

SECTION '2' – Applications meriting special consideration

**Application No :** 14/02128/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 building and erection of part two/three/four storey building comprising 5 three bedroom and 4 two bedroom flats with 20 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

Urban Open Space

**Proposal**

- The proposal seeks to erect a part two/three and four storey building comprising 5 three bedroom flats and 4 two bedroom flats.
- The two second floor flats will possess an external balcony area at the north-east flank elevation of the building, with the other flats having access to the outdoor amenity area.
- The block will have a length of 28.8m (28.8m previously permitted ref. 13/04067/FULL1) and a width of 17.7m (17.7m previously permitted ref.13/04067/FULL1). It would have a height of 11.4m (9.0m previously permitted ref.13/04067/FULL1). It should be noted that application ref. 13/01009/FULL1 granted a part two/three storey building with a height of 10.5m. The building will incorporate a flat roof with a mansard feature housing the second floor flats and a mansard feature housing the third floor flat. The front of the building will be sited 30m back from Chislehurst Road.

- The existing access to the site would be retained and widened to provide a 4.0m wide access onto Chislehurst Road, with an 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 ancillary storage space. Three additional car parking spaces are proposed to the front of the building. (Two parking spaces were proposed to the front of the building within application ref. 13/04067/FULL1).
- 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.
- A landscaped area is proposed to the north-west and north-east 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 application site previously comprised of a detached two storey dwelling which has now been demolished as part of the implementation of application ref. 13/04067/FULL1. To the west, the property at Kingsmere is a two/three storey block of flats. To the east is a detached bungalow at No. 45 Chislehurst Road.

The surrounding area consists of a mix of development density, including detached residential dwellings and the residential housing 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
- design of the building is not in keeping with the surrounding area
- impact on daylight/sunlight
- impact on privacy and increased overlooking
- impact on parking on the surrounding area and highway safety implications
- impact on neighbouring residential amenities
- impact on trees and loss of greenspace

## **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. This concern was also raised within the previous approved application.

The Council's Arboricultural Officer has not commented on this application. However the Arboricultural officer had raised no objection to the previous application ref. 13/04067/FULL1 which was for a similar scheme. The submitted Arboricultural report states that no tree works are proposed as the tree removal works has already been undertaken as part of the previous application. The previous application proposed that 15 graded C and U trees be felled and the Arboricultural Officer raised no objection to the loss of these trees. The sweet chestnut at the front of the application site is graded B and is the subject of a TPO. It is considered that should the application be recommended for approval then standard conditions B16, 18 and 19 should be imposed as within the previous application for a similar landscaping scheme.

The Council's Conservation Officer was consulted on the application and has stated that the nearest listed building is Bullers wood and due to the screening and distance there is unlikely to be any adverse impact and as such has raised no objection to the application.

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 further to the two previous applications for 8 flats which have been previously been permitted and the 2012 application was dismissed at appeal. The highways ground of refusal was not supported within the 2012 appeal decision; therefore no objection is raised from a highway safety perspective subject to conditions.

### **Planning Considerations**

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

- BE1 Design of New Development
- H7 Housing Density and Design
- H9 Side Space
- T3 Parking
- T7 Cyclists)
- T18 Road Safety
- NE7 Development and Trees

London Plan:

- 3.3 Increasing Housing Supply
- 5.3 Sustainable Design and Construction
- 6.9 Cycling
- 7.3 Designing Out Crime
- 7.4 Local Character

## 7.6 Architecture.

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.

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.

Planning permission was granted under ref. 13/04067 for 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.

### **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. Firstly, the proposed block was reduced in bulk, with its height and length reduced and the building was sited over 30m from the highway. It was subsequently considered by Members that the scheme sufficiently addressed the

Inspector's concerns. As the building constituted a less imposing feature than the previously proposed block within the street scene and was considered acceptable on balance.

The current proposals seek to create an additional mansard extension at third floor level which would increase the overall building height by 0.9m above the previously approved height of 10.5m within application ref. 13/01009. The mansard extension would have a width of 10.7m and a depth of 12.7m. The block would have a length of 28.8m (30.5m previously approved ref. 13/01009) and a width of 17.7m (16.7m previously approved ref. 13/01009). The proposals would only create an additional 2 bedroom unit at third floor level. The additional windows within the third floor flat would be located on the north-east and north-west elevations of the building. The building would retain the traditional elevational design of the previously approved scheme (ref. 13/04067); and the addition of the third floor mansard level would be in keeping with this design.

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. The submitted cross section plans shows that the height of the building including the proposed mansard level would set lower than Kingsmere which is positioned at a higher ground level to the south-west.

It is considered that the proposed height would be acceptable as it would be of similar height to Kingsmere and would also be sited further from Chislehurst Road than Kingsmere. Although the current proposal would include a third floor mansard level the overall footprint and bulk of the building would not be significantly increased. Therefore it is considered that the addition of a third floor mansard level would not impact harmfully on the character of the area or the street scene. Furthermore, the Councils Conservation Officer has raised no objection to the application and has stated that the nearest listed building is within Bullers wood and due to the screening and distance there is unlikely to be any adverse impact.

Although the block would be clearly visible from the highway; it would be set back significantly from the road (over 30m back from the highway). A 10.5m high building has already been approved on this location and it is considered that the street scene would not be harmfully affected, given the addition of a mansard level which would increase the previously approved building height by 0.9m. The mansard level would be proportionate to the size and design of the building and would be similar in proportion to the previous planning applications which have been granted on the site. In respect to character, the area is characterised by a mix of development types and the proposed mansard level would be in keeping with the character of the surrounding area.

The bungalow at No. 45 would be impacted upon to the rear (north) by the proposed increase in height of the building. However the increase of 0.9m in height would be modest and would not be considered to have an unacceptable impact on the amenity of surrounding occupiers over and above the previously approved height of 10.5m (ref. 13/01009). The third floor mansard level would be set back from No. 45 by 17.5m at its nearest point, and would be set back from Kingsmere by 15m at its nearest point. No balconies are proposed at third floor level and the

only fenestration proposed would comprise of windows within the north-east elevation wall overlooking the rear garages at Kingsmere. The windows proposed in the north-west elevation would overlook the Bullers Wood school site and would not face directly onto any building; and it should be noted that there is existing trees in excess of 20m in height along this boundary.

Furthermore, the boundary of the application site currently contains mature trees and high level vegetation and much of which will be retained. On balance, the relationship may be considered acceptable, with loss of light being minimised due to the position and set back of the mansard level. The issue of overlooking and loss of privacy to No. 45 and Kingsmere has previously been considered by Members within the previously permitted applications and the fenestration proposed on the mansard level would not significantly increase the impact on amenity to these adjoining properties.

Although the fenestration of the building on its lower levels has already been considered acceptable by Members within the previous approved application ref. 13/04067; and this application proposes no alterations to the external design of these levels. Furthermore, no Environmental Health objections are raised in respect to the windows and their obscurity.

With regard to the visual impact of the building and its impact on the amenity of adjoining properties. The building would be increased by 0.9m in height from the previously approved application. The addition of new mansard level which would be of modest proportions and would be set back approximately 8m from the main front and rear elevation walls of the building below. The orientation of the mansard level and position of its fenestration together with its acceptable separation distance from neighbouring buildings would be considered acceptable. As it would be sufficient to prevent any serious loss of outlook, increase overlooking, or impact on privacy of Kingsmere.

The mansard level would be located to the centre of the building which would be sited to the north east of the application site. 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 would be imposed as was in the previous approved application to provide further boundary screening at this point. The building will be separated from the dwellings to the rear by almost 40m and this has also been considered acceptable by Members within the previous approved application (ref. 13/04067).

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 nine 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 previous application ref. 13/04067 permitted eight units within the building and Members considered that the outdoor amenity space was sufficient for these units. The layout of the lower floors and the overall footprint of the building would remain unchanged from application ref. 13/04067 and the proposals would only create an additional unit at third floor level. The proposed 2 bedroom unit at third floor level would have no external balcony or terrace space. However it should be noted that the first floor units within application ref. 13/04067 also had no access to external terraces. Therefore a refusal of the application on the provision external amenity space for one additional unit could not warrant a refusal of the application.

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 distance is considered to be acceptable and it is not considered to result in an unacceptable impact on the surrounding highway network 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 objection was raised by the Councils Transport and Highways team within this application or within the previous application ref. 13/04067.

Nevertheless, from a highway safety perspective, the proposal will result in the intensification of the use of the access to the site. The surrounding area has high levels of parking stress during certain times of the day largely due to the school adjacent. However access would remain the same as that approved within the previous application for eight units; and the addition of the one unit would include the addition of an extra parking bay located to the front of the building to accommodate this unit. The applicant has demonstrated that sightlines can be achieved from the proposed access widening and as stated above technical comments have been received from the highways engineer which raises no objection. An in principle increase in vehicular movements at the site has also been supported by the inspector within the appeal decision of application ref. 12/00276.

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, 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  
AED02R Reason D02
- 9 ACD04 Foul water drainage - no details submitt  
ADD04R Reason D04
- 10 ACD06 Sustainable drainage system (SuDS)  
AED06R 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 NOx 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](http://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](mailto: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)).

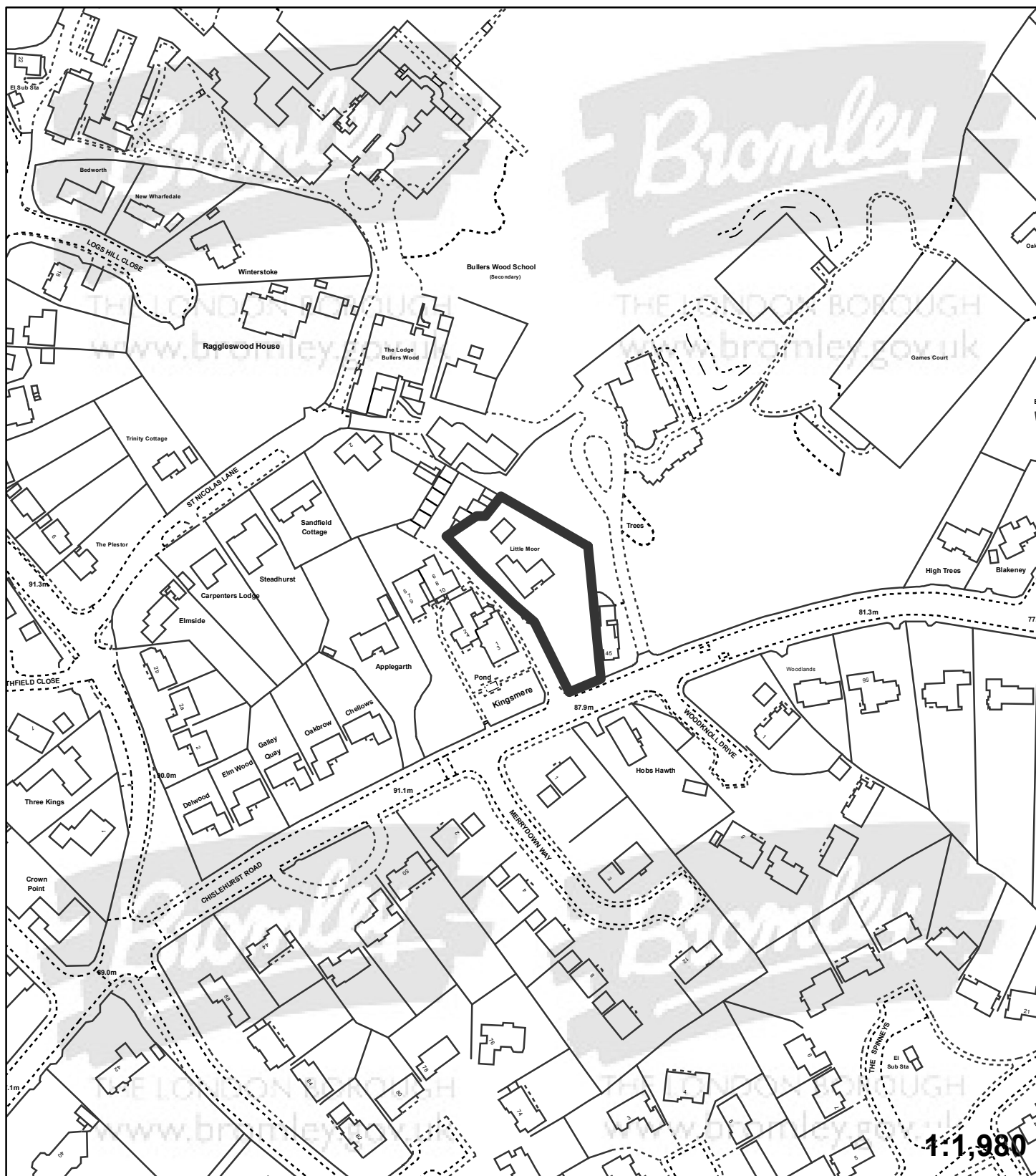
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)

**Application:**14/02128/FULL1

**Address:** Little Moor Chislehurst Road Chislehurst BR7 5LE

**Proposal:** Demolition of existing building and erection of part two/three/four storey building comprising 5 three bedroom and 4 two bedroom flats with 20 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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