its powers as local planning authority under the above Act, hereby gives notice that **PRIOR APPROVAL IS REFUSED** for your application received on 5th September 2022.

at : Flat 1 Hadlow House 9 High Street Green Street Green Orpington BR6 6BG

Proposal: Erection of additional one storey upward extension to provide 4no. residential units with provision of car parking and cycle storage at ground level (Application under Schedule 2, Part 20, Class AB of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) to determine if Prior Approval is required for the provision of new dwellinghouses on a terraced building in commercial or mixed use with regards to transport and highways impacts, air traffic and defence assets impacts, contamination risks, flooding risk, external appearance of the building, provision of adequate natural light to proposed habitable rooms, impact on existing and neighbouring residential amenities, impact of commercial noise on proposed residential dwellings, impact on the carrying out of trade, business or other land use in the area and impact on protected vistas)

For the following reasons :-

- 1 The permission to use the building as a dwellinghouse has been granted by virtue of Class MA of Part 3 of this schedule (formerly Class J Part 3) and it is therefore considered that the proposal would not comply with Part AB.1 (za) of Schedule 2, Part 20, Class AB of the Town and Country Planning (General Permitted Development) (England) Order 2015(as amended).

- 2 Insufficient information has been submitted to demonstrate that the proposed parking layout would be acceptable in terms of the manoeuvrability of vehicles within the site and therefore it cannot be considered that the development would comply with condition AB.2.(1)(a) of Schedule 2, Part 20, Class AB of The Town and Country Planning (General Permitted Development) (England) Order 2015(as amended) and Policy 4 and 37 of the Bromley Local Plan and the NPPF.
- 3 The proposal, due to its additional height and scale would appear incongruous and over-dominant when viewed alongside the neighbouring properties, and thereby is harmful to the character of the surrounding area. The external appearance of the building would therefore be unacceptable which fails to comply with condition AB.2.(1)(e) of Schedule 2, Part 20, Class AB of The Town and Country Planning (General Permitted Development) (England) Order 2015(as amended) and Policy 4 and 37 of the Bromley Local Plan and the NPPF.
- 4 Insufficient information has been provided to demonstrate that the proposal would provide adequate natural light in all habitable rooms of the new dwellinghouses and therefore the it cannot be considered that the development would comply with condition AB.2.(1)(f) of Schedule 2, Part 20, Class AB of The Town and Country Planning (General Permitted Development) (England) Order 2015(as amended) and Policy 4 and 37 of the Bromley Local Plan and the NPPF.
- 5 Insufficient information has been provided to demonstrate that the proposal would not result in an unacceptable loss of light and amenity to neighbouring properties and therefore on the basis of the information provided it cannot be considered that the development would comply with condition AB.2.(1)(g) of Schedule 2, Part 20, Class AB of The Town and Country Planning (General Permitted Development) (England) Order 2015(as amended) and Policy 4 and 37 of the Bromley Local Plan and the NPPF.
- 6 The proposed dwellings will be subject to commercial noise impacts and no noise impact assessment has been submitted to demonstrate how the proposal will not adversely impact on future occupiers. It is therefore considered the development would not comply with condition AB.2.(1)(h) of Schedule 2, Part 20, Class AB of The Town and Country Planning (General Permitted Development) (England) Order 2015(as amended) and Policy 4 and 37 of the Bromley Local Plan and the NPPF.

Signed:



Assistant Director (Planning)

On behalf of the London Borough of Bromley Council

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

Notes to accompany Prior Approval Decisions:-

This written notice indicates that the proposed development would not comply with Schedule 2 Part 20 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) [the GPDO].

If you disagree with the decision of the Local Planning Authority (LPA) to refuse approval for the proposed development you may appeal to The Planning Inspectorate (PINS). This is an independent Executive Agency which provides fair and impartial decisions on appeals against LPA decisions on planning consents in accordance with Section 78 of the Town and Country Planning Act 1990

Appeals must be made within 6 months of this notice. They must be submitted on a form, which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online from www.planningportal.gov.uk.

Community Infrastructure Levy (CIL) Information Note.

The attached planning permission is considered to be liable for the Mayor of London's Community Infrastructure Levy (CIL). It is now the responsibility of an interested party to comply with the Community Infrastructure Levy Regulations 2010 (as amend 2011). The information sheet below outlines some next steps to help with that.

Next steps

Pre-commencement conditions:

If your permission is subject to pre-commencement conditions, planning permission is not first permitted until the last of these conditions is discharged. As per regulation 40 of the CIL regulations you are reminded that buildings that form part of the existing development, whether they are being demolished or form part of the new development, are required to be situated on the relevant land and in lawful use when permission is first permitted. Lawful use for the purposes of CIL is define in Reg. 40(10) as: a building is in use if a part of that building has been in use for a continuous period of at least six months within the period of 12 months ending on the day planning permission first permits the chargeable development.

Assume Liability:

An Interested party (Developer, Land Owner or Tenant with a lease of at least 7 years) is required to assume liability to pay the Levy due. It is the responsibility of the interested party to submit a Form 1: Assumption of Liability form to the Local Authority before development is commenced. If an assumption of liability is not received before commencement the liability defaults to the landowner(s) and a surcharge will be applied to any levy due. On receiving the assumption of liability the local authority will issue a Liability Notice setting out the amount of levy due. The liability will also be entered as a financial charge on the Local Land Register.

Further information on "Assuming Liability" and transferring liability can be found on <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Relief and Exemptions:

If you have not already submitted a Form 2: Claiming Exemption or Relief, this needs to be submitted before commencement of development, relief can be claimed for Social Housing or where development is for use by a charity purposes. Further information on reliefs and exemptions can be found at: <http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurerelief/>

Commencement:

It is the responsibility of the liable party to inform the Local Authority when development is due to commence by submitting Form 6: Commencement Notice. Once a Commencement Notice is received the Local Authority will issue a Demand Notice requiring the payment of the Levy due.

Payment:

The Liable party will have 60 days in which to pay the Levy from the date of the commencement of development. Currently neither the London Borough of Bromley nor the Mayor of London has an instalment payment policy therefore the full amount will be due to be paid within those 60 days. Surcharges maybe added to the Levy if a Commencement Notice is not received before development starts or if payment is late.

Surcharges:

The Local Authority has the right to add surcharges to the Levy amount due if the liable party fails to comply with the CIL Regulation. It is therefore in your interest to submit the required forms and information in a timely fashion.

Further information on Community infrastructure Levy Regulations and the process involve can be found on:

<http://www.communities.gov.uk/planningandbuilding/planningsystem/communityinfrastructurelevy/>

A very useful document Community Infrastructure Levy: collection and enforcement – Information, which explains process and expectation on both the applicant and the local authority, can be found at:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1995794.pdf>

Forms:

All the forms that need to be submitted during the CIL processes can be found at:
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>