

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

**Application No :** 14/01262/OUT

**Ward:**  
Mottingham And Chislehurst  
North

**Address :** 112 Elmstead Lane Chislehurst BR7 5EL

**OS Grid Ref:** E: 542634 N: 171376

**Applicant :** Mr Nigel Styles

**Objections :** YES

**Description of Development:**

Demolition of existing dwelling and outbuildings and erection of detached two storey building with accommodation in roofspace comprising 5 two bedroom and 3 one bedroom flats, with 8 car parking spaces and vehicular access to side.

**OUTLINE**

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Local Cycle Network  
Green Chain Walk  
Green Chain Walk  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
Local Distributor Roads

**Proposal**

It is proposed to redevelop this site with a block of 8 flats (5 two bedroom and 3 one bedroom) which would be incorporated within a two storey detached building with accommodation provided within the roofspace. The existing dwelling and buildings on the site would be removed, and the commercial uses would cease.

The application has been submitted in outline form with only the layout and means of access to be determined at this stage, although illustrative elevation plans have also been submitted.

A total of 8 car parking spaces would be provided which would be accessed from Cow Lane to the south.

The proposals have been revised since originally submitted to reduce the size of the scheme from 9 flats to 8 flats, and changes have been made to the layout and

car parking area, and to the illustrative elevations. A footpath is now also proposed along the Elmstead Lane frontage which would link the existing footpaths.

## **Location**

This site is located on the eastern side of Elmstead Lane, and measures 0.1ha in area. It is currently occupied by a two storey residential dwelling and a car repairs and scaffold yard.

The surrounding area is largely residential in character with townhouses in Broadheath Drive to the north, and semi-detached dwellings in Fenton Close to the east. A large residential care home is located to the south of the site on the opposite side of Cow Lane at No.104 Elmstead Lane.

## **Comments from Local Residents**

Letters of objection have been received from local residents, including The Chislehurst Society, and their main concerns are summarised as follows:

- the building would be too high and too close to properties in Fenton Close
- proposals would result in loss of light and privacy to neighbouring properties
- balconies would overlook nearby properties (the rear-facing balconies have now been removed)
- hazardous access to the site
- a footpath should be provided on the Elmstead Lane frontage (now shown on the revised plans)
- the density of development should be reduced (revised scheme has reduced number of flats from 9 to 8)
- the building would be too close to the front boundary (revised plans have set the building further back)
- north-facing flank windows should be obscure glazed to prevent overlooking of Broadheath Drive
- the tree screen along the northern boundary should be retained
- noise and disturbance during building works and from future occupiers.

Some residents also commented that a residential development would be an improvement on the current commercial use of the site.

Any further comments received in relation to the revised plans will be reported verbally at the meeting.

## **Comments from Consultees**

The Council's Highway Engineer comments that 8 car parking spaces would be provided for the 8 flats which would comply with the Council's parking standards. The proposals now include a footway along Elmstead Lane which is considered acceptable subject to further details of the layout of the footway. Assuming that the applicant would wish to dedicate it as highway so that the Council would take over the maintenance, a section 106 agreement would be required.

No drainage objections are raised to the proposals in principle, and the scheme may be considered suitable for a SUDS scheme for the disposal of surface water. Furthermore, Thames Water raise no objections.

Environmental Health (Pollution) require the submission of a contaminated land assessment and associated remedial strategy in view of the current commercial use of the site, whilst Environmental Health (Housing) comment that it is undesirable for the living and kitchen areas of the flats to be combined.

With regard to crime prevention issues, further details should be submitted by way of a condition in order to address crime prevention.

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

- BE1 Design of New Development
- H7 Housing Density & Design
- H9 Side Space
- T3 Parking
- T18 Road Safety
- NE7 Development and Trees

### **Conclusions**

The main issues in this case are the effect of the proposals on the character and appearance of the surrounding area, and on the amenities of occupants of nearby residential properties, the impact on important trees on the site, and the impact on parking and road safety issues.

Policy H7 of the UDP allows for the redevelopment of older, lower-density properties, but stresses that such development should be sympathetic to and complement the surrounding residential area. It recognises that many residential areas are characterised by spacious rear gardens and well-separated buildings, and that developments which would undermine this character or would be harmful to residential amenity will be resisted.

The redevelopment of this site for a flatted development may be considered acceptable in principle, and the density of development at 210 hrha or 80 units per hectare would accord with Policy H7 which allows for a density of between 300-450 hrha and between 100-150 units per hectare.

Although the application is in outline form only, the illustrative plans show a two storey building with roof accommodation of approximately 10m in height which would extend across much of the width of the site, although it would provide a separation of at least 2m to the northern flank boundary with Broadheath Drive properties, and 5.7m to the southern flank boundary with Cow Lane. The cycle/bin store would project closer to this boundary, but would be single storey only, and would be set back from the main front elevation of the building.

The building would be set back from Elmstead Lane in line with the existing dwelling on the site, whilst the rear part of the building would be stepped back at least 5.7m from the northern flank boundary. The proposals are therefore considered to sit comfortably within the street scene, with adequate separations provided to the side boundaries, and the illustrative elevations show that the building would not appear overdominant within the street scene.

Sufficient parking and amenity space (both communal and private) would be provided to meet the needs of future occupiers, and the revised proposals are not, therefore, considered to result in an overdevelopment of the site. No protected trees would be lost as a result of the proposals.

With regard to the impact on residential amenity, the proposed building would be at least 21m away from Nos. 2 and 4 Fenton Close, and although there would be rear-facing bedroom, living room and kitchen windows, the rear balconies have been removed from the current proposals. There is some existing tree screening along the rear boundary which would help to mitigate the impact, and given the separation distances to Fenton Close properties, Members may consider that the amenities of those neighbouring properties would not be so unduly affected to warrant a refusal.

The Broadheath Drive properties to the north are set back approximately 19m from the shared boundary, and there is a high tree screen along this boundary which appears to be retained. These properties would mostly back onto the rear part of the building which is set further away from the boundary, and given the separation distances involved and the good level of tree screening, the proposals are not considered to unduly affect the amenities of residents in Broadheath Drive.

With regard to residents' concerns about the hazardous access, the Council's highway engineer has confirmed that the parking and access arrangements are acceptable, subject to safeguarding conditions.

In conclusion, the proposals are considered to result in an acceptable redevelopment of this site which would not adversely affect the amenities of neighbouring properties nor impact detrimentally on the character and appearance of the surrounding area, and would have the added benefit of removing the commercial uses from this site.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) set out in the Planning History section above, excluding exempt information.

as amended by documents received on 01.09.2014 11.09.2014

**RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT REGARDING THE FOOTWAY**

and the following conditions:

- 1 ACA02 Details req. pursuant outline permission appearance,  
landscaping and scale  
ACA02R Reason A02
- 2 The landscaping details, which shall include the materials of paved areas and other hard surfaces, submitted in accordance with condition 1 and subsequently approved in writing by the Local Planning Authority shall be implemented in the first planting season following the occupation of the buildings or the substantial completion of the development whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted.  
ACA03R Reason A03
- 3 ACA07 Boundary enclosure - no detail submitted  
ACA07R Reason A07
- 4 ACB01 Trees to be retained during building op.  
ACB01R Reason B01
- 5 ACB02 Trees - protective fencing  
ACB02R Reason B02
- 6 ACB03 Trees - no bonfires  
ACB03R Reason B03
- 7 ACB04 Trees - no trenches, pipelines or drains  
ACB04R Reason B04
- 8 ACC01 Satisfactory materials (ext'nl surfaces)  
ACC01R Reason C01
- 9 ACD02 Surface water drainage - no det. submitt  
AED02R Reason D02
- 10 ACD06 Sustainable drainage system (SuDS)  
AED06R Reason D06
- 11 ACH03 Satisfactory parking - full application  
ACH03R Reason H03
- 12 ACH04 Size of parking bays/garages  
ACH04R Reason H04
- 13 ACH16 Hardstanding for wash-down facilities  
ACH16R Reason H16
- 14 ACH18 Refuse storage - no details submitted  
ACH18R Reason H18
- 15 ACH22 Bicycle Parking  
ACH22R Reason H22
- 16 ACH29 Construction Management Plan  
ACH29R Reason H29
- 17 Before the development hereby permitted is first occupied, the proposed window(s) at first and second floor levels in the northern flank elevation of the building shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.  
ACI12R I12 reason (1 insert) BE1
- 18 ACI21 Secured By Design  
ACI21R I21 reason
- 19 ACK01 Compliance with submitted plan

- 20 ACK05R K05 reason  
ACK05 Slab levels - no details submitted  
ACK05R K05 reason
- 21 ACK09 Soil survey - contaminated land  
ACK09R K09 reason
- 22 The detailed design of the footway adjacent to Elmstead Lane shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted first commences, and shall be completed in accordance with the agreed layout before the development is first occupied.  
ACH15R Reason H15

### INFORMATIVE(S)

- 1 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.
- 2 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](http://www.bromley.gov.uk/CIL)

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"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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