

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

Application No : 15/04895/FULL1

Ward:
Darwin

Address : Trowmers Luxted Road Downe
Orpington BR6 7JS

OS Grid Ref: E: 543102 N: 161551

Applicant : Mr E Bullion

Objections : YES

Description of Development:

Detached two storey 4 bedroom dwelling with integral garage on land adjacent to Trowmers with vehicular access from Cudham Road

Key designations:

Conservation Area: Downe Village
Areas of Archeological Significance
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding

Proposal

It is proposed to erect a detached two storey dwelling with integral garage on this infill site which lies between the existing dwelling at Trowmers and The Downe Baptist Church Manse to the north-east. Vehicular access to the property would be from an existing access to Trowmers from High Street/Cudham Road to the rear.

The new dwelling would be set back approximately 15m from the boundary fronting Luxted Road, and it would maintain separations of 2m from the south-western flank boundary with Trowmers, and 2.4-2.9m from the north-eastern flank boundary with Down Baptist Church. The dwelling would be 9m in height, and would be oriented such that the front elevation would face the south-east over the rear gardens of Trowmers, whilst the rear elevation would back onto Luxted Road.

Revised plans were submitted on 26th November 2015 which amended the layout of the access road and turning areas, and the position of the gates.

The application is supported by an Archaeological Assessment which was submitted on 25th January 2016.

Location

The application site is located on the south-eastern side of Luxted Road within Downe Village Conservation Area. It falls within an Area of Archaeological Significance and also lies within the Green Belt. The site currently forms part of the

side garden of Trowmers, a locally listed building, and would have a frontage onto Luxted Road of approximately 13m, and a depth of 54m.

To the front of the site is a 2.5m high flint wall, whilst the rear of the site is bounded by the substantial gardens of Trowmers.

Consultations

A number of letters objecting to the proposals have been received from local residents, including one from Downe Residents' Association, and the main points raised are summarised as follows:

- * proposals would be out of character with the Conservation Area
- * a new dwelling should not be allowed on Green Belt land
- * inadequate parking
- * excessive height of dwelling and detrimental impact on street scene
- * loss of openness
- * hazardous access onto the High Street
- * possible damage to properties adjacent to the access during building works
- * noise and disturbance during construction works
- * inappropriate house design within the Conservation Area
- * could open up the site to further backland development
- * disturbance to residents from the use of the access road
- * would set an undesirable precedent for new houses in the Conservation Area.

Letters in support of the proposals have also been received from nearby residents.

Comments from Consultees

The Council's Highway Engineer considers that the revised plan submitted on 26th November 2015 has addressed the concerns about the access gates (which have now been set back 6m from the highway), the length of the driveway (a passing bay has now been incorporated to prevent vehicles having to reverse out into the highway), the limited on-site turning facilities for larger vehicles (a turning area is now shown which would enable goods and service vehicles to turn within the site and exit in forward gear), and the suitability of the gravel drive construction for use by heavy vehicles (a Golpla Heavy Duty system or similar is now proposed). On this basis, and given that the vehicular access already exists and could be used at any time, no highways objections are raised to the proposals, subject to safeguarding conditions.

The Advisory Panel for Conservation Areas considers that the proposed development is inappropriate in the context of the Conservation Area, the Green Belt, and the proximity to a locally listed building.

Historic England has approved the Archaeological Desk-Based Assessment, and recommends an archaeology condition to enable proactive archaeological observation and recording of identified ground disturbance works that has the potential to identify archaeology if present.

There are no drainage objections to the proposals in principle subject to the submission of further details of surface water drainage as there is no public surface water sewer near to the site. Thames Water raises no concerns.

Planning Considerations

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

G1 The Green Belt
BE1 Design of New Development
BE10 Locally Listed Buildings
BE11 Conservation Areas
H7 Housing Density & Design
H9 Side Space
T3 Parking
T18 Road Safety
NE7 Development and Trees

The NPPF is also an important consideration.

Planning History

Outline permissions were refused in 1985 (ref.85/02568) and 1994 (ref.94/02057) for residential schemes involving land at Trowmers, and the subsequent appeals were dismissed.

Permission was refused in January 2014 (ref.13/03906) for the erection of a detached dwelling on part of the rear garden of Trowmers with access from Cudham Road, on grounds relating to inappropriate development in the Green Belt, detrimental impact on the character and spatial standards of Downe Village Conservation Area, and detrimental impact on neighbouring properties. The subsequent appeal was dismissed in June 2014.

Most recently, an appeal was lodged against the non-determination of ref.14/04878 submitted for the erection of a detached two storey 4 bedroom dwelling with attached double garage and vehicular access from Luxted Road. The Council contested the appeal on the following grounds:

- "1 The proposals would, by reason of their size and scale, be harmful to the openness of the Green Belt, and would have a detrimental impact on the character and spatial standards of Downe Village Conservation Area, and on the spacious setting of the adjacent locally listed building, thereby contrary to Policies G1, BE1, BE10, BE11, H7 and H9 of the Unitary Development Plan.
- 2 The proposed removal of part of the flint wall and the lowering in height to 1m of a further part of the wall in order to provide vehicular access and sightlines, would have a detrimental impact on the street scene of this part

of Downe Village Conservation Area, and on the setting of the locally listed building, and would thereby be contrary to Policy BE7 of the Unitary Development Plan."

The appeal was dismissed in September 2015.

Conclusions

The main issues relating to the application are; whether the revised proposals constitute inappropriate development in the Green Belt, and if so, whether very special circumstances exist that outweigh the harm by reason of inappropriateness; the impact on the openness of the Green Belt; the impact on the character and appearance of Downe Village Conservation Area; the impact on the amenities of the occupants of surrounding residential properties, and the impact on important trees on the site.

In the recent appeal for a similar dwelling on this site, the Inspector considered that as the development was for a single dwelling and it would sit within the line of dwellings along Luxted Road, then it would fall within the NPPF's definition (paragraph 89) of limited infilling in the village, and would not, therefore, comprise inappropriate development within the Green Belt. The Council concurred with this view in the previous application, and did not contest the appeal on the grounds of inappropriate development in the Green Belt.

In terms of the impact on the openness of the Green Belt, the previous Inspector considered that it was principally the land to the east and south-east of Trowmers that made the most significant contribution to openness, and that the appeal site, being positioned between Trowmers and The Manse, read as part of the village, and did not make the same contribution to the openness of the Green Belt. Although he considered that the proposals would inevitably cause some diminishment to the openness of the Green Belt (as would most cases of limited infilling), he concluded that it would not significantly undermine the overall contribution to the area's openness made by Trowmers' extensive grounds.

The current proposals are for a single smaller dwelling in a similar position on the site, and would therefore also comprise appropriate development within the Green Belt which would not be harmful to the openness of the Green Belt.

The Inspector found that the dwelling previously proposed would sit comfortably within the plot, with sufficient space maintained to the boundaries, and that it would not undermine the character and setting of Trowmers, which is locally listed, nor would it appear overlarge in relation to The Manse. However, he dismissed the appeal on the following two grounds:

- (1) the impact of the large forward-projecting linked garage on the character and appearance of the Conservation Area
- (2) the removal of part of the flint wall fronting Luxted Road along with the lowering in height to 1m of a further part of the wall in order to provide

vehicular access and sightlines which was considered to undermine its contribution to the character of the streetscape and the Conservation Area.

The current proposals have now removed the forward projecting linked garage from the scheme, and the vehicular access would now be via the existing access from High Street/Cudham Road, thereby leaving the flint wall intact. The removal of the linked garage has also reduced the overall bulk of the dwelling when viewed from Luxted Road and neighbouring properties. The revised proposals are, therefore, considered to have adequately overcome the previous Inspector's concerns.

With regard to the impact on neighbouring properties, the dwelling would lie adjacent to the Baptist Church to the north, and would be sufficiently separated from Trowmers to the south-west to ensure no loss of privacy or outlook to residents. The use of the existing vehicular access from High Street/Cudham Road is not considered to be unduly harmful to the amenities of the adjacent properties as it would serve only one dwelling, and it could currently be used to access Trowmers.

With regard to the trees on the site, the construction of the new dwelling is not considered to have a harmful impact on any significant trees, and whilst the design of the new drive has avoided the loss of trees, a condition would be considered appropriate in order to minimise the impact on the Root Protection Areas of the retained trees.

A condition may also be appropriate to ensure that the flint wall is protected during construction works.

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.

as amended by documents received on 26.11.2015 25.01.2016
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** Before the development hereby permitted is commenced, details of the specification and position of fencing (and any other measures to be taken) for the protection of any retained tree shall be submitted to and approved in writing by the Local Planning Authority. 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 building work

Reason: In order to comply with Policies NE7 and NE8 of the Unitary Development Plan to ensure works are carried out according to good arboricultural practice and in the interest of the health and visual amenity value of trees to be retained.

- 5** Before the development hereby permitted is commenced, details of the materials, depth, extent and means of excavation required for the construction of the access/car parking shall be submitted to and approved in writing by the Local Planning Authority, and the excavations and the access/car parking shall be carried out in accordance with the approved details.

Reason: In order to comply with Policy NE7 of the Unitary Development Plan to ensure works are carried out according to good arboricultural practice, and in the interest of the health and visual amenity value of trees to be retained.

- 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 Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through 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.**

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 No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority, and drainage works shall be carried out in accordance with the approved details prior to first use of any dwelling. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems set out in Annex F of PPS25, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:**

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;

ii) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and

iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented, maintained and managed in accordance with the approved details

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan

10 Before commencement of the development hereby permitted details of (a) turning area(s) within the site shall be submitted to and approved in writing by the Local Planning Authority. The turning area(s) shall be provided before any part of the development is first occupied and shall be permanently retained thereafter.

Reason: In order to comply with Policies T3 and T18 of the Unitary Development Plan and to enable vehicles to enter and leave the site in a forward direction, in the interest of pedestrian and vehicular safety.

11 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.

12 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.

13 Whilst the development hereby permitted is being carried out, provision shall be made to accommodate operatives and construction vehicles off-loading, parking and turning within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and such provision shall

remain available for such uses to the satisfaction of the Local Planning Authority throughout the course of development.

Reason: In the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policy T18 of the Unitary Development Plan.

14 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.

15 Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 4A.14 of the London Plan and Planning Policy Statement 25.

16 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.

17 No windows or doors shall at any time be inserted in the first floor flank elevations of the dwelling hereby permitted, without the prior approval in writing of the Local Planning Authority.

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

18 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.

19 Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

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.

20 Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby permitted shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation by an archaeological organisation approved in writing by the Local Planning Authority. Access shall be permitted to the site at all reasonable times for the carrying out of the investigations, including making necessary records of items of interest and finds.

Reason: The site is of archaeological interest and detailed investigations should be undertaken to enable consideration to be given to preservation in situ and/or recording of items of interest in compliance with Policy BE16 of the Unitary Development Plan.

21 Before any work is undertaken in pursuance of the consent, details shall be submitted to and approved in writing by the Local Planning Authority of such steps to be taken and such works to be carried out as shall, during the progress of works permitted by this consent, secure the safety of the front boundary flint wall facing Luxted Road. The approved steps to secure the safety of the wall shall be in place for the full duration of the works hereby granted consent.

Reason: In order to comply with Policy BE7 of the Unitary Development Plan and to protect the flint boundary wall.

You are further informed that :

1 You should seek engineering advice from the Environmental Services Department at the Civic Centre regarding the provision of a

temporary vehicle crossover during the construction period and the reinstatement of a permanent crossover on completion of the works (Dan Gordon 0208-313-4909)

- 2 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