

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

Application No : 16/00634/OUT

Ward:
Farnborough And Crofton

Address : 39 Oregon Square Orpington BR6 8BH

OS Grid Ref: E: 544741 N: 165978

Applicant : Portland Property Prtnership

Objections : YES

Description of Development:

Demolition of Nos. 39 and 41 Oregon Square and retention of No 43, and erection of 8 dwellings comprising 3 pairs of semi-detached dwellings and 2 detached dwellings with associated access road and car parking (Outline)

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 11

Proposal

Outline permission is sought for the demolition of Nos. 39 and 41 and the erection of a total of 8 dwellings on the site, 6 of which would be semi-detached and the other 2 detached, and would comprise a mixture of bungalows with accommodation in the roof at the front of the site, and two storey dwellings towards the rear. Only the landscaping details are reserved for subsequent approval.

The proposals are identical to a scheme which was allowed on appeal in 2012 (ref.11/01172), but has not been implemented (the permission expired on 6th July 2015). Full permission was originally granted by the Council in July 2011 under ref.11/01172, subject to a number of conditions against which the applicant appealed, thus the subsequent permission that was granted on appeal was dated 6th July 2012, gave 3 years for implementation, and was subject to 13 conditions.

Location

Oregon Square is largely characterised by semi-detached bungalows, the exceptions being 6 two storey detached houses on the northern side of the Square and a number of detached bungalows.

The proposed site measures 0.2673ha and comprises the complete curtilages of Nos. 39 and 41 Oregon Square and a large part of the rear garden of No.43. It forms a corner plot and backs onto the long rear gardens of houses on Crofton Road to the south and Crofton Lane to the west.

Consultations

Letters of objection have been received from nearby residents, including the Oregon Park Residents' Association, and the main points raised are summarised as follows:

- * two storey dwellings are out of keeping with the area
- * loss of privacy, light and outlook to neighbouring properties
- * will cause traffic and parking problems
- * hazardous access on the bend
- * disturbance to wildlife
- * disruption to residents during construction works.

Comments from Consultees

Highways comment that although the current layout has previously been allowed on appeal, a number of improvements would be desirable, including increasing the width of the carriageway to 4.8m, and extending the parking areas for Plots 1 and 2 and the existing dwelling at No.43 in order to accommodate 2 cars each. Also, the current refuse vehicles used in the Borough are 10.3m in length, therefore swept paths should be provided for the access and turning head.

Highways further comment that it is not clear if the road is going to be offered for adoption, and that a Stage 1 Road Safety Audit should be provided for the access layout or full access road accordingly. They also point out that the moving of any street furniture required by the works would be at the applicant's expense.

No significant trees would be affected by the proposals.

No drainage concerns are raised, and Thames Water have raised no objections.

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
T11 New Accesses

The National Planning Policy Framework is also relevant.

Planning History

Permission was refused in 2005 (ref.05/01878) for 9 dwellings on the site, and the subsequent appeal was dismissed in April 2006, due to the detrimental impact of the dwellings on Plots 5 and 9 on Nos.37 and 43 Oregon Square respectively. However, he did consider that the visual impact of the scheme was acceptable in

the street scene and that the variety of house types and heights (lower on Oregon Square and higher towards the rear) resulted in a good design solution, and would not harm the character and appearance of Oregon Square.

Permission was refused in 2007 (ref.07/02206) for a scheme of 8 dwellings on grounds relating to the overdevelopment of the site and the impact of the dwelling on Plot 5 on the amenities of No.37 Oregon Square, but it was subsequently allowed on appeal in July 2008.

Permissions were granted in 2011 for revisions to 07/02206 (under ref.11/01172) and to extend the time period for implementation of the original scheme (under ref.11/02254). Appeals against the imposition of some of the conditions attached to these permissions were allowed on 6th July 2012, but both permissions have now expired.

Conclusions

The main issues in this case are the impact of the proposals on the character of the surrounding area, on the amenities of neighbouring residential properties, and on parking and traffic in adjacent roads, whilst having regard to previous permissions that have been granted for the same scheme.

The current proposals are effectively a renewal of the previous scheme permitted under ref.11/01172 (albeit that permission expired almost a year ago), and the plans submitted are identical to those that were granted on appeal in July 2012. The proposals would have a density of 30 dwellings per hectare which would fall at the lower end of the density thresholds set out in the 2015 London Plan, and site circumstances have not changed since the Appeal Inspector allowed the proposals.

On balance, it is considered that there have been no material changes in Council or Government policy relating to these proposals which would now warrant a refusal. Given that the scheme has not changed in any way since the most recent permission, it would be inappropriate to attach any additional conditions to those previously imposed by the Inspector in 2012, apart from adapting them where necessary to relate to the outline rather than full permission currently sought.

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 (i) Details relating to the landscaping shall be submitted to and approved by the Local Planning Authority before any development is commenced.**

(ii) Application for approval of the details referred to in paragraph (i) above must be made not later than the expiration of three years beginning with the date of this decision notice.

(iii) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the details referred to in paragraph (i) above, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: No such details have been submitted and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall be carried out in accordance with the following approved plans: 0145/SL/10 (04.03.11); 0145/P1&2/10 (04.03.11); 0145/P3&4/10 (04.03.11); 0145/P5/10A (24.03.11); 0145/P6/10 (24.03.11); 0145/P7&8/10 (10.03.11); and 0145/LP/02.

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.

3 The landscaping details submitted in accordance with condition 1 (details required) shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. The soft landscape works shall be carried out in accordance with the approved details. Any trees or plants 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, unless the local planning authority gives written approval to any variation.

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

4 No development shall take place until full details of hard landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours; and hard surfacing materials. Hard landscape works, including driveways and the shared accessway shall be completed in accordance with the approved details prior to the first occupation of the buildings hereby approved. The completed driveways hereby permitted shall thereafter be kept available for the parking of motor vehicles at all times.

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

- 5 Notwithstanding condition no.2, no development shall take place until details of all boundary treatments to be erected within the site have been submitted to and approved in writing by the local planning authority. The details shall include: the positions, type, design and materials of the boundary treatments to be erected. The boundary treatments shall be completed in accordance with the approved details prior to the first occupation of the buildings hereby approved and shall thereafter be retained as erected.**

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 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development 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 No development shall take place until details of a scheme to light the shared accessway hereby permitted have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the buildings hereby permitted and the lighting scheme 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.

- 8 No development shall take place until details of the facilities which shall be made available during the construction phase of the development hereby permitted for the vehicles of operatives and construction vehicles to off-load, park and turn within the site have been submitted to and approved in writing by the local planning authority. These facilities shall be provided in accordance with the approved details.**

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.

9 No development shall take place until details of a surface water drainage scheme for the application site have been submitted to and approved in writing by the local planning authority. Surface water drainage shall be completed in accordance with the approved scheme prior to the first occupation of the buildings hereby approved and shall be permanently retained thereafter.

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

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order) no building, structure or alteration permitted by Class A, B, C or E of Part 1 of Schedule 2 of the 1995 Order (as amended), shall be erected or made within the curtilages of the dwellings hereby permitted on Plots 1-4 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.

11 Prior to the first occupation of the dwellings hereby permitted, the part of the eastern sightline of 2.4 metres x 90 metres from the site entrance which can be accommodated within the site shall be provided in an easterly direction from the site entrance, and no obstruction to that sightline within the site shall exceed 1.0 metre in height. These arrangements shall be permanently maintained as such.

Reason: In order to comply with Policy T18 of the Unitary Development Plan and to ensure that the proposal does not prejudice the free flow of traffic and conditions of general safety along the adjoining highway.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order) no windows/dormer windows other than those expressly authorised by this permission shall be constructed on the flank elevation of Plot 1 or the rear roof elevations of Plots 3, 4 or 5.

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

13 If, when carrying out the development hereby approved, contamination not previously identified is found to be present at the application site, then, unless otherwise agreed in writing by the local planning authority, no further development shall be carried out until a remediation strategy, detailing how the unexpected contamination shall be dealt with, has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be

implemented as approved. Upon completion of the measures identified in the approved remediation scheme and prior to the first occupation of the dwellings hereby permitted, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and 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.