

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

**Application No :** 15/01397/FULL1

**Ward:**  
Chelsfield And Pratts  
Bottom

**Address :** 2 Station Cottages Station Approach  
Chelsfield Orpington BR6 6EU

**OS Grid Ref:** E: 546832 N: 163994

**Applicant :** Robust Developments Ltd

**Objections :** YES

**Description of Development:**

Erection of two pairs of semi-detached three bedroom houses on land adjacent to 2 Station Cottages and extensions and alterations to No. 2 Station Cottages

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 28

**Proposal**

Permission is sought for the erection of two pairs of semi-detached three bedroom houses on this site along with extensions and alterations to No. 2 Station Cottages. The scheme is essentially the same as that granted on appeal in February 2012 under ref.11/01628 which has now expired.

In granting the appeal, the Inspector imposed conditions inter alia requiring the provision of a parking bay along the access drive (condition 3), and the lighting of the access drive (condition 4), however, implementation of the scheme has been delayed by legal issues relating to compliance with conditions 3 and 4.

**Location**

The site is located at the southern end of the access driveway off Windsor Drive which serves Nos.1 and 2 Station Cottages, and comprises a two storey semi-detached dwelling with a large area of garden land to the side. The site slopes upwards towards the side and rear, and backs onto detached dwellings in The Meadway to the south, and a detached bungalow to the east.

To the north of the site lies townhouses in Station Approach, whilst the access driveway runs along the rear boundaries of properties in Station Approach and The Meadway.

## **Consultations**

Letters have been received from nearby residents which raise the following main concerns:

- \* overdevelopment of the site
- \* unacceptable backland development
- \* loss of privacy, light and outlook to neighbouring properties
- \* light pollution
- \* unsuitable vehicular access
- \* hazardous access onto 3-way junction
- \* increased use of narrow driveway would be hazardous to pedestrians
- \* inappropriate position and size of passing bay previously proposed by the developer
- \* passing bay could be used as a parking bay
- \* excavation for the passing bay may cause damage to trees on the Green
- \* a fence has been erected on the corner of 1 Station Cottages which would make it difficult for large vehicles to access the site
- \* proposals would obstruct the garage to No.13 The Woodlands
- \* the Council should not force neighbours to allow the lighting of the access drive and provision of the passing bay
- \* a large house has been built to the rear of the proposed development (the extended dwelling at 17 The Meadway)
- \* noise and disturbance during construction works.

## **Comments from Consultees**

In view of the previous permission for the development of the site which was granted on appeal, no objections are raised from a highway point of view so long as the conditions imposed by the Inspector on appeal are complied with, in addition to a condition requiring the approval of a construction management plan.

No objections are raised in principle from a drainage viewpoint, and Thames Water has no concerns.

## **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 and Design  
T3 Parking  
T18 Road Safety

## **Planning History**

Permission was refused in July 2011 (ref.11/01628) for 4 semi-detached two storey three bedroom dwellings with associated car parking and refuse store, and a part two storey/first floor rear extension and elevational alterations to No.2 Station Cottages, on the following grounds:

- 1 The proposal would result in the unsatisfactory and out of character sub-division of the existing plot, constituting a retrograde lowering of the spatial standards to which the area is at present developed and constituting a cramped and intensive over-development with excessive site coverage and hardstanding, contrary to Policies H7 and BE1 of the Unitary Development Plan.
- 2 The proposed dwellings, by reason of their design, siting, means of access and location of car parking will impact detrimentally on the visual amenities of the area and will have a harmful impact on the residential amenities of the occupants of neighbouring residential properties, by reason of vehicular disturbance and loss of outlook and privacy, contrary to Policies BE1 and H7 of the Unitary Development Plan.
- 3 The proposed development, by reason of its narrow vehicle access with inadequate on-site turning facilities, would result in conditions prejudicial to highway safety due to unsuitable access for service and emergency vehicles and waste collection, contrary to Policy T18 of the Unitary Development Plan.

The subsequent appeal was allowed in February 2012.

## **Conclusions**

The main issue in this case is whether there have been any material changes since the proposals were granted on appeal in 2012 that would now warrant a refusal of the application.

In granting the previous scheme, the Inspector found that the proposals would not be out of character with the surrounding area, nor harmful to the living conditions of neighbouring residential properties. He also considered that, subject to the provision of a passing place and the lighting of the access driveway, the proposed development would not adversely affect highway safety.

Since the appeal decision, there have been lengthy discussions between the applicant and the Council regarding the provision of the passing bay. No resident whose land backs onto the access drive has agreed to offer their land to provide one, and following legal advice, the Council had no choice but to agree that a small part of the green area at the beginning of the access (which is both highway and owned by the Council) could be used for the bay. However, it then emerged that the low retaining wall along the side of the access was in private ownership, and therefore the Council could not carry out the necessary works to it.

When granting the appeal, the Inspector felt that the bay could be provided within the time limit of the previous permission (along with the lighting of the access road), however this was not the case, and the permission has now lapsed. The current proposals are identical to the scheme granted on appeal, and it is not considered appropriate to refuse permission on the basis of the possibility that the passing bay cannot be provided. Legal advice is that a Grampian style condition would effectively prevent any development taking place until such time that a passing bay can be provided, meaning that the development could not proceed if the bay could not be provided.

Neighbours have pointed out that the dwelling to the rear of the site at 17 The Meadway has been extended since the previous appeal decision and may now impact on the proposals. However, the new dwellings would still be set some distance away, and the first floor windows in the rear elevation of No.17 are obscure glazed so no undue overlooking would occur.

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.

#### **RECOMMENDATION: PERMISSION**

##### **Subject to the following conditions:**

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

**Reason: Section 91, Town and Country Planning Act 1990.**

- 2 Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first 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 substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.**

- 3 Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such**

positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.

**Reason:**In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties.

- 4** No demolition, site clearance or building works (including trenches, pipelines for services or drains) shall be undertaken until Chestnut Pale fencing not less than 1.2 metres in height has been erected around every tree or tree group on the site shown to be retained on the submitted drawings at the furthest extent of the spread of the canopy of any tree or tree group except where development is hereby permitted within this area. The fence shall be placed so as to exclude the site of the said development but otherwise as far as possible from the trees. The areas enclosed by fencing shall not be used for any purpose and no structures, machinery, equipment, materials or spoil shall be stored or positioned within these areas. Such fencing shall be retained during the course of the building work hereby permitted

**Reason:**In order to comply with Policy NE7 of the Unitary Development Plan and to ensure that all existing trees to be retained are adequately protected.

- 5** No bonfires shall take place within 6 metres of the furthest extent of the spread of the canopy of any tree or tree group shown to be retained on the submitted drawings.

**Reason:**In order to comply with Policy NE7 of the Unitary Development Plan and to ensure that all existing trees to be retained on the site are adequately protected.

- 6** No trenches, pipelines for services or drains shall be sited under the spread of the canopy of any tree or tree group shown to be retained on the submitted plans without the prior agreement in writing by the Local Planning Authority.

**Reason:**In order to comply with Policy NE7 of the Unitary Development Plan and to ensure that all existing trees to be retained on the site are adequately protected.

- 7** Details 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.

**Reason:**In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

**8** Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

**Reason:**To ensure satisfactory means of surface water drainage and to accord with Policy 5.12 of the London Plan

**9** Details of a foul water drainage system shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently maintained thereafter.

**Reason:**To ensure satisfactory means of foul water drainage and to accord with Policy 4A.14 and 4A.18 of the London Plan

**10** Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

**Reason:**In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

**11** The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

**Reason:**In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

**12** No development shall take place until a passing bay on the access driveway has been constructed and brought into operation in accordance with details to be submitted and approved in writing by the Local Planning Authority. It shall be retained as a passing place thereafter.

**Reason:**In order to comply with Policy T18 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

- 13** No development shall take place until a scheme for the lighting of the access driveway has been submitted and approved in writing by the Local Planning Authority, and the scheme shall be carried out and completed as approved before any part of the development hereby permitted is first occupied, and permanently maintained thereafter.

**Reason:**In order to comply with Policy T18 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

- 14** The bin store shall be completed before any part of the development hereby permitted is first occupied, and permanently maintained thereafter.

**Reason:**In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 15** No development shall take place until full details of a sprinkler system and an automatic fire detection system have been submitted to and approved in writing by the Local Planning Authority and these systems shall be installed as approved and permanently retained thereafter.

**Reason:**In the interests of the safety of future occupiers of the development.

**You are further informed that :**

- 1** You should liaise with the owners of the access road prior to the start of the construction phase regarding the condition of the road surface, and agree any repairs should damage be caused during the construction phase.