

Section 3: Applications recommended for permission, approval or consent

Application No : 17/02691/FULL1

Ward:
Chislehurst

Address : Hillcroft Southill Road Chislehurst BR7 5EE

OS Grid Ref: E: 542431 N: 170532

Applicant : Maple Properties Ltd

Objections : YES

Description of Development:

Demolition of existing dwelling and erection of detached two storey building with accommodation in roof space comprising 5 two bedroom flats with associated car parking and landscaping

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 10

Proposal

This application proposes the demolition of an existing single storey dwelling house and the construction of a three storey, detached building comprising 5 two bedroom flats. The building will have a height of 9.2m and will have a width of 12.4m and a length of 17.9m (16.5m previously permitted).

Access to the site will be via the existing vehicle access, with 4 car parking spaces provided. A refuse and cycle store will be sited to the front of the building. The proposal will include a large communal amenity area to the rear of the building.

Location

The existing detached bungalow is located on the northern side of Southill Road on a steeply sloping site. The dwelling is sited on a higher land level than the highway with a set of steps to access the front elevation. The dwelling also has a detached garage facing the highway.

The application site is surrounded by residential properties which comprise of a mix of development density, including detached residential dwellings. A replacement dwelling has recently been constructed at The Hurns to the west of the site. The site is located adjacent to the Chislehurst Conservation Area, the boundary to which is opposite the site on the southern side of Southill Road.

Comments from Local Residents

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

- Refuse store will be positioned in sightline
- Excessive hardstanding to front of site – lack of soft landscaping
- Proposed planting would block light to neighbouring house
- Additional storey will block light and will be significantly taller
- Concerns raised in regards to access to drainage and utilities

Consultations

Highways - no objections are raised subject to standard conditions and an informative concerning the prevention of damage to the highway and repairs where necessary.

Environmental Health (Housing) - concern is raised that some of the rooms proposed may not be provided with adequate lighting and means of ventilation. The applicant is advised to have regard to the Housing Act 1985.

Environmental Health (Pollution) – no objections raised subject to standard informatives.

Drainage - no objections raised subject to a standard condition.

Tree Officer - no comments made.

Planning Considerations

London Plan 2015:

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.16 Waste Self-Sufficiency
- 5.17 Waste capacity
- 5.18 Construction, Excavation and Demolition Waste
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and Other Strategically Important Transport Infrastructure
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 7.19 Biodiversity and Access to Nature
- 8.3 Community Infrastructure Levy

Unitary Development Plan (2006):

- BE1 Design of New Development
- BE13 Development Adjacent to a Conservation Area
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- NE7 Development and Trees
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T18 Road Safety

Emerging Bromley Local Plan

The Council is preparing a Local Plan and the final consultation on its proposed submission draft of the Local Plan closed on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). The updated Local Development Scheme was submitted to Development Control Committee on November 24th 2016 and Executive Committee on November 30th 2016, and indicated the submission of the draft Local Plan 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.

- Draft Policy 1 - Housing Supply
- Draft Policy 4 - Housing Design
- Draft Policy 8 - Side Space
- Draft Policy 30 - Parking
- Draft Policy 31 - Relieving Congestion
- Draft Policy 32 - Road Safety
- Draft Policy 33 - Access for All
- Draft Policy 37 - General Design of Development
- Draft Policy 73 - Development and Trees
- Draft Policy 77 - Landscape Quality and Character
- Draft Policy 112 - Planning For Sustainable Waste Management
- Draft Policy 113 - Waste Management in New Development
- Draft Policy 115 - Reducing Flood Risk
- Draft Policy 116 - Sustainable Urban Drainage Systems (SUDS)
- Draft Policy 117- Water and Wastewater Infrastructure Capacity
- Draft Policy 119 - Noise Pollution
- Draft Policy 120 - Air Quality
- Draft Policy 122 - Light Pollution
- Draft Policy 123 - Sustainable Design and Construction
- Draft Policy 124 - Carbon Dioxide Reduction, Decentralise Energy Networks and Renewable Energy

Other Guidance

Housing: Supplementary Planning Guidance. (March 2016)

Technical Housing Standards - Nationally Described Space Standard (March 2015)

Supplementary Planning Guidance 1: General Design Principles

Supplementary Planning Guidance 2: Residential Design Guidance

Planning History

Planning permission was granted under ref. 16/04137 for demolition of existing dwelling and erection of detached two storey 5 bedroom dwelling including accommodation in roof space.

Planning permission was refused under ref. 16/03312 at Silver Leaves for demolition of existing bungalow and the erection of a two storey building to provide 4 x residential apartments with roof space accommodation, basement parking and detached garage. The refusal grounds were as follows:

'By virtue of its overall height, width and scale, the development constitutes an overdevelopment of the site and would be considered detrimental to the visual amenities and spatial standards of the surrounding area allowing for an overtly prominent and out of character form of development, contrary to Policies H7, H9 and BE1 of the Unitary Development Plan.'

The application was subsequently allowed on appeal. The Inspector concluded that the building would have an acceptable effect on the character and appearance of the surrounding area.

Planning permission was granted under ref. 17/00477 for demolition of existing dwelling and erection of detached two storey building with accommodation in roof space comprising 4 two bedroom flats with associated car parking and landscaping.

Conclusions

The main issues to be considered in respect of this application are:

- Principle of Development
- Design
- Standard of Residential Accommodation
- Impact on Adjoining Properties
- Highways and Traffic Issues

Principle of Development

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing Choice in the London Plan (2015) generally encourage the provision of redevelopment in previously developed residential areas 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 H7 of the UDP advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

Under ref. 16/03312, the Council considered that the provision of a small block of flats at Silver Leaves would be acceptable for the area, and this view was shared by the Inspector when the application was allowed at appeal. Subsequently, a block of 4 flats was considered acceptable at Hillcroft under ref. 17/00477. It is therefore considered that the principle of replacing the building with a sympathetic block of flats is acceptable at the site.

Design, Siting and Layout

Policies 3.4 and 3.5 of the Further Alterations to the London Plan (March 2015) (FALP) reflect the same principles. Policy 3.4 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.

Policy 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 BE1 of the UDP requires new development to complement the scale, form, layout and materials of adjacent buildings and areas, and seeks to protect the amenities of neighbouring properties.

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.

It is proposed to replace an existing single storey dwelling with a three storey building with works to include the re-grading of the amenity space. The proposed building has an overall width of 12.5m, a maximum depth of 17.9m and a height of 9.2m to the front and 6.5m to the rear as a result of the changes in land levels. This is in replacement of a modest property measuring 12.4m in width, 8.1m in depth and a maximum of 7m in height. The site is steeply sloping, with a level vehicular access to the existing detached garage.

Following the grant of planning permission under ref. 17/00477, the current proposal seeks to add 1.4m to the length of the building by adding development to the rear of the structure

and to provide further roof accommodation by raising the eaves height and adding bulk to the roof including front dormer extensions.

In terms of the size and scale of the new building, the height of the proposed structure sits below the ridge height of the neighbouring property, The Hurns, by 1.5m and above the ridge of Alisma to the east by 2.5m. This remains the case from the previously permitted scheme. The result of this is that the structure will read as a comfortably sited structure that follows the descent of building heights from west to east. The raising of the eaves level will reflect the design of The Hurns but will appear at a lower level due to the topography of the road, and therefore will not appear out of character.

The proposal has a three storey hipped roof utilising a traditional palette of materials in a similar manner to the flatted development previously permitted. Whilst larger than the dwelling it replaces, the building would not appear excessively bulky or incongruent, with a design similar to that which was previously considered suitable for the site. The design has been altered to provide a further front dormer extension to those previously permitted. Whilst this provides additional bulk to the roof, it is not considered that this would clutter the roof space to the detriment of local character.

On balance, Members may consider that the increase in bulk to provide an additional flat at the site would not impact harmfully on the character of the area and may be considered to comply with Policies BE1 and H7 of the Unitary Development Plan.

Residential Density

Table 3.2 of the London Plan outlines suitable residential density figures throughout London, subject to setting and public transport accessibility. Within a suburban location such as this, with a PTAL rating of 2, a residential density of 40-80 units per hectare would be expected for this type of residential development, where the average number of habitable rooms per unit is 3.1-3.8.

The site has an approximate area of 0.1 hectares. The provision of 5 units would therefore result in a site density of 50 units per hectare. Although the density standards should not be applied mechanistically, the proposed density would fall within the recommended range and therefore is considered acceptable in this case.

Standard of Residential Accommodation

Policy 3.5 of the London Plan and the Housing SPG (2016) states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Nationally Described Housing Standards (2015).

The nationally described space standard requires 61m² of gross internal floor area for a two bedroom three person flat over one level and 70m² of gross internal floor area in relation to a two bedroom four person unit over one level. The floor space size of each of the proposed units in the building ranges from 64m² and up to 138m² respectively. On this basis, the floorspace provision for all of the units is compliant with the required standards and is considered acceptable.

The shape, room size and layout of the rooms in the proposed building are considered satisfactory. None of the rooms would have a particularly convoluted layout which would limit their use. All habitable rooms would have satisfactory levels of light and comply with the internal room space requirements as found within the Technical Housing Standards (2015).

In terms of amenity space, no private amenity space is provided for the flats, however the area is spacious and the site will be provided with a large communal amenity space to the rear of the building. On balance it is considered that the provision of a large rear communal garden would be satisfactory in this location.

Impact on Residential Amenity

Policy BE1 in the Adopted UDP states that the development should respect the amenity of occupiers of future occupants and should also respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.

The height of the proposal matches that granted under ref. 17/00477, with the addition of further roof bulk to accommodate the proposed accommodation within the roof space. This additional bulk comprises the introduction of a raised eaves height and additional pitched roof along with an increase in length of the development to the rear.

The additional bulk at roof level will create additional impact on the upper floor flank windows at The Hurns, which serve bedrooms and bathrooms. Whilst the proposal would bring bulk into closer proximity with the adjacent house, the roof height will not increase and the overall impact on The Hurns is not considered to be unacceptable in terms of loss of outlook and visual impact. No second floor flank windows are proposed facing The Hurns and the increase in footprint to the rear will also not create significant impact and will not project beyond the neighbouring rear wall.

To the opposite side of the site, the proposal will retain a suitable separation from Alisma and the proposed first and second floor windows (which will serve kitchens and hallways) can be obscurely glazed by condition in order to preserve the amenities and privacy of the occupants of Alisma.

The use of the building as 5 flats would intensify the use of the site, however the impact on neighbouring amenities is not considered to be significant as a result of this. On balance it is considered that the proposal would not impact harmfully on the amenities of neighbouring residential properties.

Parking and Highway Safety

The proposal provides a suitable layout, parking area and access arrangements to serve the development and no objections are raised from a highway safety perspective. Cycle storage will also be provided and suitable conditions and informatives can be imposed to safeguard against damage to the unadopted highway.

Summary

On balance it is considered that the proposal would result in a detrimental impact on the character of the area and would impact harmfully on the amenities of neighbouring residential owner/occupiers. It is therefore recommended that Members grant planning permission.

Background papers referred to during production of this report comprise all correspondence on file ref(s): 16/00788/FULL1, 16/03312/FULL1, 16/04137/FULL1, 17/00477/FULL1 and 17/02691/FULL1, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.

Reason: Section 91, Town and Country Planning Act 1990.

2 Details of 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 the satisfactory drainage of the site.

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 The floor(s) of the garage(s) shall be constructed at such level(s) that the gradient of the access drive(s) does not exceed 1:10 at any point, as calculated from the levels of the back edge of the footway to the front of the garage floors.

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

9 Prior to the commencement of the development hereby permitted, a survey of the condition of the road shall be submitted and agreed by the Local Planning Authority and any damage caused to the surface of the road during the construction phase of the development will be reinstated to a

standard at least commensurate with its condition prior to the commencement of the 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.

- 10 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: In order to comply with Policy 5.13 of the London Plan and in order to ensure the satisfactory drainage of the site.

- 11 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.

- 12 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.

- 13 No loose materials shall be used for surfacing of the parking and turning area hereby permitted.

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

- 14 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 permanently retained 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.

15. Before the development hereby permitted is first occupied, the proposed window(s) in the first and second floor flank elevations 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. No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the flank elevation(s) of the development 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.

You are further informed that :

- 1 The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.**

- 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

- 3 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.**
- 4 The applicant is advised that discharging surface water run-off to public sewer without attenuation is not acceptable.**
- 5 As Southill Road is an unadopted street/highway, the applicant is advised that the condition of the section of the street to which the proposed development has a frontage should, at the end of development, be at least commensurate with that which existed prior to commencement of the development. The applicant should, therefore, also be advised that before**

any works connected with the proposed development are undertaken within the limits of the street, it will be necessary for them to obtain the agreement of the owner(s) of the sub-soil upon which Southill Road is laid out.

- 6 Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.

If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.