

SECTION '2' – Applications meriting special consideration

Application No : 16/01368/FULL1

Ward:
Bickley

Address : 79 Southborough Road Bickley Bromley
BR1 2EP

OS Grid Ref: E: 542401 N: 167932

Applicant : Mr & Mrs I Stafford

Objections : YES

Description of Development:

Erection of a detached two storey four bedroom dwelling on land rear of 79 Southborough Road.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 13
Smoke Control SCA 12

Proposal

Planning permission is sought for the subdivision of the plot at No. 79 Southborough Road and the provision of a detached two storey house towards the rear of the site, accessed by the existing access driveway that currently serves the sub-station at the site. The house will have a height of 8.6m and dimensions of 8.0m in width and 10.4m in length (excluding the single storey sunroom). The house will have accommodation in the roof space and car parking to the front.

A small detached garage building is proposed to the side of the proposed new dwelling.

The application has been accompanied by a covenant between the freeholders of Nos. 77 and 79 Southborough Road that requires the creation and maintenance of a suitable sightline at the junction of the site.

Amended plans have been received dated 28/04/16 indicating the relocation of the proposed refuse store outside of the proposed sight line.

Location

The application site is located on the eastern side of Southborough Road, in close proximity to the junction with Waldegrave Road. The site currently comprises part

of the rear garden of No. 79. The surrounding area is characterised by large detached family homes sited within generous plots with ample rear gardens.

Comments from local residents

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

- Inadequate access and sightlines, resulting in a detrimental impact on highway safety and an unsafe access arrangement to serve the proposed development.
- Overlooking and loss of privacy as a result of the three storey design
- Detrimental impact on the character and appearance of the area.

Consultations

Legal Department - It is confirmed that the covenant submitted to the Council has been registered on 26th November 2015. It is considered, however, that greater security for the securing of a suitable sightline would require a legal agreement to be entered into by the relevant parties.

Highways - The applicant has submitted a covenant between the freeholders of Nos. 77 and 79 to maintain a suitable sightline at the junction of the site. It was requested that the applicant submit confirmation that the future owners of the proposed dwelling will also have the benefit of the covenant, and this information has been forthcoming. Details of the rights over the access road for construction and access have also been confirmed, along with security requirements. On the basis of the receipt of clarification of these points, no highways objections are raised subject to conditions. Concern was raised over the positioning of the refuse store as this would result in dangerous carrying of bins across the carriageway. Amended plans have been received to relocate the bin store and this is considered suitable.

Thames Water - no objections raised subject to an informative.

Drainage - no objections raised subject to standard conditions

The National Grid - no comments received.

Planning Considerations

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

BE1 Design of New Development
H1 Housing Supply
H7 Housing Density And Design

T3 Parking
T18 Road Safety
NE7 Development And Trees

The above policies are considered to be consistent with the principles and objectives of the National Planning Policy Framework.

London Plan Policy 3.4 Optimising Housing Potential
London Plan Policy 3.5 Quality and Design of Housing Developments
London Plan Policy 5.13 Sustainable Drainage

National Planning Policy Framework

Planning History

Planning permission was refused under ref. 08/01694 for a four bedroom detached dwelling land r/o 79 Southborough Road. The refusal grounds were as follows:

'The proposals constitute an unsatisfactory subdivision and overdevelopment of the site, out of character with the surrounding area, by reason of the design, bulk, height and siting of the proposed dwelling, detrimental to the spatial standards and character of the area, and thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.

The proposal would, by reason of the height, size and siting of the proposed dwelling, have a detrimental impact on the amenities that the occupiers of adjacent dwellings could reasonably expect to continue to enjoy, by reason of visual impact, loss of privacy and outlook, thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.

The proposed vehicular access would not benefit from adequate sightlines and therefore the intensification of use of the access would be detrimental to highway safety, contrary to Policy T18 of the Unitary Development Plan.'

The application was subsequently dismissed at appeal. Considering the appeal, the Inspector concluded that although the site is backland, the development would not share the existing access to the host dwelling, and would therefore not comprise tandem development. The Inspector highlighted that although the local area is generally characterised by low density residential developments, he also highlighted that a number of much higher density developments have been permitted at nearby backland sites in recent years.

At 8.5m in height, the Inspector considered that the new dwelling would not be out of scale with the surrounding houses as it would be well separated from neighbouring houses, with good screening to boundaries. The Inspector concluded that there would be no harm to the character of the area and no material conflict with Policies BE1 or H7 of the UDP which permits small scale backland development that complements the surrounding area and is sensitive to it. The

scheme would not be detrimental to privacy or outlook, daylight and sunlight and would have no unacceptable visual impacts.

The Inspector raised concerns over the visibility splay to the north of the junction with Southborough road and considered that this would be below a desirable standard. Without a legal agreement over this land, the Inspector considered that the proposal would lack a suitable sightline and would therefore be dangerous for use as a vehicle access. The appeal was therefore dismissed on the basis of highway safety.

Planning permission was refused under ref. 13/02030 for a four bedroom detached dwelling land r/o 79 Southborough Road. The reasons for refusal were as follows:

"The proposed vehicular access would not benefit from adequate sightlines and therefore the intensification of use of the access would be detrimental to highway safety, contrary to Policy T18 of the Unitary Development Plan."

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 impact on highway safety is also a consideration.

As outlined above, the Inspector has previously considered under ref. 08/01694 that the principle of sub-division of the plot to provide an additional residential house is acceptable. The Inspector also found the height, scale and fenestration of the proposal suitable as to avoid harmful levels of overlooking and loss of residential amenity. The current scheme proposes a dwelling that will be two storeys with accommodation in the roof space, similar to that previously dismissed at appeal. The height currently proposed is 8.6m, compared to the 8.5m previously proposed. The scale and appearance of the building will also be similar to that previously considered, with a gable ended two storey appearance and dimensions of 10.8m by 8.0m. The scheme dismissed under ref. 13/02030 had dimensions of 10.5m by 7.8m and was sited on a similar part of the site. Both schemes propose first and second floor windows in the northern and southern elevations.

Following the Inspector's decision, and in light of the refusal of application ref. 13/02030, the main issue of concern is the provision of a suitable sightline to the north of the junction of the access road. As the required sightline falls outside of the application property, the previous application under ref. 13/02030 was refused on the basis that this sightline could not be provided.

The current application has been submitted with the provision of this sightline, along with a covenant entered into by both freeholders of Nos. 77 and 79 that requires the creation and permanent maintenance of this sightline. On the basis of the covenant and adherence to the submitted plan, the proposal is considered to provide a suitable sightline and would therefore be a safe solution to the proposed use of this access for a residential purpose.

The application is considered to comply with the relevant density as outlined in the London Plan and the guidance in the Technical Housing Standards (2015), with a floor area of 213 sqm proposed. The Technical Housing Standards require a floor area of 130 sqm for a three storey four bedroom eight person house. The impact on amenities and local character is not considered to be harmful in light of the Inspector's comments and the similarities in the design. The height and scale of the proposed house is comparable to the previously considered schemes, with second floor windows previously considered not to impact harmfully on the amenities of neighbouring properties.

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. The proposal would not result in a detrimental impact on conditions of highway safety. It is therefore recommended that Members grant planning permission.

Background papers referred to during the production of this report comprise all correspondence and other documents on file refs. 08/01694, 13/02030 and 16/01368, excluding exempt information.

RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT

and 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 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

- 5 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.

- 6 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: In order to comply with Policy 5.13 of the London Plan and in order to ensure satisfactory means of surface water drainage.

- 7 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.

- 8 Before any part of the development hereby permitted is first occupied that part of a sight line of 2.4m x 43m which can be accommodated within the site shall be provided in both directions at the junction with Southborough Road and with the exception of trees selected by or the Local Planning Authority no obstruction to visibility shall exceed 1m in height in advance of this sight line, which shall be permanently retained 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.

- 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 The arrangements for storage of refuse (which shall include provision for the storage and collection of recyclable materials) and the means of enclosure shown on the approved drawings 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.

- 11 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.

- 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 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.

- 14 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 Policy BE1 of the Unitary Development Plan and in order to prevent the overdevelopment of the site.

- 15 Before the development hereby permitted is first occupied, the proposed window(s) in the first and second floor southern elevation 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.

- 16 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.

- 17 The development hereby permitted shall not be commenced until the terms of the covenant between the freehold owners of 77 and 79 Southborough Road completed 26th November 2015 have been complied with by the freehold owners of 77 to the satisfaction of the Council.**

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

- 18 No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the first and second floors**

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.

Informatives

This is a summary of the main reasons for this decision as required by law. The application has been determined in accordance with the development plan insofar as it is relevant and taking into account all other material planning considerations, including all the representations received. For further details, please see the application report (if the case was reported to Committee), the Unitary Development Plan and associated documents or write to Chief Planner quoting the above application number.

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

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

If during works on site suspected contamination is encountered, Public Protection should be contacted immediately. 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.

Before the use commences, the applicant is advised to contact the Pollution Team of Public Protection regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990.