

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

Application No : 18/02446/FULL1

Ward:
Chislehurst

Address : The Orchard 1 Cricket Ground Road
Chislehurst BR7 5HD

Objections: Yes

OS Grid Ref: E: 543878 N: 169851

Applicant : Mrs Susan Andrews

Description of Development:

Detached three storey 4 bedroom dwelling with integral triple garage on land adjacent to The Orchard

Key designations:

Conservation Area: Chislehurst

Biggin Hill Safeguarding Area

Green Belt

London City Airport Safeguarding

Smoke Control SCA 16

Proposal

It is proposed to subdivide the southern part of the garden of The Orchard, and erect a detached three storey dwelling which would lie between the dwelling at The Orchard and Lothlorien to the south. The subdivided plot would measure 13m in width and 47m in depth.

The proposed dwelling would have three storeys of accommodation, including the second floor which would be provided within the roof space, and an integral triple garage. The bedrooms would be provided on the ground and first floors, whilst the main living accommodation would be provided on the second floor. A small balcony/terrace would be provided to the rear at first floor level, whilst a front balcony is proposed at second floor level.

The dwelling would be set back 1.5m from the side boundaries of the site, and 13.5m from the front boundary. It would maintain a separation of 3.5m to the host dwelling, and 2.5m to the adjacent dwelling at Lothlorien. The dwelling would use an existing vehicular access from Cricket Ground Road.

The application was supported by the following documents:

- Design and Access Statement
- Arboricultural Impact Assessment

Location and Key Constraints

This site is located on the corner of Watts Lane and Cricket Ground Road, and measures 0.06ha in area. It lies within Chislehurst Conservation Area, and borders the Green Belt to the north and west. Four elm trees and a horse chestnut situated along the frontage of The Orchard are protected.

The site is bounded to the south by a recently constructed detached two/three storey dwelling known as Lothlorien, and to the east by an access road leading to two dwellings known as Priestfield and Wellwood.

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

- Loss of privacy and light to neighbouring properties
- Large windows and high-level balcony at the rear would overlook neighbouring properties
- Trees may need to be removed
- Design and layout of the property detracts from the area
- Would set a precedent for the further redevelopment of The Orchard
- Overdevelopment
- A three storey dwelling is out of character with the area
- Additional pressure on traffic

Local Groups (The Chislehurst Society)

- A greater side space should be provided in the Conservation Area
- Detrimental impact on the street scene in Cricket Ground Road
- Overdevelopment
- Harmful to the character and appearance of the Conservation Area

Comments from Consultees

APCA: The proposals are a cramped overdevelopment of the site at variance with the character of large houses in spacious grounds within Cricket Ground Road.

Conservation Officer: The proposals are unlikely to have a detrimental impact on the character and appearance of Chislehurst Conservation Area.

Highways: The proposed dwelling would use an existing vehicular access, and would have a good sized triple garage with parking for a number of vehicles on the frontage. No highways objections are therefore raised.

Drainage: The proposed use of permeable paving and soakaways to attenuate for surface water run-off are considered acceptable.

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.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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

- 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

Unitary Development Plan

BE1 Design of New Development
BE11 Conservation Areas
G6 Land Adjoining Green Belt
H7 Housing Density & Design
H9 Side Space
T3 Parking
T18 Road Safety
NE7 Development and Trees

Emerging Local Plan

3 Backland and Gardenland Development
4 Housing Design
8 Side Space
30 Parking
32 Road Safety
37 General Design of Development
41 Conservation Areas
53 Land Adjoining Green Belt
73 Development and Trees

Supplementary Planning Guidance

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

Planning History

The relevant planning history relating to the application site is summarised as follows:

Permission was granted in 2016 (ref.15/05248) for the demolition of The Orchard and Orchard Cottage, the retention of the existing swimming pool building and garage, and the erection of a detached two storey 5 bedroom dwelling with accommodation in the roofspace, an integral double garage and a one bedroom annexe on the first floor (Plot A), and a detached two storey 4 bedroom dwelling with accommodation in the roofspace and an integral double garage (Plot B). This permission has not been implemented but is still extant (expires 6th May 2019).

Considerations

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

- Principle
- Density
- Design
- Heritage Impact
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- Trees
- CIL

Principle

The principle of residential development on the site of The Orchard has already been established by the granting of permission in 2016 for the redevelopment with two new houses. The current proposals are for the retention of the existing dwelling at The Orchard and the addition of a single infill dwelling which would be considered acceptable in principle in this residential area, but only where it is designed to complement the character of surrounding developments, the design and layout would provide suitable residential accommodation, no important trees would be lost, and it would provide adequate parking and amenity space.

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 17 dwellings per hectare with the table giving a suggested level of between 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. The proposals would also need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area.

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.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

The proposed dwelling would provide reasonable separations to the neighbouring properties, and would not appear unduly cramped or overdominant in the street scene. It would have similar eaves and roof ridge heights as the neighbouring properties, and although it would be situated on a narrower plot than the dwellings previously proposed on the site, and the adjacent dwellings at The Orchard, Lothlorien and Shalimar further to the south, there is a mix of plot sizes in Cricket Ground Road, and the size of the proposed dwelling would appear proportionate to its plot size.

Heritage Impact

The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

Paragraph 196/197 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset

Within or adjacent to a Conservation Area:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

The site lies within Chislehurst Conservation Area which has a high standard of spaciousness and residential amenity. The proposed dwelling is considered to sit comfortably within its plot, and given that permission has previously been granted for a larger dwelling on this plot (albeit on a larger sized plot), it is not considered to cause harm to the visual amenities of the street scene, and would preserve the character and appearance of the Conservation Area.

Standard of residential accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

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 Governments National Technical 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.

The minimum space standards for the proposed 4 bedroom 8 person dwelling is 130sq.m., and it would provide 386sq.m. floorspace which would comply with the required standards.

Amenity space is provided by way of a 17m deep rear garden which is considered acceptable for a family-sized dwelling.

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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed

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.

No highways objections are seen to the proposals which include a triple garage and room for frontage parking.

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.

The proposed dwelling would project only slightly beyond the rear elevation of Lothlorien to the south, and would not result in undue loss of light to or outlook from this property. First floor flank windows are proposed that would face

Lothlorien, but these serve only a bathroom and a dressing room, and can be conditioned to be obscure glazed.

The proposed dwelling would project further to the rear of The Orchard to the north, but it would be angled away from the rear elevation of the host dwelling, and would not cause a significant loss of outlook or light. First floor flank windows are proposed in the northern flank elevation, but they would serve bathrooms and a staircase, and can be conditioned to be obscure glazed.

The dwelling at Priestfield lies at the rear of the site next to the south-eastern corner of the plot, and a good level of tree screening is currently provided to this boundary which would be retained. The proposals would not therefore have a detrimental impact on the amenities of those residents.

Concerns have been raised by residents of properties to the rear of the site regarding overlooking from large rear windows and a rear high-level balcony, however, the only balcony on the rear elevation is at first floor level, and it would be only 1.2m deep and located some distance from neighbouring properties with good tree screening in between. A large second floor window is proposed in the rear elevation, but it be located a good distance away from the nearest properties, and rear windows at second floor level are not uncommon in a residential area.

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

With regard to the trees on the site, the Tree Protection Plan and Arboricultural Method Statement submitted with the proposals are considered acceptable and demonstrate that important trees on the site would be adequately protected.

CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

Conclusion

The proposals are not, therefore, considered to detract from the character and spatial standards of Chislehurst Conservation Area nor have a detrimental impact on residential amenity or on important trees on the site.

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.

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: To comply with Section 91 of the Town and Country Planning Act 1990

- 2** 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.

- 3** (a) Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) a scheme for the provision of surface water drainage shall be submitted and approved in writing by the local planning authority.

(b) Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.

(c) Where a sustainable drainage scheme is to be provided, the submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (8l/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water

(d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation of the development hereby approved

Reason: Details are required prior to the commencement of any new operational development in order to ensure that a satisfactory means of surface water drainage, to reduce the risk of flooding can be achieved before development intensifies on site and to comply with the Policy 5.13 of the London Plan.

4 (a) Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a survey of the condition of the road shall be submitted to and agreed in writing by the Local Planning Authority.

(b) Any damage caused to the surface of the road during the construction phase of the development shall be reinstated to a standard at least commensurate with its condition prior to the commencement of the development (as evidenced in details submitted to satisfy part (a)) prior to first occupation of the development hereby approved.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that adequate protection of the road can be secured in the interest of pedestrian and vehicular safety and to comply with Policy T18 of the Unitary Development Plan.

5 No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. As a minimum the plan shall cover:

(a) Dust mitigation and management measures.

(b) The location and operation of plant and wheel washing facilities

(c) Measure to reduce demolition and construction noise

(d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-

(i) Rationalise travel and traffic routes to and from the site as well as within the site.

(ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.

(iii) Measures to deal with safe pedestrian movement.

(iv) Full contact details of the site and project manager responsible for day-to-day management of the works

(v) Parking for operatives during construction period

(vi) A swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.

(e) Hours of operation

(f) Other site specific Highways and Environmental Protection issues as requested on a case by case basis

(g) The development shall be undertaken in full accordance with the details approved under Parts a-f

Reason: Required prior to commencement of development to ensure sufficient measures can be secured throughout the whole build programme in the interests of pedestrian and vehicular safety and the amenities of the area. In order to comply with Policies BE1, T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

6 i) Prior to commencement of above ground works details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

1. A scaled plan showing all existing vegetation to be retained and trees and plants to be planted which shall include use of a minimum of 30% native plant species of home grown stock (where possible) and no invasive species

2. Proposed hardstanding and boundary treatment

3. A schedule detailing sizes and numbers of all proposed trees/plants

4. Sufficient specification to endure successful establishment and survival of new planting.

(ii) There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

(iii) Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details

Reason: In order to comply with BE1, NE7 and NE8 of the Unitary Development Plan to secure a visually satisfactory setting for the development and to protect neighbouring amenity.

7 (a) Prior to commencement of above ground works, details (including samples) of the materials to be used for the external surfaces of the building which shall include roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate shall be submitted to and approved in writing by the Local Planning Authority.

(b) The development shall be carried out in accordance with the approved details.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 8 Details of the means of privacy screening for all balconies shall be submitted to and approved in writing by the Local Planning Authority before any above ground construction is commenced. The development shall be carried out in accordance with the approved details prior to the balcony being brought into use and permanently retained as such.**

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 Before the development hereby permitted is first occupied, the proposed windows at first floor level in the flank elevations of the dwelling shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the windows shall subsequently be permanently retained as such.**

Reason: In the interests of protecting residential amenity in accordance with Policy BE1 of the UDP

- 10 No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.**

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policies BE1, NE7 and NE8 of the Unitary Development Plan.

- 11 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, extension, enlargement 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.

12 No windows or doors (other than those shown on the plans hereby approved) shall at any time be inserted in the flank elevations of the dwelling hereby permitted,

Reason: In the interest of the amenities of the adjacent properties and to comply with Policy BE1 of the UDP.

13 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

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