

SECTION '2' – Applications meriting special consideration

Application No : 14/04849/FULL1

Ward:
Farnborough And Crofton

Address : Land Opposite 1 To 4 Tye Lane
Orpington

OS Grid Ref: E: 544263 N: 164212

Applicant : Mr & Mrs C Welch

Objections : YES

Description of Development:

Partial demolition of existing buildings and erection of two 2 bedroom detached dwellings, retention of existing garage and part of stable building and conversion to provide garage/storage for the dwellings.

Key designations:

Conservation Area: Farnborough Village
Areas of Archaeological Significance
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Open Space Deficiency
Sites of Interest for Nat. Conservation

Proposal

- The proposal comprises the removal of part of the existing stable/storage building and the erection of two 2 bedroom detached dwellings. Vehicle parking will be provided within the retained/converted stable/store building, and a single access will be used onto Tye Lane.
- The site has a current lawful use as a private equestrian centre, however it is at present overgrown and not used as such after the owner retired.
- Each proposed dwelling will have a total height of approx. 7.6 metres, a width of approx. 9.5 metres and a depth of approx. 11.1 metres. The roof will have a barn-end style, with cat slide to front and rear, along with a gable feature to the front and centre of each new dwelling.
- The rear gardens will be sited to the southwest of the site, with the ends of the gardens sited within the Green Belt. The rear gardens will have a depth of between 10 metres and 12 metres.

Location

The application site is located on the western side of Tye Lane, approx. 50 metres from the junction with High Street/Church Road, and currently comprises a (redundant) private stable and yard. The site lies just outside of the Farnborough Village Conservation Area, and the southern section of the site falls within the Green Belt.

Tye Lane serves a small number of residential dwellings, before it becomes a public byway. The application site has a frontage of approx. 39 metres, with a site area of approx. 0.11 hectares. The development along Tye Lane comprises residential cottages, behind the larger commercial development of Farnborough High Street.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations in support were received which can be summarised as follows:

- have walked dogs down Tye Lane for many years and noticed a gradual decline in the condition of it, especially since the closure of the horse yard;
- a project like the current proposal would enormously improve the current state of the lane;
- the proposed buildings would be built to a very high standard;
- the derelict yard and land would look nice with the proposed 2 properties being built on it, and would be in keeping with the village and surroundings areas;
- would provide Bromley with more housing, and a chance for families to move to Farnborough Village;
- no objection, would enhance the area which has been in decline since the equestrian centre went 4 years ago.

Nearby owners/occupiers were notified of the application and representations in objection were received which can be summarised as follows:

- understand need for development, but please keep Farnborough Village as a village;
- Tye Lane has always been a country lane used by families and walkers to get to the countryside;
- emergency services may find it difficult to access the site;
- dustcarts already cannot get to the top of the road;
- aware construction will not last forever, but local residents do need 24 hour access;
- Farnborough primary school is already full, would be unable to accept more children;
- visitors to proposed houses could park on Church Road which will cause further problems;
- Tye Lane is a byway and footpath used by walkers, children and cyclists;
- extra cars would be an added danger for these people;
- emergency services cannot access the lane last Plumbridge Cottages as the road narrows considerably;

- Tye Lane is unsuitable for the type of vehicles needed for this type of construction;
- never witnessed equestrian use on the site in last 2 years since lived in the area;
- Tye Lane is narrow, and having had a lorry damage nearby property previously, would not like to see it happen again;
- Church Road is narrow and heavily parked on both sides, potential for damage to parked cars by lorries used for this development.

The applicant provided response to the objections which can be summarised as follows:

- residents who access their car park from Tye Lane seem to get their vans, cars and 26 feet motor home out of Tye Lane and back with no problems;
- have had 3-4 fire engines up to and beyond the last house at various times due to field fires;
- with regard to refuse vehicles, there are only 2 bins along Tye Lane so it is easier for 2 men to walk down the lane than a lorry at 7am;
- the builder in the house at the top of the lane had an 18 ton concrete mixer he used daily for 5 years;
- horse field had a 24 feet horse box as big and wide as a bus used most days for 10 years;
- there are at least 12 cars, vans and lorries owned and used daily up and down the lane;
- the school is a quarter of a mile away and is irrelevant to the proposed scheme;
- crashes in the area are usually caused by bad driving;
- the problems recently with water did not affect anyone in the lane;
- damage to the nearby property must have been caused by a very high vehicles as she is in a first floor flat;
- no-one in Tye Lane itself has objected to the proposal;
- previous application had over 20 letters of support;
- are both retired and would move into one of the properties.

Comments from Consultees

Previous comments from Waste Services stated that waste is to be left at edge of curb at junction with Tye Lane for collection.

Thames Water raises no objection with regard to sewerage or water infrastructure subject to informatives.

No technical highways objections were raised, subject to suitable conditions. Technical highways comments have been received stating that Tye Lane is an ancient highway and also the first section from Church Road, going past the site, is a byway (BY222). It is a narrow lane with poor sightlines and pedestrian visibility coming out onto Church Road and so is not suitable for intensification of vehicular use. The site is within a low (1b) PTAL area. The submitted statement indicates that there will be no material change in traffic using the lane and these figures are

not disputed. The conclusion reached is that the number of trips with the previous use and with the previously refused scheme of 4 dwellings would be comparable with no significant increase, and so with the current proposal of 2 dwellings there would be a decrease in trips.

It is acknowledged that there could well be more traffic generated during the demolition/construction period than from the proposed residential development and this has the potential to cause disruption. A Construction Method Statement was also supplied, similar to the previous application, but given the complexity of the site it was considered that it should contain more detail including the numbers of construction vehicles likely to access the site during each phase, the largest lorries that can use Tye Lane and turn on the site and what the arrangements are for any vehicles that cannot. There is already parking in Church Road and large vehicles waiting there are likely to block it. Also the number of site operatives during each stage of demolition/construction and how they can all be accommodated on site should be provided, however, it is appreciated that this information is unlikely to be available at this stage and can be managed by way on suitable conditions.

No technical drainage objections are raised subject to conditions.

Environmental Health raised no objection. It was stated that the applicant is advised to have regard to the Housing Act 1985's statutory space standards contained within Part X of the Act and the Housing Act 2004's housing standards contained within the Housing Health and Safety Rating System under Part 1 of the Act.

The Crime Prevention Officer had previously suggested a 'secure by design' condition, however they did not provide specific comments for the current application. They no longer provide comments on this type of application.

Planning Considerations

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

- BE1 Design of New Development
- BE11 Conservation Areas
- H7 Housing Density And Design
- T3 Parking
- T17 Servicing Of Premises
- T18 Road Safety
- G1 Green Belt
- G6 Land Adjoining Green Belt Or Metropolitan Open Land

London Plan policies:

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Design and Quality of Housing Developments
- 3.8 Housing Choice
- 5.1 Climate Change

- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 6.9 Cycling
- 6.13 Parking
- 7.13 Safety, Security And Resilience To Emergency

The Council's adopted SPG guidance is also a consideration.

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

Planning History

Planning permission was granted under ref. 88/01571 for the retention of the existing stable building and erection of detached garage block.

More recently, planning permission was refused under ref. 13/00681 for change of use of land from equestrian centre to residential and erection of 2 pairs of two storey two bedroom houses with associated car parking.

This application was refused on the following ground:

The proposal would, by reason of its design and excessive bulk and scale, result in an overdevelopment of the site, detrimental to the visual amenities, spatial standards and character of the area, contrary to Policies BE1 and H7 of the Unitary Development Plan.

An appeal was dismissed relating to this application. The Inspector effectively stated that the proposed development of 4 dwellings would materially harm the character and appearance of the area. The scale of the proposed buildings was considered significant, and the combined width and depth of the proposed buildings, which would be two-storey and sited fairly close together, would create a sizeable development that would be out of character with the existing dwellings on Tye Lane, which are of a modest scale and sited with space between them.

With reference to the siting of part of the site within the Green Belt, the view was taken by the Inspector that the site constitutes previously developed land and the proposed scheme would not have a greater impact upon the openness of the Green Belt. The proposed development would include only gardens within the Green Belt. Furthermore, it would open up this part of the site, as such the development should not be regarded as inappropriate development within the Green Belt, and consequently, the fact that the site is partly within the Green Belt is immaterial in this particular instance.

The current application is seeking to overcome the previous refusal ground and matters raised at Appeal stage.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area, and the impact that it would have on the amenities of the occupants of surrounding residential properties, the impact on highway safety and the impact on the openness and character of the nearby Green Belt. The impact on the nearby Farnborough Village Conservation Area is also a consideration.

The land is previously developed. The lawful use is as a private equestrian centre however at present it is not used as such and the site is overgrown. Part of the application site falls within the Green Belt, however with regard to the provisions of paragraph 89 of the National Planning Policy Framework (NPPF), the site would constitute previously developed land and the proposed scheme would include only garden land for the proposed dwellings within the Green Belt designated land. This aspect of the NPPF further states that limited infilling or complete redevelopment of previously developed sites may be appropriate provided that it does not have a greater impact on the Green Belt. Therefore, this is considered to open this part of the site and as such, the proposed development is not considered to result in a greater impact upon the openness of the Green Belt. The Appeal Inspector, when referring to the previously refused and dismissed appeal, stated in effect that the site constitutes previously developed land and the proposed scheme would not have a greater impact upon the openness of the Green Belt. The proposed development would include only gardens within the Green Belt, with no built development falling within the Green Belt designated land. Furthermore it would open up this part of the site, as such the development should not be regarded as inappropriate development within the Green Belt, and consequently, the fact that the site is partly within the Green Belt is immaterial in this particular instance.

The proposed dwellings have been reduced in number compared to the previously refused scheme, and have also been redesigned. It is considered that the proposed two new dwellings would now complement and respect the character of the area as well as the existing form of development surrounding the site. The area along Tye Lane is generally developed to a high spatial standard and it is considered that the proposal of two new dwellings would not detract from the existing spatial standards of the road. It is noted that the proposed dwellings have been reduced in height from 8.1 metres to approx. 7.6 metres in height, and the first floor seen in the previous application has been removed, instead introducing a catslide roof design to the front and rear roof slopes which is considered to significantly reduce the overall bulk of the current scheme.

Table 3.2 of Policy 3.4 of the London Plan gives an indicative level of density for housing developments. In this instance the table provides a suggested level of 40-80 dwellings per hectare in urban areas, and the current scheme is significantly lower than this at 18 units per hectare.

Table 3.3 of Policy 3.5 of the London Plan states that new dwellings of this type (2 bedroom, 4 people) should have a minimum of 83 square metres of GIA. In this case, the houses provide this minimum standard. As a result, it is considered that the proposed dwellings would meet London Plan minimum sizes and would provide a good standard of accommodation for future occupiers.

In respect to the nearby conservation area, it is considered that the design of the development in the manner proposed has been amended when compared to the previously refused scheme in order to blend in more within the local context. Whereas the design of the previously proposed scheme was not considered to be significantly harmful to the character and setting of the Farnborough Village Conservation Area, the current scheme is considered to be a further improvement and is welcomed in this instance.

The closest point of one of the proposed dwellings will be sited approx. 9 metres away from the closest property on Tye Lane, and will be separated from all other dwellings by a significant amount (approx. 20 metres to Green Field View). The houses will be orientated with habitable windows facing north-east and south-west (front and rear elevations), with the only first floor flank windows being located in the front projection area of the proposed dwellings, which would serve the master bedrooms. As a result, this is considered to result in no serious overlooking or loss of light/outlook to surrounding properties, including 1-4 Tye Lane and Green Field View. Properties on the High Street will be sited approx. 40 metres away and the buildings to the north at Plumbridge Cottages over 20 metres away, with the retained and converted garage building sited between the proposed new dwellings and properties at Plumbridge Cottages. These relationships are considered to be acceptable and will help to avoid undue overlooking and loss of outlook to surrounding residential properties.

Technical highways concerns were raised in respect to the use of Tye Lane during the construction phase, however these concerns were not considered sufficient by the Highways Officer to warrant refusal of the application - it was considered that suitably worded conditions can be imposed should permission be granted, to ensure that sufficient level of detail be submitted in a construction management plan in order to prevent technical highway issues during construction.

With regard to the retention and conversion of the stable/storage building, it is proposed to demolish the south-western element that projects beyond the main bulk of the structure, and the remaining building will then be converted to be used as a store room on one side and space for vehicular parking for 4 vehicles linked with the proposed new dwellings. This resulting structure will be redesigned when compared with the existing structure, and will measure approx. 20.2 metres in width, approx. 5.2 metres, with an eaves height of approx. 2.1 metres and a ridge height of approx. 3.4 metres, excluding the timber dove cotes. The design of this element of the proposal is considered to be acceptable in terms of the nearby conservation area, adjoining Green Belt, and neighbouring properties.

It is therefore considered that the siting, size, amount and design of the proposed dwellings is acceptable in that the scheme would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the neighbouring conservation area and adjoining Green Belt. In addition, it is considered that the concerns previously raised with the refused application (ref. 13/00691) and the matters raised by the Appeal Inspector, have been met.

Background papers referred to during production of this report comprise all correspondence on the files refs. 13/00691 and 14/04849 set out in the Planning History section above, 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 Details, including samples of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.
 ACC01R Reason C01
- 5 Details of the windows comprising 1.5 sections and elevations (including rooflights and dormers where appropriate) showing their materials, method of opening mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The windows shall be installed in accordance with the approved details.
 ACC03R Reason C03
- 6 ACD02 Surface water drainage - no det. submitt
 AED02R Reason D02
- 7 ACD06 Sustainable drainage system (SuDS)
 AED06R Reason D06
- 8 ACH03 Satisfactory parking - full application
 ACH03R Reason H03
- 9 ACH16 Hardstanding for wash-down facilities
 ACH16R Reason H16
- 10 ACH26 Repair to damaged roads
 ACH26R Reason H26
- 11 ACH29 Construction Management Plan
 ACH29R Reason H29
- 12 ACH32 Highway Drainage
 ADH32R Reason H32
- 13 ACI02 Rest of "pd" Rights - Class A, B,C and E
Reason: In order to comply with Policies H7 and BE1 and to prevent overdevelopment of the site.
- 14 ACI17 No additional windows (2 inserts) flank dwellings
 ACI17R I17 reason (1 insert) BE1
- 15 ACK05 Slab levels - no details submitted
 ACK05R K05 reason

INFORMATIVE(S)

- 1 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/CIL2

- 2 You should consult the Land Charges and Street Naming/Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk
- 3 The applicant is advised that a registered public right of way BY222 runs along the boundary of the application site. It is outside of the site and should not be affected by any granting of planning permission. However, due to its close proximity to the development, the applicant should ensure the safeguarding of pedestrians using the route, must not damage or obstruct this public right of way either during, or as a result of, the development.
- 4 The applicant is advised to have regard to the Housing Act 1985's statutory space standards contained within Part X of the Act and the Housing Act 2004's housing standards contained within the Housing Health and Safety Rating System under Part 1 of the Act.
- 5 The applicant is advised that there is no public surface water sewer near to this site. Surface water will therefore have to be drained to soakaways.
- 6 The applicant is advised to have regard to the Housing Act 1985's statutory space standards contained within Part X of the Act and the Housing Act 2004's housing standards contained within the Housing Health and Safety Rating System under Part 1 of the Act.
- 7 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

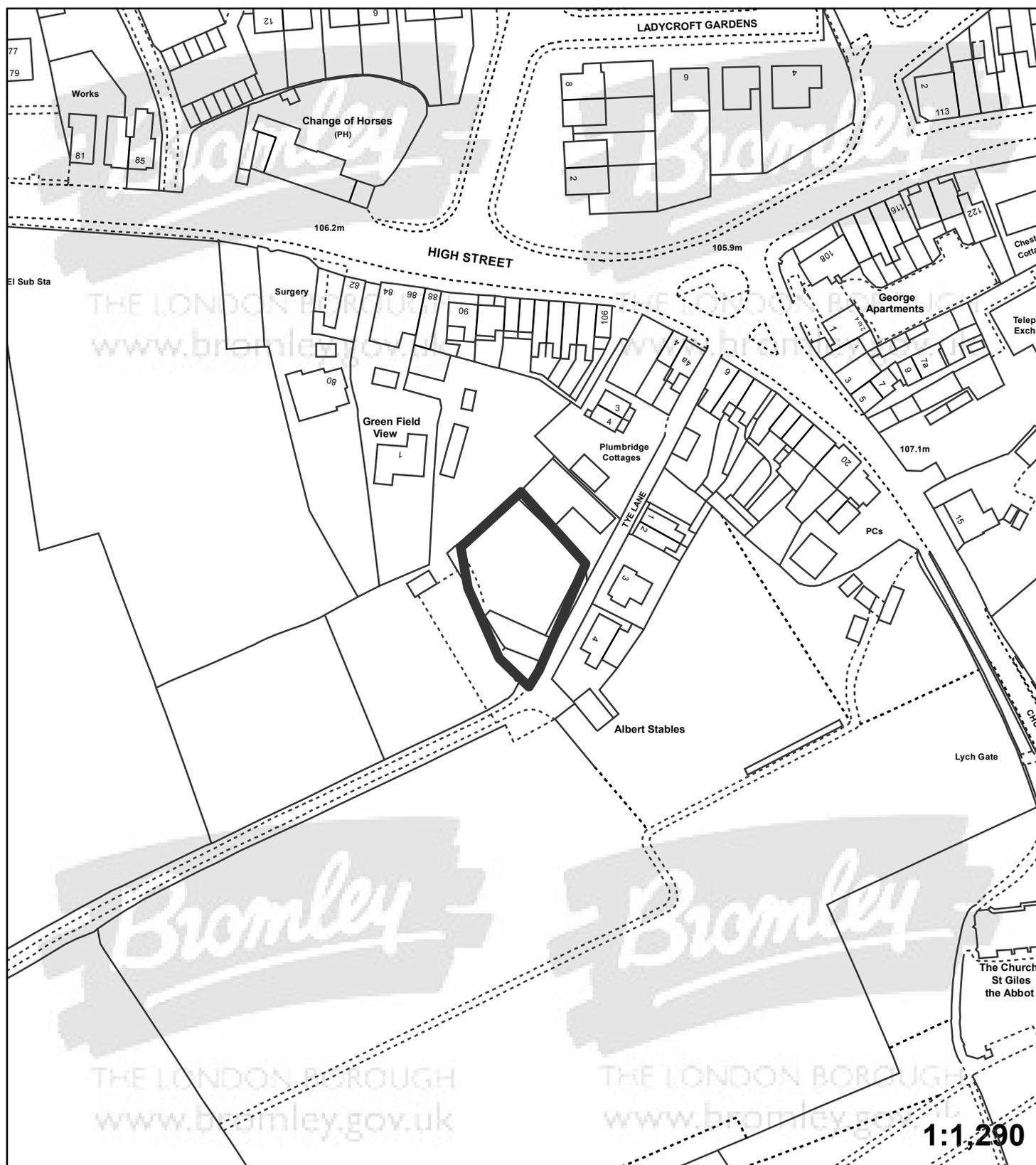
to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary.

- 8 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 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 9 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.
- 10 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 0800 009 3921 or for more information please visit our website at www.thameswater.co.uk

Application:14/04849/FULL1

Address: Land Opposite 1 To 4 Tye Lane Orpington

Proposal: Partial demolition of existing buildings and erection of two 2 bedroom detached dwellings, retention of existing garage and part of stable building and conversion to provide garage/storage for the dwellings.



"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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