

SECTION '2' – Applications meriting special consideration

Application No : 15/03407/FULL1

Ward:
Chislehurst

Address : Builders Yard Rear Of 1 To 4 Albany
Road Chislehurst BR7 6BG

OS Grid Ref: E: 543784 N: 171032

Applicant : Mr Moyce

Objections : YES

Description of Development:

Construction of a two bedroom single storey dwelling with associated car parking and landscaping

Key designations:

Conservation Area: Chislehurst
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Smoke Control SCA 16

Proposal

The application was heard by Plans-Sub Committee 2 on 19th November 2015 and was deferred for the following reasons:

- To allow the applicant to review the developed area with the application site
- To consider whether it would be possible to agree sole vehicular access into the site from the South
- To allow the Council 's Highways team to review the application with particular regard to the access on Albany Road

The Applicant's Agent has submitted further information to clarify the issues raised above. It is stated that the entrance from Albany Road has a long established vehicular use to and from the former builder's year, the car garage and the rear garages serving other properties in the High Street. There is also pedestrian access to the rear of some of the properties in Albany Road although it is stated that this is prescriptive rather than a formal right of way. The land registry title plan has also been provided by applicant's solicitors that shows the boundary of the site.

The Council's Highways Officer states that although the access is not ideal, it is existing and in use by the garage and others.

The information submitted can be viewed on the planning file.

The previous report is repeated below:

Planning permission is sought for the construction of a detached single storey two bedroom dwelling with associated car parking and landscaping. The proposed dwelling would be sited fronting the rear of the properties in the High Street, with the flank and rear elevations facing the rear gardens of properties in Albany road. A minimum of 500mm would be provided between the northern and the boundary with Albany Road, and a separation of 2.2m to the south of the site (adjacent to the public carpark). The proposed dwelling would measure approximately 5.4m in height to the top of the ridge. Rooflights are proposed to the side roof slopes to serve an en-suite bathroom and the kitchen.

Location

The application site is located to the south of properties in Albany Road and to the east of properties facing onto the High Street. The proposed building will be accessed via Albany Road and access road to the rear of the High Street. To the south of the site is a public Pay and Display car park. The southern and western boundaries of the site are adjacent to the Chislehurst Conservation Area.

Consultations

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

- access from Albany Road is very tight with an almost blind junction with Albany Road
- better access from the Right of Way to the rear of Burlington Parade
- site should be served from the southern right of way in the interests of road safety- planning condition should be added
- development seeks a portion of the existing Right of Way from Albany Road. This is a shared Right of Way and Applicant has no legal right
- detrimental to adjoining owners
- condition should be added that the site development. Including fencing and landscaping should be contained within the original site boundary of the yard
- over provision of car parking
- planning condition should remove all permitted development rights
- will restrict use of the access road to the parade of shops
- new property will be accessed via the access road
- Applicant has built several brick walls and gate posts and recycling shed on service road
- solicitors are in contact with developers solicitors
- historically there was no access to the builders yard to the rear of 1-4 Albany Road
- single storey dwelling represents an overdevelopment of the site
- minimal space to boundaries
- private amenity space is inadequate

- similar to previously refused scheme
- boundary fence has already been moved by the Applicant
- building and use of materials will impact on Conservation Area
- impact upon Chislehurst as a whole
- building is ugly in comparison to the 100 year old terraces
- highway and pedestrian safety from exiting site
- add pollution, noise and disturbance
- overdevelopment of the site
- out of character with the road and the area

Comments from Consultees

Thames Water- No objections raised in principle subject to suggested informatives

Highways- Site is within a low (2) PTAL area. Site outline is different from the approved scheme, both access roads are private and subject to private right of way. No objections raised in principle to the application

Environmental Health (Pollution)- No objections raised subject to suggested informative

Drainage- no objections subject to standard conditions

Planning Considerations

Policy BE1- Design of New Development
 BE13- Development Adjacent to Conservation Areas
 Policy H7- Housing Density and Design
 Policy NE7- Development and Trees
 Policy T3- Parking
 Policy T18- Road Safety

London Plan:

3.3 Increasing housing supply
 3.4 Optimising housing potential
 3.5 Quality and design of housing developments
 3.8 Housing choice
 3.9 Mixed and balanced communities
 5.3 Sustainable Design and Construction
 7.4 Local Character

The Mayor's Supplementary Planning Guidance: Housing

National Planning Policy Framework (NPPF) is also a consideration.

Planning History

The planning history of the site is summarised as follows:

- 15/02207- Planning permission refused for Construction of 2 semi-detached single storey dwelling with accommodation in roofspace with associated car parking and landscaping for the following reasons:

"1. The proposed dwellings to the rear of Nos. 1-5 Albany Road would, by reason of their size, site coverage and close proximity to neighbouring residential properties, result in a cramped overdevelopment of the site harmful to the character and appearance of the area and would have a seriously detrimental impact on the amenities of adjoining residents by reason of loss of light, privacy and outlook, thereby contrary to Policy BE1, BE11, H7 and H9 of the Unitary Development Plan.

2. The proposed car parking layout is inadequate in design, and as such, the proposals would be lacking in adequate parking provision to meet the needs of the development and likely to result in an increase in demand on on-street car parking thereby contrary to Policy T3 of the Unitary Development Plan."

- 14/04838- Planning permission granted for Demolition of existing buildings and erection of a single storey building comprising 1 one bedroom dwelling and offices (Bromley and Chislehurst Conservative Party)
- 11/00172- Extension of time limit for implementation of permission reference
- 07/04023 for Single storey detached office building with cycle store was granted permission
- 07/04023- Planning permission granted for a single storey detached office building with cycle store
- 06/00640 and 06/00643- Planning permission and conservation area consent refused for the demolition of existing buildings rear of 68-70 and a 2 two storey detached office units B1 at the rear of 68-70 High Street Chislehurst and 1 Albany Road Chislehurst with 5 car parking spaces
- 83/01715- planning permission granted for the continued use as builders storage yard and retention storage building

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 principle of developing the site has been established by the granting of planning permission under ref. 14/04838 for a 1 one bedroom dwelling and an office. Most recently, however, Members will note that planning permission was more recently refused under delegated authority for 2 semi-detached dwellings at the site. The current application seeks to overcome the previous grounds of refusal by reducing the proposed footprint of the building, reducing the number of dwelling proposed, increasing the separation distances of the proposed dwelling to the adjoining neighbours and by deleting the previously proposed roof accommodation.

The height of the proposed building is higher (approximately 1.4m) when compared to the most recently approved scheme (ref. 14/04838) , but the overall size of the currently proposed building is substantially reduced allowing for an increased amount of hard and soft landscaping at the site. Members may consider the scale of the building to be acceptable in this location.

Members will note that the proposed building is similar in design to the approved scheme (ref. 14/04838). Given the location of the site adjacent to the Chislehurst Conservation Area and that the building would be visible from a number of properties along Albany Road and by users of the car park, a high level of design quality is sought and Members may consider that the design of the building acceptable in this case.

With regards to the proposed residential unit, The London Plan paragraph 3.5, details outlined in Table 3.3 and the Mayor's Housing SPG outline the minimum requirements for new dwellings. The Mayor's housing SPG requires a minimum internal area for a 2 bedroom 4 person (flat) of 50sqm, or a 2 bedroom 4 person two storey house of 83sqm, with the proposed dwelling measuring approximately 124sqm. The proposed bedrooms also meet the minimum requirement of 12sqm for double bedrooms. The building retains an improved level of separation distance to the adjoining boundaries, and a rear garden measuring 5m in depth is proposed. On balance Members may consider that the proposed dwelling would provide a satisfactory living environment for future occupiers.

The Council's Highways officer does not object to the principle of the scheme on the basis of the parking proposed and Members may consider this adequate to overcome the previous second reason for refusal under ref. 15/02207. In terms of the proposed access to the site, there have been several concerns raised by local residents regarding the private right of way however this is primarily a private legal matter.

With regards to the impact of the building upon the residential amenities of nearby neighbours, Members may consider that the proposed building is unlikely to result in a more significant impact when compared to the previous permitted application (ref. 14/04838) and given the changes that have been made to the scheme, notably the increased separation to the neighbouring boundaries and the removal of the roof extension, on this basis the current proposal is recommended for permission to be granted.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 15/03407 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 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

3 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.

4 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:In order to comply with Policies H7 and BE1 of the Unitary Development Plan and to prevent overdevelopment of the site.

5 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.

- 6** 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.

- 7** 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: In order to seek to achieve compliance with the Mayor of London's Energy Strategy and to comply with Policy 4A.7 of The London Plan.

You are further informed that :

- 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/CIL

- 2** Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health and 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 of Code of Practice 2008 which is available on the Bromley website.

- 3** With regard to surface water drainage it is the responsibility of the 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 Ground Water. Where the developer proposes to discharge from the site 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.