

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 13/04067/FULL1

Ward:
Bickley

Address : Little Moor Chislehurst Road
Chislehurst BR7 5LE

OS Grid Ref: E: 542487 N: 169691

Applicant : Mr M Paye

Objections : YES

Description of Development:

Demolition of existing buildings and erection of a part two/three storey building comprising 5 three bedroom and 3 two bedroom flats with 16 basement car parking spaces and cycle store.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Local Distributor Roads
Open Space Deficiency
Sites of Interest for Nat. Conservation
Urban Open Space

Proposal

- The proposal seeks to demolish the existing dwelling and outbuilding and erect a two/three storey block comprising 5 three bedroom flats and 3 two bedroom flats
- The two second floor flats will possess an external balcony area at the flank of the building, with the other flats having access to the outdoor amenity area
- The block will have a length of 28.8m (30.5m previously permitted) and a width of 17.7m (16.7m previously permitted). The height will be 9.0m (10.5m previously permitted) incorporating a flat roof and mansard feature housing the second floor flats. The block will be sited 30m back from Chislehurst Road.
- The existing access to the site will be retained and widened to provide a 4.0m wide access onto Chislehurst Road, with a turning area close to the building to allow cars to pass one another within the site.

- The driveway will lead to the front of the block, where an access ramp will provide vehicular access to the basement level where 16 car parking spaces are proposed, along with a bicycle store and additional storage space. Two additional car parking spaces are proposed to the front of the building.
- A refuse store is proposed towards the front of the site, with a height of 1.6m and dimensions of 3.7m by 2.5m.
- An amenity area is proposed to the east and north of the block, and additional landscaping is proposed to provide screening to the east flank boundary.

Location

The site is located on the northern side of Chislehurst Road, with Bullers Wood School sited to the north. The site currently possesses a detached two storey dwelling. To the west, the property at Kingsmere is a two/three storey block of flats. To the east is a bungalow at No. 45.

The area consists of a mix of development density, including detached residential dwellings and the block to the west of the site. To the east of No. 45 is an open area of land forming part of the grounds of Bullers Wood School.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations were received are summarised as follows:

- overdevelopment of the site/excessive height
- highway safety implications
- impact on neighbouring residential amenities
- impact on trees

Comments from Consultees

From an Environmental Health (Housing) point of view, concern is raised over the lack of separation between kitchens and living rooms in the two/three bedroom flats.

The Council's Tree Officer has commented that this application is accompanied by an arboricultural report - it proposes that 15 trees be felled, they are graded C and U. There would be no objections to the loss of these trees. The sweet chestnut at the front of the site is graded B and is the subject of a TPO. The arboricultural report proposes a crown reduction and the applicant must be advised that this work will need to be the subject of a separate application to work on a TPO tree. The proposed pruning is not necessary to implement the permission. If consent is to be recommended standard conditions B16, 18 and 19 should be imposed.

No technical drainage objections are raised subject to standard conditions.

No Thames Water objections are raised subject to informatives.

The Crime Prevention Officer recommends a secure by design condition to be imposed.

Technical highways comments have been received stating that because the previous highways ground of refusal was not upheld at appeal, conditions would be suggested and no principle objection would be raised from a highway safety perspective.

Planning Considerations

Policies relevant to the consideration of this application are BE1 (Design of New Development), H7, (Housing Density And Design), H9 (Side Space), T3 (Parking), T7 (Cyclists), T18 (Road Safety) and NE7 (Development And Trees) of the adopted Unitary Development Plan.

The above policies are considered to be consistent with the principles and objectives of the National Planning Policy Framework, which is also a consideration.

Planning History

Planning applications were granted relating to boundary treatments and a roof enlargement to provide first floor accommodation in 1994 and 1995.

Planning permission was refused under ref. 12/00276 for demolition of existing buildings and erection of a two/three storey building comprising 8 three bedroom flats and 16 basement car parking spaces. The refusal grounds were as follows:

'The proposal would lack suitable provision of amenity space for future occupiers and would constitute an overdevelopment of the site, resulting in a detrimental impact upon the spatial standards of the area and an adverse impact upon the street scene, contrary to Policies BE1 and H7 of the Unitary Development Plan.

The proposed development would have insufficient parking provision and lack vehicle turning space, contrary to Policies BE1 and T3 of the Unitary Development Plan.'

An appeal relating to application ref. 12/00276 was dismissed on appeal on 21st September 2012. The Inspector states:

'The proposal would comprise the demolition of the house and garage and erection of a predominately 3-storey building comprising 8 large flats. It would be set back from the road with its frontage behind the front building line of Kingsmere and would occupy a large proportion of the rear part of the site. Although it would be similar in height to the rear part of Kingsmere, due to its height, bulk, site coverage and elevation above the road, the proposal would be a more prominent and conspicuous element in the street scene which, in my judgement, would not reinforce local distinctiveness.

I conclude therefore that, due to its height, bulk, siting, design and site coverage, the proposal would have an unacceptable effect on the character and appearance of the street scene and surrounding area. For these reasons it fails to comply with Policies BE1 and H7 of the London Borough of Bromley Unitary Development Plan (2006) (UDP). These policies expect new development to be of a high standard of design and layout that complements the scale, form and layout of adjacent buildings and the qualities of the surrounding area.

Each of the flats would contain 3 double bedrooms thus making the accommodation of a size suitable for families. Whilst all the units would have balconies, most of these would be of inadequate size to meet the amenity needs of families. Due to its awkward shape and size, and the access road and ramp, the garden space surrounding the block would be of limited amenity value for active use by families. This would be compounded by the fact that the more useable parts of the garden would be in close vicinity to ground floor windows and balconies therefore resulting in compromised privacy for the occupiers of ground floor flats.

I conclude therefore that, due to its size, siting and layout the proposal would result in unacceptable living conditions for future occupiers. For this reason it fails to comply with UDP Policy H7 which states that new housing developments will be expected to provide adequate private and communal amenity spaces to serve the needs of the particular occupants.

The flank elevation of the proposal would be a short distance from windows serving kitchens and bedrooms in Kingsmere. I am satisfied that the installation of obscured glazing in proposed windows and screening on the edge of balconies - which could be secured via a planning condition were the development acceptable in other respects - would prevent undue overlooking. However, due to its height and siting, the proposal would result in a significant loss of natural light to, and outlook from, lower level flats in Kingsmere. In my judgement this would have an unacceptable effect on the living conditions of occupiers of these dwellings. The proposal therefore fails to comply with UDP Policy BE1 which, amongst other matters, requires that development respects the amenity of occupiers of neighbouring buildings.

I am satisfied that, due to their distance from the appeal site, other nearby properties, including the school, would retain adequate levels of natural light, outlook and privacy. Although the proposal would result in an increase in the number of vehicles entering and leaving the site, I do not consider that this would lead to an unacceptable level of noise disturbance to the occupiers of 45 Chislehurst Road.

The appeal site has relatively poor public transport accessibility, the area has high levels of car ownership and the proposal would solely comprise large 3- bedroom units. In these particular circumstances I consider that exceeding the Council's maximum standards by the amount proposed is justifiable in the interest of highway safety. However, based on my observations of parking levels in the surrounding area and the amount of

traffic on Chislehurst Road, and all other evidence before me, providing more than the amount proposed is not justifiable. I conclude therefore that, on balance, the proposal provides an acceptable amount of off-street car parking and therefore complies with the aforementioned policies.

Whilst the proposal would result in an increase in vehicular movements, this would be small by comparison to overall traffic levels in the area. For this reason, and taking into full account the congestion caused by the nearby school at peak times during term time, I am satisfied that the increase in vehicular movements to and from the appeal site would not have an unacceptable effect on highway safety in Chislehurst Road.

The proposal would include a turning head at the front of the site immediately next to the entrance. There is no evidence before me to demonstrate whether or not this would be of adequate size to enable refuse collection and delivery vehicles to turn around and leave the site in forward gear. Nor is there any evidence that the basement area would be of adequate size to enable larger vehicles to turn. However, there is also nothing before me to indicate a need for off-street servicing. In this respect the proposal is compatible with criteria (vi) of UDP Policy H7, which states that the layout of housing development should be designed to give priority to pedestrians and cyclists over the movement and parking of vehicles.'

Planning permission was granted under ref. 13/01009 for demolition of existing buildings and erection of a part two/three storey building comprising 3 three bedroom, 4 two bedroom and 1 one bedroom flats with 15 basement car parking spaces and cycle store.

Conclusions

The main issues of consideration in this case are the effect of the proposal on the character of the surrounding area, the impact on the amenities of the occupants of nearby residential properties, the impact on trees, the impact on parking and general highway safety and the standard of the housing accommodation provided.

Following the dismissed appeal in September 2012, application ref. 13/01009 was granted as Members considered this proposal overcame the concerns of the Inspector in several ways. Firstly, the proposed block was reduced in bulk, with its height and length reduced. The larger three bedroom flats were located on the ground floor rather than upper floors, thereby allowing roof bulk to be reduced. The Inspector stated that the bulk of the previous building may be considered harmful to the character of the area and would not reinforce local distinctiveness. It was subsequently considered by Members that the scheme sufficiently addressed the Inspector's concerns. The building remained substantial in its scale, however the design kept a two storey aspect towards the front and this was sited over 30m from the highway. Coupled with the reductions in width and length, the building constituted a less imposing feature than the previously proposed block within the street scene and was considered acceptable on balance.

Following this permission, the current proposal seeks to redesign the development to provide a more traditional design. The footprint of the building will be similar to that previously permitted, however the height has been reduced. The site is flanked to the west by a two/three storey block at Kingsmere which is approximately 11m in height at its highest point. It is considered that the proposal would be lower in height than Kingsmere and will also be sited further from the highway than Kingsmere. Although the current proposal replaces the previously permitted two storey front section of the development with a three storey section, the overall height and bulk will be significantly reduced and therefore it is considered that the alteration to the design would not impact harmfully on the character of the area or the street scene.

To the east, the dwelling at No. 45 is a bungalow which is sited in close proximity to the highway. The block will be clearly visible behind this dwelling when viewed from the highway; however it will also be set back significantly from the road (over 30m back from the highway). With the existence of a similar block in close proximity, it is considered that the street scene would not be harmfully affected, given the alteration to the design and recent planning history. In respect to character, the area is characterised by a mix of development types and therefore the principle of flatted development on the site may not be objected to.

Table 3.2 of Policy 3.4 of the London Plan gives an indicative level of density for housing developments. In this instance the proposal represents a density of 42 dwellings per hectare with the table giving a suggested level of 35-55 dwellings per hectare in suburban areas with a PTAL rating of 1. This figure is consistent with the London Plan Guidance. It should also be considered however that the character of the area and the established pattern of development should be applied to this figure. It is judged in this case that in doing so the development may not compromise the character of the area.

Table 3.3 of Policy 3.5 of the London Plan states that new dwellings of this type should have between 50 and 95 square metres of Gross Internal Area (GIA), depending on the type of flat. In this case, the flats provide this minimum standard. Overall, the proposal would result in an intensity of use of the site that would be consistent with the local area and the London Plan and the 2012 Housing Supplementary Planning Guidance.

The bungalow at No. 45 would be impacted upon to the rear (north) by the presence of a considerably larger structure. Side balconies are also proposed at second floor level which may obliquely overlook the rear garden of No. 45. The site currently contains trees and vegetation in this location, much of which will be retained and the proposal includes the provision of further boundary screening to prevent overlooking. On balance, the relationship may be considered to be acceptable, with loss of light being minimised due to the orientation. Indeed, the issue of overlooking and loss of privacy to No. 45 has previously been considered acceptable by Members.

The flank elevation of the proposal facing Kingsmere will have windows facing Kingsmere which will serve studies/bedrooms. These can be obscurely glazed by condition to prevent overlooking without compromising the standard of

accommodation proposed. No Environmental Health objections are raised in respect to the windows and their obscurity. At appeal, the Inspector raised concerns over this proximity and the resulting loss of light. The block had been reduced in width to increase this separation by 1.5m when compared to the previous application. In the current scheme, much of this flank wall will be moved further from Kingsmere, with a small section to the front being in closer proximity. The minimum separation to Kingsmere will be 9m and this may be considered by Members to be acceptable.

In terms of the visual impact of the block, the separation and significant reduction in height may be considered to be sufficient to prevent any serious loss of outlook from the side windows at Kingsmere. The block will be sited to the north east and therefore no overshadowing and loss of sunlight would result. Daylight will also be retained by this separation. This boundary also possesses some vegetative screening and this is considered to help to reduce the impact and will be retained. To the rear of the block, the proposed flank balconies will be screened from Kingsmere by vegetation, and a landscaping condition can be imposed to provide further boundary screening at this point if necessary. The block will be separated from the dwellings to the rear by almost 40m and this is considered to be sufficient to prevent any harmful impact.

The appeal Inspector also raised concerns over the lack of suitable outdoor amenity space for the family units. The subsequent permitted scheme (ref. 13/01009) was redesigned to place the three bedroom family units on the ground floor so that access will be available to the garden area. The reduction in the footprint of the proposed block has created an enlarged amenity area and this may be considered an improvement, alongside the design changes. Although the redesign will provide three bedroom flats at upper levels, the second floor flat would have a balcony and the first floor ones would have continued access to the outdoor amenity area. On this basis, Members may consider the outdoor amenity area sufficient for the family units.

Although the block will continue to occupy a large amount of the site, it will also sit comfortably within it and may not be considered an overdevelopment. The block will occupy a similar footprint to Kingsmere to the west, which sits on a site of similar dimensions. The amenity area proposed would be somewhat awkward in its shape but may be considered to be adequate in size for the future residents of the block as it will provide amenity area to the side and rear of the building. The site will retain spaciousness to the front which has previously been considered to preserve the open character of the area.

A refuse store will be sited at the front of the site and although prominently sited 6m back from the highway, this store will be modest in scale and will not be sited forward of No. 45. Therefore, its appearance within the street scene may not be considered intrusive or excessively bulky and prominent within the street scene.

The proposed access road will be sited 5-7m away from No. 45. This separation is considered to be acceptable and is not considered to result in significant additional disturbance to that currently experienced from traffic on Chislehurst Road. The provision of landscaping to the flank boundary will further reduce this disturbance

and therefore the relationship of the access road with No. 45 is considered to be acceptable. No concern was raised by the Inspector on this point.

From a highway safety perspective, the proposal will result in the intensification of the use of the access to the site. The area becomes heavily parked during certain times of the day largely due to the school adjacent. The applicant has demonstrated that sightlines can be achieved from the proposed access widening and technical comments have been received from the highways engineer which raises no objection. The increase in vehicular movements at the site was accepted at appeal.

Having had regard to the above Members may consider the development in the manner proposed to be acceptable.

Background papers referred to during production of this report comprise all correspondence on files refs. 12/00276, 13/01009 and 13/04067, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | | |
|----|--------|---|------|
| 1 | ACA01 | Commencement of development within 3 yrs | |
| | ACA01R | A01 Reason 3 years | |
| 2 | ACA04 | Landscaping Scheme - full app no details | |
| | ACA04R | Reason A04 | |
| 3 | ACA07 | Boundary enclosure - no detail submitted | |
| | ACA07R | Reason A07 | |
| 4 | ACB16 | Trees - no excavation | |
| | ACB16R | Reason B16 | |
| 5 | ACB18 | Trees-Arboricultural Method Statement | |
| | ACB18R | Reason B18 | |
| 6 | ACB19 | Trees - App'ment of Arboricultural Super | |
| | ACB19R | Reason B19 | |
| 7 | ACC07 | Materials as set out in application | |
| | ACC07R | Reason C07 | |
| 8 | ACD02 | Surface water drainage - no det. submitt | |
| | ADD02R | Reason D02 | |
| 9 | ACD04 | Foul water drainage - no details submitt | |
| | ADD04R | Reason D04 | |
| 10 | ACD06 | Sustainable drainage system (SuDS) | |
| | ADD06R | Reason D06 | |
| 11 | ACH01 | Details of access layout (2 insert) Chislehurst Road, with an appropriate safety audit 1m | |
| | ACH01R | Reason H01 | |
| 12 | ACH03 | Satisfactory parking - full application | |
| | ACH03R | Reason H03 | |
| 13 | ACH15 | Grad of parking area or space(s) (2 in) access road | 1:10 |
| | ACH15R | Reason H15 | |
| 14 | ACH16 | Hardstanding for wash-down facilities | |

- ACH16R Reason H16
- 15 ACH22 Bicycle Parking
ACH22R Reason H22
- 16 ACH23 Lighting scheme for access/parking
ACH23R Reason H23
- 17 ACH29 Construction Management Plan
ACH29R Reason H29
- 18 ACH32 Highway Drainage
ADH32R Reason H32
- 19 ACI12 Obscure glazing (1 insert) in the first floor western flank elevation
ACI12R I12 reason (1 insert) BE1
- 20 ACI17 No additional windows (2 inserts) western flank development
ACI17R I17 reason (1 insert) BE1
- 21 ACI20 Lifetime Homes Standard/wheelchair homes
ADI20R Reason I20
- 22 ACK01 Compliance with submitted plan
Reason: In order to comply with Policies BE1 and H7 of the Unitary Development Plan and in the interest of the visual amenities of the area and the amenities of the occupiers of the nearby residential properties.
- 23 ACK05 Slab levels - no details submitted
ACK05R K05 reason
- 24 The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific needs of the application site and the development. Details of these measures shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development hereby permitted, and implemented in accordance with the approved details. The security measures to be implemented in compliance with this condition will achieve the "Secured by Design" accreditation awarded by the Metropolitan Police.
Reason: In the interest of security and crime prevention and to accord with Policies H7 and BE1 of the Unitary Development Plan.
- 25 The flat roof area to the western elevation of the second floor shall not be used as a balcony or sitting out area and there shall be no access to the roof area.
Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

INFORMATIVE(S)

- 1 If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.
- 2 Before the use commences, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of

Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.

- 3 In order to minimise the impact of the development on local air quality it should be an aim to ensure that any gas boilers meet a dry NO_x emission rate of <40mg/kWh
- 4 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk
- 5 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 6 Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 7 In order to check that the proposed storm water system meets our requirements, we require that the following information be provided:
 - A clearly labelled drainage layout plan showing pipe networks and any attenuation soakaways.
 - Where infiltration forms part of the proposed storm water system such as soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
 - Calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change.
- 8 This proposal also requires approval under the Petroleum (Consolidation) Act 1928 and application must be made to London Fire and Emergency

Planning Authority, 169 Union Street, London, SE1 0LL; telephone 020 8555 1200; e-mail: info@london-fire.gov.uk (service covered: Monday to Friday 8am to 5pm).

(N.B. This informative applies to petrol filling stations and parking areas within buildings which are capable of accommodating 12 or more cars (including basement car parks).

- 9 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.
- 10 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

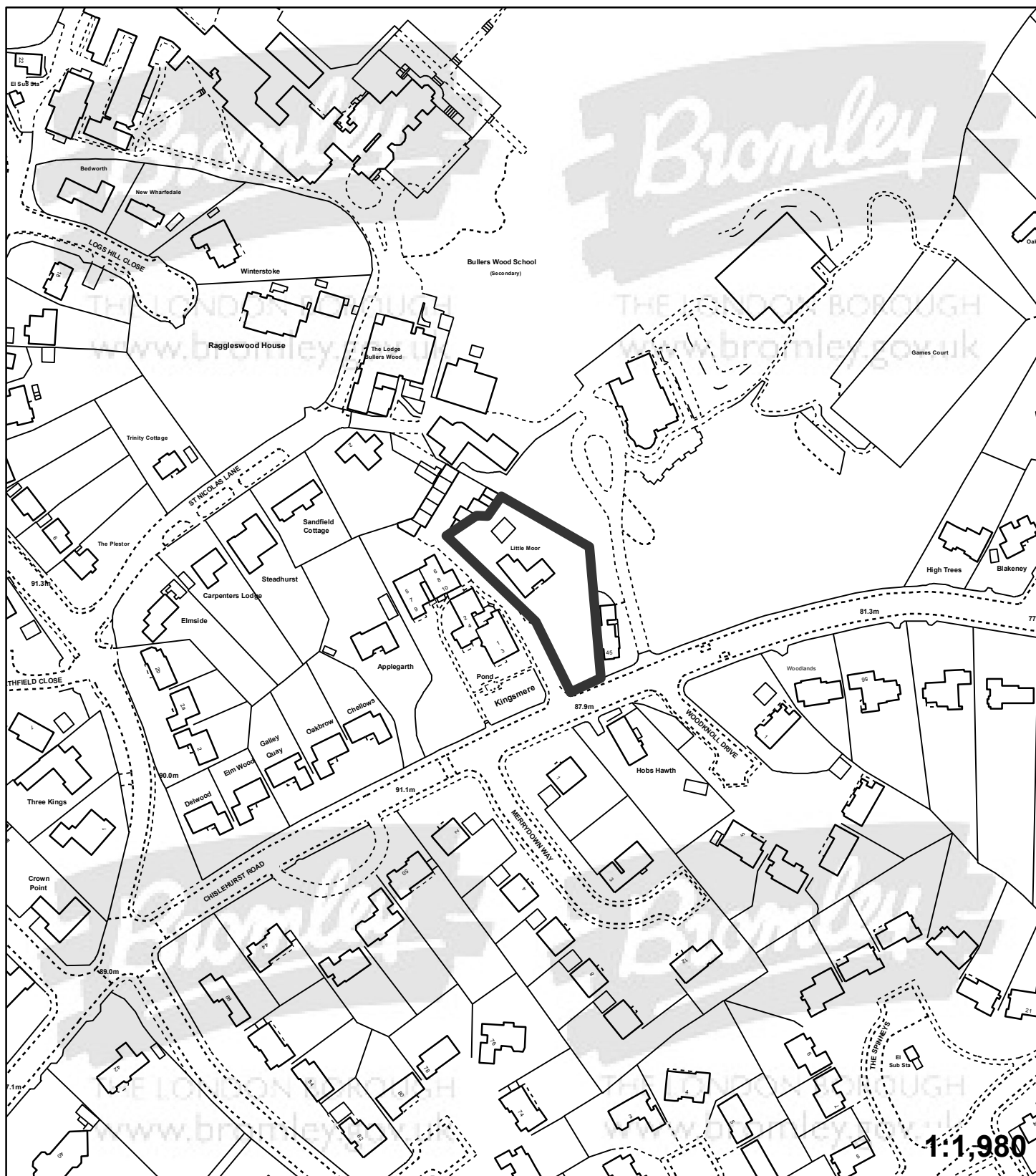
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

Application:13/04067/FULL1

Address: Little Moor Chislehurst Road Chislehurst BR7 5LE

Proposal: Demolition of existing buildings and erection of a part two/three storey building comprising 5 three bedroom and 3 two bedroom flats with 16 basement car parking spaces and cycle store.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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