

SECTION '2' – Applications meriting special consideration

Application No : 15/02784/FULL1

Ward:
Chislehurst

Address : 1 - 3 White Horse Hill Chislehurst BR7
6DG

OS Grid Ref: E: 543445 N: 171231

Applicant : Mr Adam Jenner

Objections : YES

Description of Development:

Erection of pair of two storey 3-bedroom semi-detached houses and one detached 3-bedroom house

Key designations:

Biggin Hill Safeguarding Birds Aldersmead Road
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Smoke Control SCA 16

Proposal

This application was deferred by the Planning Sub-Committee of 10 September in order to reduce the total number of dwellings by one, as Members considered that the dwellings did not comply with London Plan standards. In addition, Members also requested a response from Environmental Health. The agent has amended the proposal to reduce the total number of houses to three, with a corresponding change in the general site layout. This committee report has been duly amended to reflect the changes.

The proposal is for the erection of a pair of two storey 3-bedroom semi-detached houses and one detached 3-bedroom house at land to the NW corner of the former "Lounge" public house, within land which formerly comprised the pub garden. Overall, the houses will each incorporate a footprint measuring approximately 7.8m(d) x 6.2m(w) and a ridge height of approximately 7.6m, although the roof at the rear will slope down further so that the first floor rear fenestration will comprise of rooflights (rather than conventional windows or dormers). An attached 'linked' single storey garage (serving House No 3) will be situated between the pair of semis and the detached house.

Gated access to the site will be provided from Victoria Road with a total of five dedicated off-street parking spaces provided (including one space in the form of an attached garage to House No 3). Additional parking spaces provided within the site will serve the former public house building which has permission for conversion to eight flats above ground floor level. Rear gardens measuring approximately 7m in

depth will serve the proposed houses, and the proposal also includes some details in respect of boundary planting.

The application is accompanied by a Planning and Transport Statement and an Arboricultural Report and a supporting letter setting out the revised plans following the previous committee deferral.

Location

The application site is situated beside the junction of White Horse Hill and the southern access of Victoria Road. The site is situated to the rear of the former "Lounge" public house with much of this site area having formerly comprised part of the rear garden area of the public house. The surrounding area is predominantly residential with houses situated to the north and south of the site. The western site boundary adjoins a residential garden, whilst the SE corner of the site adjoins two storey commercial premises, 83 Victoria Road. The site slopes downward from south to north.

Consultations

Comments from Local Residents

Nearby owners/occupiers were notified of the application. The following representations were received from four properties prior to receipt of the revised plans, which are quoted below:

• 7 Victoria Road

The following concerns have been expressed:

- Removal of sycamore tree and would allow the properties of the homes adjacent to the former public house to have direct line of sight to neighbouring home and garden.
- Concern about loss of tree on basis of its intrinsic value
- It is proposed that there is a combination of shrubbery and trees to be installed along the rear fence line of the neighbouring property, though not taller than the existing fence.
- A new reinforced fence suggested to be installed along the rear of all properties along Victoria road (adjacent to the site) for security purposes.
- With neighbouring land being lower than that of the site, concern at prospect of any additional air pollution this may bring alongside light pollution from headlights late at night. The light pollution may be reduced by dense shrubbery and a good quality, solid fence as suggested previously.

• 9 Victoria Road

- Overlooking and loss of light
- Concern that proposal could undermine structural integrity of neighbouring house

• 15 Victoria Road

- Overlooking and loss of privacy
- Additional overlooking in comparison to previous scheme

- **19 Victoria Road**

- Overlooking and loss of privacy, specially rear-facing windows
- Loss of sunlight to neighbouring property and garden
- Noise and nuisance during construction comprising security of rear garden

Concerns have also been raised by the Chislehurst Society objecting to the scale of the proposal.

Any further comments from local residents relating to the revised plans will be reported verbally at the meeting.

Comments from Consultees

No objection has been raised by Thames Water

No technical Highways objections have been raised, subject to conditions. It is noted that there are 6 parking spaces proposed which is in line with the UDP standards. In addition, the waste collection appears to be shared with the flats and it should be confirmed that it is large enough. Cycle parking should be covered and secure. Any boundary treatment onto Victoria Road covering this access road and the Co-op delivery bay should have maximum height if 1m to aid visibility which it is assumed could be covered by the boundary treatment condition.

No technical Drainage objections have been raised, subject to the imposition of a drainage condition.

No objections have been raised by the Tree Officer, subject to conditions relating to an Arboricultural Method Statement and replacement trees where any are lost.

No objection has been received from Waste Services, subject to a condition requiring that waste storage details are agreed at a later date.

Environmental Health comments will be reported verbally at the meeting.

Planning Considerations

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
H10 Areas of Special Residential Character
T3 Parking
T18 Road Safety
NE7 Development and Trees

5.12; 5.13 London Plan

Mayor of London's Housing SPG

The following Council adopted SPG guidance is also a consideration:

Supplementary Planning Guidance 1 General Design Guidance
Supplementary Planning Guidance 2 Residential Design Principles

The above policies are considered consistent with the objectives and principles of the NPPF.

Planning History

Under ref. 14/01312 an application for a three storey side and rear extension, second floor extension and alteration and enlargement of existing roof incorporating side and rear dormers and conversion of first and second floors from office and residential use to eight flats (comprising six 2-bedroom and two 1-bedroom units) was withdrawn before it was formally considered.

Under ref. 14/04077 an application comprising the erection of five new dwellings comprising of 4 two - bedroom houses and 1 two - bedroom bungalow at land to rear of The Lounge public house was again withdrawn before it was formally considered.

Under ref. 14/04167 planning permission was granted for the conversion and enlargement of the "The Lounge" public house itself, involving a three storey side and rear extension, second floor extension incorporating first floor roof terrace; alteration and enlargement of existing roof incorporating side and rear dormers, together with roof terrace; and conversion of first and second floors from office and residential use to eight flats (comprising four 2-bedroom and four 1-bedroom units).

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.

As noted above, the site formerly comprised the garden of a vacant public house, for which planning permission has been granted in respect of its conversion to eight flats (the ground floor of which will be retained for retail). Given the status of the site, and the somewhat isolated relationship between this former garden and the proposed flats, no objection is raised in principle to its use for new housing. Accordingly, this proposal may be regarded as a sustainable form of development in principle, subject to ensuring that neighbouring amenity is not significantly undermined, and that local character is respected.

The site has been the subject of previous planning applications, Nos. 14/04077 and 15/01062 having been withdrawn before they were formally considered. In the case of 14/04077, the scheme incorporated a total of five units, including a

detached bungalow to the NE corner of the site. Particular concerns were raised in regard to the impact of the proposed 2-bedroom bungalow, given its relationship and proximity to Nos. 5-9 (odds) Victoria Gardens, as well as concerns about potential overshadowing in respect of the two storey houses resulting from their proximity to the lime trees abutting the SW site boundary. In the case of ref. 15/01062, the proposal incorporated a terrace of three houses and an adjoining three storey building incorporating a ground floor undercroft and two flats at first and second floor levels.

In comparison to both previous applications, the row of buildings has been reoriented 90 degrees thereby achieving a parallel building line to match the neighbouring properties along Victoria Road. Furthermore, the quantum of development has been reduced thereby reducing the total number of new units from five to four. There is now a more consistent and defined buffer comprising of rear garden land between the proposed dwellings and the neighbouring Victoria Road houses to the north. The change in the orientation of the properties has also been reflected in alterations to the site access and general layout of the scheme.

The proposed houses will be sited within the NW corner of the site, approximately parallel to the houses numbering Nos. 13 - 19 Victoria Road, with a separation of approximately 7m and 7.5m maintained between the rear walls of the proposed houses and the boundary with those adjoining properties, taking account of the somewhat tapered boundary line. Those neighbouring properties occupy a lower ground level and incorporate modest rear gardens. Whilst the proposed houses would maintain a back-to-back separation of approximately 18m at first floor level, it is considered that the design of the proposed houses satisfactorily takes account of this relationship with the first floor rear elevation of the proposed houses integrated within the main roof, so resulting in a 1.5 storey appearance when viewed from the rear of those Victoria Road properties. In addition, the provision of rooflights along that elevation (as opposed to conventional windows or dormers) will further reduce the dominance of the development and limit overlooking. Subject to the use of appropriate boundary screening along the boundary of those properties, it is considered that the overall setting of the development will be enhanced with the ground floor element of the proposed houses largely concealed from view. Also having regard for the houses at Nos. 5 - 9 Victoria Road which adjoin the site, additional boundary screening and landscaping could be used to limit potential noise and visual impact in the direction of those properties (and a point specifically suggested by the occupier of No 7).

It is considered that the revisions made subsequent to the previous committee meeting go further in addressing concerns relating to the impact on neighbouring amenity, in terms of the reduction of the overall building mass and providing a greater amount of outdoor amenity space.

The nature of the accommodation including bedroom sizes has been assessed to be compliant with the objectives of the London Plan Housing SPG. Furthermore, it is considered that the proposal is compliant in regard to Policies H1 and H7, taking account of housing form and density. The proposed density amounts to 32 dwellings per hectare.

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

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

as amended by documents received on 18.09.2015

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 No demolition, site clearance or building works shall be undertaken, and no equipment, plant, machinery or materials for the purposes of development shall be taken onto the site until an arboricultural method statement detailing the measures to be taken to construct the development and protect trees is submitted to and approved in writing by the Local Planning Authority.**

The statement shall include details of:

Type and siting of protective fencing, and maintenance of protective fencing for the duration of project;
Type and siting of scaffolding (if required);
Details of the method and timing of demolition, site clearance and building works
Depth, extent and means of excavation of foundations and details of method of construction of new foundations
Location of site facilities (if required), and location of storage areas for materials, structures, machinery, equipment or spoil, and mixing of cement or concrete;
Location of bonfire site (if required);
Details of the location of underground services avoiding locating them within the protected zone
Details of the method to be used for the removal of existing hard surfacing within the protected zone
Details of the nature and installation of any new surfacing within the protected zone
Methods proposed for the watering of the trees during the course of the project

The method statement shall be implemented according to the details contained therein until completion of building works, and all plant, machinery or materials for the purposes of development have been removed from the site.

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

- 3** If any trees are felled in order to implement the development hereby permitted, trees of a size and species to be agreed in writing by the Local Planning Authority shall be planted as replacements in such positions as shall be agreed by the Authority in the first planting season following completion of the development. Any trees 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 similar size and species to those originally planted.

Reason: In order to comply with Policy NE8 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

- 4** 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.

- 5** 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.

- 6** 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

- 7** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: To prevent an overdevelopment of the site and in the interest of residential amenity, so as to comply with Policy BE1 of the UDP.

- 8** Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason:In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 9** While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

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

- 10** Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning

Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

Reason:In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 11** Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The approved scheme shall be self-certified to accord with BS 5489 - 1:2003 and be implemented before the development is first occupied and the lighting shall be permanently retained thereafter.

Reason:In order to comply with Policy T3 and Appendix II of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

- 12** 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.

- 13** 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 appearance of the building and the visual amenities of the area.

- 14** No part of the development hereby permitted shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to and approved in writing by the Local Planning Authority.

a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval in

writing. The desk study shall detail the history of the sites uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved in writing by the Local Planning Authority prior to investigations commencing on site.

b) The site investigation, including relevant soil, soil gas, surface water and groundwater sampling shall be approved in writing by the Local Planning Authority.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors, a proposed remediation strategy and a quality assurance scheme regarding implementation of remedial works, and no remediation works shall commence on site prior to approval of these matters in writing by the Authority. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment.

d) The approved remediation works shall be carried out in full on site in accordance with the approved quality assurance scheme to demonstrate compliance with the proposed methodology and best practise guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.

e) Upon completion of the works, a closure report shall be submitted to and approved in writing by the Authority. The closure report shall include details of the remediation works carried out, (including of waste materials removed from the site), the quality assurance certificates and details of post-remediation sampling.

f) The contaminated land assessment, site investigation (including report), remediation works and closure report shall all be carried out by contractor(s) approved in writing by the Local Planning Authority.

Reason:In order to comply with Policy ER7 of the Unitary Development Plan and to prevent harm to human health and pollution of the environment.

15 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.

To achieve satisfactory drainage and comply with Policy 5.13 of the London Plan (2015).

- 16 Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned 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 arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained 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.

- 17 Before the development hereby permitted is first occupied, the proposed windows along the first floor rear roof slopes 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.

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