

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

Application No : 17/02621/OUT

Ward:
Orpington

Address : Land Adjoining St Margarets Chelsfield
Lane Orpington

OS Grid Ref: E: 547794 N: 165488

Applicant : Mr Richard Salt

Objections : YES

Description of Development:

2 detached two storey 4 bedroom dwellings with integral garage and associated parking with vehicular access from Broad Walk, on land to the rear of St Margarets and The Brents, Chelsfield Lane, and adjacent to 14b Broad Walk (Outline)

Proposal

Outline permission is sought for the erection of 2 detached two storey 4 bedroom dwellings on this site which measures 0.12ha in area. Only means of access and layout are under consideration at this stage with all other matters reserved for subsequent approval.

The two dwellings would be set approximately in line with Nos.14a and 14b Broad Walk, and would have similar rear garden depths of 10-13m. The illustrative dimensions shown on the plans indicate that they would have an overall height of approximately 8.6m to the ridge, and 5m to the eaves, and each dwelling would have a floor area of approximately 170sq.m.

Vehicular access to the properties would be from Broad Walk to the west along an existing access road which currently serves Nos. 14a and 14b Broad Walk, and each property would have an integral garage along with 3 car parking spaces.

The application was supported by the following documents:

- Ecology Report - Preliminary Ecological Appraisal - Dated 05.10.2017
- Ecology Report - Full Common Reptile Survey - Dated 05.03.2018

Location and Key Constraints

This site once formed part of the rear garden of St Margarets which fronts Chelsfield Lane, and borders the rear boundaries of St Margarets and The Brents to the east, Nos.152-156 Avalon Road to the north, and Nos.8, 10 and 14 Broad Walk to the south. Its western boundary lies adjacent to No.14b Broad Walk and the south-western corner abuts the access road which currently serves Nos.14a and 14b.

The surrounding area is generally characterised by detached two storey dwellings set within modest plots to the south and west, detached dwellings in more generous plots to the east, and detached bungalows to the north in Avalon Road.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations were received, which can be summarised as follows:

Objections

- overdevelopment of the site
- unacceptable backland development
- loss of light to adjacent properties
- overlooking of neighbouring properties and gardens
- overintensive use of restricted vehicular access
- noise and general disturbance from increased use of access road (which currently only serves 14a and 14b Broad Walk
- difficulty of access for emergency and refuse vehicles
- access to the site should be from Chelsfield Lane and not Broad Walk
- loss of trees
- detrimental impact on retained trees
- detrimental impact on wildlife
- inadequate drainage system on the site
- noise and disturbance during construction works.

Comments from Consultees

Environmental Health Pollution Officer: No objections are raised to the proposals, subject to standard informatives regarding any contamination found.

Drainage Engineer: There is no public surface water sewer near the site, and therefore the applicant would need to make their own arrangements with regard to the disposal of surface water run-off. Standard conditions are recommended.

Highways: No highways objections are raised in principle to the proposals, subject to safeguarding conditions.

Trees: The application site is not covered by any protective legislation with regard to trees, and those trees within the site appear to be insignificant and would not therefore present a constraint to development. A detailed landscaping plan should be submitted with any application for reserved matters, and new tree planting would be beneficial.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

- 3.3 Increasing Housing Supply.
- 3.4 Optimising Housing Potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 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 net self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.14 Improving Air Quality
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

Unitary Development Plan

- BE1 Design of New Development
- H7 Housing Density & Design
- H9 Side Space
- T3 Parking
- T18 Road Safety
- NE7 Development and Trees

Emerging Local Plan

- 4 Housing Design
- 8 Side Space

30	Parking
32	Road Safety
37	General Design of Development
73	Development and Trees

Supplementary Planning Guidance

Major's Housing SPG
National Planning Policy Framework (NPPF)

Planning History

There is no relevant planning history relating to the application site.

Considerations

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

- Principle
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- Trees
- Ecology
- CIL

Principle

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) but excludes gardens from the definition of previously developed land.

This site is located in a residential area where the Council may consider infill developments provided that they are designed to complement the character and spatial standards of the surrounding area, and the design and layout of the dwellings provide suitable residential accommodation whilst providing adequate amenity space for the occupants.

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 16 dwellings per hectare with the table giving a suggested level of between 35-75 dwellings per hectare in suburban areas with a 1 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.

Whilst the principle of the residential development of this site may be considered acceptable in this location, the proposals also need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area, and the impact on residential amenity and pressure for parking in surrounding roads.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The outline proposals consist of 2 detached two storey dwellings which would effectively continue the line of development set by the detached dwellings at Nos.14a and 14b Broad Walk to the west of the site. There is an existing access road which serves these dwellings, and it would be extended along the southern boundary of the site to also serve the two new dwellings.

The illustrative dimensions shown on the plans indicate that the dwelling on Plot 1 would be set back 1.6m from the flank boundary with No.14b, whilst the dwelling on Plot 2 would be set back at least 1.8m from the flank boundary with the rear gardens of St Margarets and The Brents to the east. A separation of 3.2m would be provided between the two new dwellings, and these separation distances are characteristic of the surrounding area, and would comply with the Council's side space policy (H9).

The plot sizes of the new dwellings would be similar to neighbouring properties in Broad Walk and Avalon Road to the north, and the proposals are considered to be small-scale

and sensitive to the general pattern of development in the area. The detailed design and appearance of the dwellings would be considered at the reserved matters stage.

Standard of residential accommodation

Policy H7 of the UDP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Government's National Housing Standards.

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

Policy 3.5 of the London Plan and the Housing SPG (2016) Standard 24 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 Technical housing standards - nationally described housing standard (2015).

The proposals comprise 2 two storey 4 bedroom dwellings. The London Plan (2015) suggests that the minimum size of a four bedroom 8 person dwelling over 2 storeys should be 124sq.m. The proposed dwellings would provide 170sq.m. floorspace, and would therefore achieve this standard.

The new dwellings would have garden depths of 10-13m which is similar to the adjacent properties at 14a and 14b, and adequate amenity space would therefore be provided for future occupiers. This would need to be assessed at reserved matters stage.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

With regard to parking and highway matters, the Council's Highway Officer does not raise any objections to the proposals in principle, subject to the submission of full detailed plans.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

With regard to the impact on neighbouring properties, the submitted layout plans show that the new dwelling on Plot 1 would be set in line with the adjacent dwelling at No.14b and would not project any further to the rear. It would be set back approximately 2.6m from the flank elevation of 14b, and there are no windows in the facing flank elevation that would be affected.

The proposed dwellings would back onto the rear gardens of bungalows in Avalon Road (Nos.152-156), but they would have a similar relationship to these properties as between the adjacent dwellings at 14a and 14b Broad Walk and 148 and 150 Avalon Road, giving similar back-to-back distances of approximately 23-25m. No undue overlooking or overshadowing of these properties would therefore occur, and although some loss of outlook may occur, this would not be to any greater extent than currently exists at the neighbouring properties in Avalon Road.

The detached dwellings to the east of the site fronting Chelsfield Lane (St Margarets and The Brents) have rear gardens of approximately 30m in length, and the flank wall of the nearest dwelling on Plot 2 would be set a further 1.8m away. There are several mature trees in the rear gardens of the Chelsfield Lane properties which would provide some screening of the new properties, and the proposals are not therefore considered to result in undue overlooking of these properties, nor significant loss of outlook.

Properties to the south of the site in Broad Walk would back onto the access road for the new houses, whilst the dwellings themselves would be set back a further 10-13m into the site, thereby giving a separation between the new dwellings and Nos.8 and 10 Broad Walk of approximately 25m. Good screening also exists along this boundary which would limit any loss of outlook and additional noise and activity from the extension of the access road.

The use of the existing access road to serve the new dwellings would result in increased vehicular movements along the road adjacent to Nos.14, 14a and 14b, but as it would serve only two new dwellings, it is not considered to be to such an extent to warrant a refusal on those grounds.

Overall, the proposals are not considered to have a detrimental impact on the amenities of adjoining occupiers.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

Trees

The proposals would not have a significant impact on trees on the site, and no objections are raised, subject to the submission of a landscaping scheme.

Ecology

The Ecology Reports submitted by the applicant found that there was no evidence of protected species on the site.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

Conclusion

Having had regard to the above, it is considered that the proposals would not be out of character with the general pattern of development in the area, would adequately protect the amenities of neighbouring properties, and would not have any adverse effect on traffic, road safety or parking in the vicinity.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

as amended by documents received on 13.06.2018 18.10.2017 23.05.2018

RECOMMENDATION: PERMISSION

Subject to the following conditions:

1 (i) Details relating to the

- (b) appearance**
- (c) landscaping**
- (e) scale**

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 landscaping details, which shall include the materials of paved areas and other hard surfaces, submitted in accordance with condition 1 (details required) and subsequently approved in writing by the Local Planning Authority shall be implemented in the first planting season following the 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 completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next

planting season with others of a similar size and species to those originally planted.

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

- 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 (including samples) 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 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 5.13 of the London Plan.

- 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: To ensure satisfactory implementation of the sustainable drainage proposals and to accord with to London Plan policy 5.13

- 7 Before any work is commenced details of parking spaces and/or garages and sufficient turning space shall be submitted to and approved in writing by the Local Planning Authority and such provision shall be completed before the commencement of the use of the land or building hereby permitted and shall thereafter be kept available for such use. No development whether permitted by the Town and Country Planning (General Permitted Development Order) 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 Garages shall have minimum internal dimensions of 2.6m x 6m and there shall be a minimum clear space in front of their doors of 6m (or of 7.5m where the garages are in a compound or opposite a structure or means of enclosure) to allow for manoeuvring and these dimensions shall be permanently retained as such thereafter.

Reason: In order to comply with Appendix II of the Unitary Development Plan to ensure that adequate on-site parking is provided and in the interest of pedestrian and vehicular safety.

- 9 Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned 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 arrangements 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.

- 10 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.

- 11 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.

- 12 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.

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

Reason: To ensure satisfactory implementation of the surface water drainage proposals and to accord with London Plan Policy 5.13 Sustainable Drainage

- 15 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 the interests of protecting the character of the area and residential amenity of neighbouring properties in accordance with Policy BE1 of the UDP.

- 16 The garage(s) hereby permitted shall be used solely for the accommodation of private motor vehicles and for purposes incidental to the dwelling(s), and shall not be converted to living accommodation without the prior approval in writing of the Local Planning Authority.

Reason: The storage of other vehicles (e.g. vans, lorries, etc) or use for other purposes would conflict with Policy T3 of the Unitary Development Plan, would be detrimental to the amenities of the neighbourhood, and conversion of the garage to living accommodation would deprive the property of adequate parking facilities.

- 17 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 UDP and in the interests of visual and residential amenity.

- 18 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.

- 19 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.