

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

Application No : 17/00364/FULL1

Ward:
Chelsfield And Pratts
Bottom

Address : 2 Station Cottages Station Approach
Chelsfield Orpington BR6 6EU

OS Grid Ref: E: 546832 N: 163994

Applicant : Mr Matthew Moore

Objections : YES

Description of Development:

Erection of detached two storey 5 bedroom dwelling with integral double garage on land adjacent to 2 Station Cottages, and provision of 2 car parking spaces for use by 2 Station Cottages

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 28

Proposal

Permission is sought for the erection of a detached two storey 5 bedroom dwelling on this site which would have an integral double garage, and would be accessed via an existing access road from Windsor Drive. The dwelling would have a width of 20m, and would be set in line with the adjoining semi-detached dwellings at Nos.1 and 2 Station Cottages. A separation of 2m would be provided to the western flank boundary with No.2, whilst the dwelling would be set back 5m from the eastern flank boundary with the rear garden of No.13 The Woodlands. A 14m deep rear garden would be provided.

The application is accompanied by an Access Appraisal, which was further updated in response to initial comments made on the scheme by the Council's Highways Officer.

Location

The site is located at the southern end of the access driveway off Windsor Drive which serves Nos.1 and 2 Station Cottages, and comprises a large area of garden land to the side of No.2. The site slopes upwards towards the side and rear, and backs onto detached dwellings in The Meadway to the south, and a detached bungalow to the east at No.13 The Woodlands.

To the north of the site lies townhouses in Station Approach, whilst the access driveway runs along the rear boundaries of properties in Station Approach and The Meadway.

Consultations

Letters have been received from nearby residents which raise the following main concerns:

- * overdevelopment of the site
- * the access road is too narrow to allow more cars to use it
- * the level of car usage as a result of the development has been underestimated
- * lack of lighting to access road
- * noise pollution from additional cars
- * noise and disturbance during construction works
- * loss of light, privacy and outlook to neighbouring properties
- * the development should be restricted to one dwelling only to prevent subdivision or additional properties
- * proposals may impact on right of access to garage at 13 The Woodlands (this is a private matter)
- * inadequate access for emergency vehicles.

A letter in support of the proposals has also been received.

Comments from Consultees

The Council's Highways Officer has commented as follows:

In granting the 2011 application for 4 new houses on appeal, the Inspector imposed a number of pre-commencement conditions on the application, one of which was the provision of a passing bay on the access road and another required lighting of the accessway.

There were lengthy discussions about the provision of the passing bay, but no resident whose land backs onto the access has agreed to offer their land for one. Following legal advice, the Council had no choice but to agree that a small part of the green area at the beginning of the access, which is both highway and owned by the Council, could be used for the bay. However, it emerged that the low retaining wall along the side of the access was in private ownership, and therefore the Council could not carry out the necessary works to it.

The junction of Warren Road and Windsor Drive is being remodelled. Windsor Drive is being reduced in width which means Station Approach is being extended forward, and so the access to this site will now come out into Station Approach.

The current proposals are for one 5 bedroom house on the site, and an Access Appraisal (AA) document was submitted with the application. The access currently serves two properties (Nos.1 and 2 Station Cottages) although No.13 The

Woodlands also has a rear access here but also has another access to The Woodlands at the front.

The Inspector previously considered that the passing bay was necessary in the interests of highway safety. There is now a reduction in the number of units proposed from 4 to 1, although it would be a large dwelling. The proposals would still increase the chances of conflicts between vehicles using the accessway, although to a lesser extent than the previous proposal for 4 dwellings, but given the alterations to the road layout which means that the access will now come out onto Station Approach rather than Windsor Drive, it would be difficult to sustain a reason for requiring the passing bay. If a future application was submitted for 2 or 3 houses, a passing bay condition may well still be considered appropriate.

Policy T6 of the UDP requires development proposals to make adequate provision for pedestrians, and good standards of lighting are essential to provide a safe walking environment. The previous lighting condition would therefore still seem appropriate.

The proposed dwelling has a double garage which is slightly shorter than the normally required length (5.5m rather than 6m), but there is parking for at least two vehicles on the frontage.

A condition requiring a construction management plan would be appropriate in this location. The construction phase is likely to generate the most traffic.

No objections are raised in principle from a drainage viewpoint, and Thames Water has no concerns.

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
H9 Side Space
T3 Parking
T6 Pedestrians
T18 Road Safety

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closed on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that the draft Local Plan will be submitted to the Secretary of State in mid-2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances. The relevant policies are as follows:

Draft Policy 4 - Housing Design

Draft Policy 8 - Side Space
Draft Policy 30 - Parking
Draft Policy 32 - Road Safety
Draft Policy 33 - Access for All
Draft Policy 37 - General Design of Development

London Plan (2015) Policies:

Policy 3.3 Increasing Housing Supply.
Policy 3.4 Optimising Housing Potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater Infrastructure
Policy 5.15 Water use and supplies
Policy 5.16 Waste net self-sufficiency
Policy 5.17 Waste capacity
Policy 5.18 Construction, excavation and demolition waste
Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.14 Improving Air Quality
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

Housing Supplementary Planning Guidance (2016)

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

Planning History

Permission was refused in July 2011 (ref.11/01628) for 4 semi-detached two storey three bedroom dwellings with associated car parking and refuse store, and a part two storey/first floor rear extension and elevational alterations to No.2 Station Cottages, on grounds relating to the unsatisfactory subdivision of the plot, the detrimental impact on the spatial standards of the area, the overdevelopment of the site, the detrimental impact on the visual amenities of the area and on the

amenities of neighbouring residential properties by reason of vehicular disturbance and loss of outlook and privacy, and the narrow vehicle access and inadequate on-site turning facilities which would be prejudicial to highway safety due to the unsuitable access for service and emergency vehicles and waste collection.

The subsequent appeal was allowed in February 2012. In granting the appeal, the Inspector imposed conditions inter alia requiring the provision of a parking bay along the access drive (condition 3), and the lighting of the access drive (condition 4), however, implementation of the scheme was delayed by legal issues relating to compliance with conditions 3 and 4, and the permission expired.

Permission was then granted in September 2015 (ref.15/01397) for essentially the same scheme, subject to conditions including the provision of a passing bay on the access driveway (condition 12), and the submission of a scheme for lighting the access driveway (condition 13). This permission is still extant.

Conclusions

The main issues in this case are the impact of the proposals on the character and appearance of the surrounding area, the amenities of neighbouring properties, and on road safety, with particular reference to the increased use of the accessway.

Character and appearance of the area

Housing is a priority use for all London Boroughs and the Development Plan welcomes the provision of small scale infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

The document also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

Policy 3.4 Optimising housing potential of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.

Policy H7 of the UDP sets out criteria to assess whether new housing developments are appropriate subject to an assessment of the impact of the

proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, community safety and refuse arrangements.

Density

With regard to the density of the proposed development, Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan gives an indicative level of density for new housing developments. In this instance, the proposal represents a density of 10 dwellings per hectare with the table giving a suggested level of 35-95 dwellings per hectare in suburban areas with a 2 PTAL location. The proposals would therefore result in an intensity of use of the site that would be below the thresholds in the London Plan, however, they need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area.

Size, scale and design

Policy 3.4 of the London Plan specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range. This reflects paragraph 58 of the National Planning Policy Framework, which requires development to respond to local character and context and optimise the potential of sites.

Policies BE1 and H7 of the UDP set out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

Policy H9 requires that new residential development for a proposal of two or more storeys in height, a minimum of 1m side space from the side boundary is maintained and where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.

In granting the 2011 scheme for 4 semi-detached two storey dwellings on the site, the Inspector found that the proposals would not be out of character with the surrounding pattern of development which included semi-detached and terraced dwellings along with detached dwellings set within larger plots to the south and east of the plot. The current scheme is now for a larger single detached two storey dwelling set within a generous plot which is characteristic of the southern and eastern areas, and accords with the pattern of development in the area.

The dwelling would be in a similar position on the site as the two pairs of semi-detached dwellings previously permitted, but would cover a smaller footprint, and would provide greater separations to the flank boundaries. The height of the building would be the same as or slightly lower than the permitted dwellings, and the roof would be hipped to the sides and rear to minimise its bulk.

The proposals are not therefore considered to result in an overdevelopment of the site, and would not cause harm to the spatial standards and character of the surrounding area.

Future residential amenity

Policy 3.5 of the London Plan (2015) Quality and Design of Housing Developments states the minimum internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.

Policy BE1 in the UDP states that the development should respect the amenity of occupiers of future occupants.

The floor space size of the dwelling would exceed the minimum requirement of room standards as found within the London Plan (2015), and would be considered acceptable.

Confirmation has been sought from the applicant as to whether the proposals would comply with Part M4(2) of the Building Regulations "accessible and adaptable dwellings", and would therefore comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016.

Impact on neighbouring residential amenity

With regard to the impact on residential amenity, the previous Inspector did not consider that the scheme for 4 dwellings would unacceptably harm the living conditions of neighbouring residential properties in terms of loss of outlook or privacy, and determined that the levels of noise disturbance from the increased use of the accessway would not be unduly harmful.

The current scheme for a single dwelling would result in reduced activity to and from the site, and the building would not cause any greater impact on the amenities of neighbouring residents in terms of light, privacy and outlook than the permitted scheme.

Impact on highway safety

With regard to highways matters, the previous Inspector considered that the proposed development for 4 houses would not adversely affect highway safety, subject to the provision of a passing place and the lighting of the access driveway.

Since the appeal decision, there have been lengthy discussions between the applicant and the Council regarding the provision of the passing bay and lighting to the access road, and although the Council have permitted the construction of a

passing bay on an adjoining area of Council-owned land, the owners of the kerb have, according to the applicant, refused to enter into negotiations to permit the lowering of the kerb. The applicant has now therefore submitted this reduced scheme comprising a single dwelling in order to overcome these legal issues, and he considers that conditions requiring a passing bay and the lighting of the access are not now required.

The advice of the Council's Highways Officer is that it would be difficult to insist on the provision of a passing bay in the access road due to the reduced number of dwellings in the current scheme and the changes being made to the road layout in Windsor Drive and Station Approach, but that the provision of lighting to the access road should still be required by condition.

Conclusion

The proposals are therefore considered to result in an acceptable form of development on the site which would not be harmful to the character and spatial standards of the area, the amenities of neighbouring properties or road safety.

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 20.03.2017

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** No trees on the site shall be felled, lopped, topped or pruned before or during building operations except with the prior agreement in writing by the Local Planning Authority. Any trees removed or which die through lopping, topping or pruning shall be replaced in the next planting season with trees of such size and species as may be agreed with the Authority.

Reason: In order to comply with Policy NE7 of the Unitary Development Plan and to ensure that as many trees as possible are preserved at this stage, in the interest of amenity.

- 5** No demolition, site clearance or building works (including trenches, pipelines for services or drains) shall be undertaken until Chestnut Pale fencing not less than 1.2 metres in height has been erected around every tree or tree group on the site shown to be retained on the submitted drawings at the furthest extent of the spread of the canopy of any tree or tree group except where development is hereby permitted within this area. The fence shall be placed so as to exclude the site of the said development but otherwise as far as possible from the trees. 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 the building work hereby permitted

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

- 6** No bonfires shall take place within 6 metres of the furthest extent of the spread of the canopy of any tree or tree group shown to be retained on the submitted drawings.

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

- 7** No trenches, pipelines for services or drains shall be sited under the spread of the canopy of any tree or tree group shown to be retained on the submitted plans without the prior agreement in writing by the Local Planning Authority.

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

- 8** 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

- 9** 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

- 10** 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

- 11** 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.

12 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.

13 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.

14 No development shall take place until a scheme for the lighting of the access driveway has been submitted and approved in writing by the Local Planning Authority, and the scheme shall be carried out and completed as approved before any part of the development hereby permitted is first occupied, and permanently maintained thereafter.

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

15 No development shall take place until full details of a sprinkler system and an automatic fire detection system have been submitted to and approved in writing by the Local Planning Authority and these systems shall be installed as approved and permanently retained thereafter.

Reason: In the interests of the safety of future occupiers of the development.

16 The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be retained permanently thereafter.

Reason: To comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016 and to ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants.

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 You should liaise with the owners of the access road prior to the start of the construction phase regarding the condition of the road surface, and agree any repairs should damage be caused during the construction phase.**