

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

Application No : 19/00782/FULL1

Ward:
Darwin

Address : 7 Moselle Road Biggin Hill TN16 3HS

Objections: No

OS Grid Ref: E: 542533 N: 158340

Applicant : Mrs Julie Spiteri

Description of Development:

Demolition of existing bungalow and detached garage and construction of 2 detached three bedroom bungalows with additional vehicular access, associated parking, and cycle and refuse stores

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 24

Proposal

It is proposed to replace this detached two bedroom bungalow with 2 detached three bedroom bungalows. The new dwellings would be situated slightly further forward in their plots, and would maintain 1m separations to the side boundaries on each side. They would project a maximum 6.4m further to the rear than the existing bungalow, but this would reduce to 2.8m to the rear adjacent to the existing dwellings at Nos.5 and 9.

Two car parking spaces are proposed for each dwelling. Plot 1 would use the existing vehicular access, whilst Plot 2 would be served by a new vehicular access.

The application was supported by the following documents:

- Design and Access Statement

Location and Key Constraints

This site is located on the northern side of Moselle Road and is occupied by a detached bungalow. It measures 0.11ha, and has a plot width of 18m.

To the west of the site lies a detached two storey dwelling at No.5 which was built in 2006, and to the east is a pair of two storey semi-detached dwellings (Nos.9 and 9A) which were built in 2011.

The surrounding area contains a mix of detached and semi-detached dwellings and bungalows, with a number of nearby sites having been recently redeveloped.

Comments from Local Residents and Groups

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

Support

- No objections are raised to the proposals from the occupier of No.5 Moselle Road so long as the porch projection is amended so that it is set back 1m from the side boundary with No.5, a 1.8m high close-boarded fence is erected adjacent to the dwelling at No.5, the boundary hedge is retained, and provisions are made to safeguard the badger sett
- The proposals include the retention of as much hedging and greenery as possible
- A good amount of parking will be provided.

Please note the above is a summary of comments received and full text is available on the Council's website.

The application has been called into committee by a Ward Councillor.

Comments from Consultees

Drainage Engineer: The proposed use of permeable block, aco channel and soakaway to attenuate for surface water run-off is considered acceptable.

Highways: Each property would have parking on the frontage for at least two cars, and the proposal includes the provision of a second access. No highways objections are therefore raised to the proposals.

West Kent Badgers: The application states 'no protected species on site' in section 12 but this is incorrect. There does appear to be a sett in the rear garden but it is possibly an outlier. There are many tracks across the garden including one that runs along the side of the garage out to the road. The sett is in the hedge between Nos 5 and 7 and the entrance appears to be in the hedge of No 5. It is possible that this is an old compost heap and the badgers have taken up residence and maybe also used it as a foraging area. Safeguarding conditions are suggested if permission is granted.

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 24 July 2018 and updated on 19 February 2019.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 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
- 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
- 5.21 Contaminated land
- 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

Bromley Local Plan

4	Housing Design
30	Parking
32	Road Safety
37	General Design of Development

Supplementary Planning Guidance

NPPF

Housing: Supplementary Planning Guidance. (March 2016)

Technical housing standards - Nationally Described Space Standard (March 2015)

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
- Density
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Impact on protected species
- Sustainability
- CIL

Principle

This site is located in a wholly residential area where the Council would consider residential redevelopments provided that they are designed to complement the character and spatial standards of the surrounding area, the design and layout of the dwelling provides suitable residential accommodation, and the proposals provide adequate amenity space for the occupants.

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 35-75 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.

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 BLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The proposed bungalows would replace an existing bungalow on the site, and the proposed width and depth of each plot would be similar to recent developments in the road, for example at Nos.9/9A and 12A/B. The new bungalows would retain good separations to the side boundaries, and would accord with the general front building line in Moselle Road. The bungalows would not appear overly bulky, and would not be out of character with the street scene.

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 4 of the BLP 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 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 standard for the proposed single storey 3 bedroom 4 person dwellings is 74sq.m., and the bungalows would each provide 101sq.m. floorspace, thereby meeting the required space standard.

Amenity space is provided by way of a 33m deep rear garden for each bungalow, which is considered acceptable in this location.

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

No highways objections are raised to the proposals.

Neighbouring amenity

Policy 37 of the BLP 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 bungalow on Plot 1 would project a maximum 6.4m further to the rear of the two storey dwelling at No.5 Moselle Road, but this would reduce to 2.8m further to the rear immediately adjacent to No.5, and would not therefore result in a significant loss of light to or outlook from this dwelling. Although the proposed bungalow on Plot 1 would be 3m closer to No.5 than the existing bungalow, there would still be a separation of 2m between the dwellings, and outlook from the ground floor flank window at No.5 would not therefore be unduly affected.

With regard to the impact on No.9 to the east, this two storey dwelling already projects 4.3m further to the rear of the existing bungalow at No.7, and the proposed bungalow on Plot 2 would project only 2m beyond this, whilst it would be set back 2.5m from the side boundary. It is not therefore considered to adversely affect the amenities of the occupiers of No.9.

Impact on Protected Species

The proposals are not considered to adversely impact on badgers, subject to the imposition of protective measures.

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.

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 considered to have a significant detrimental impact on the character and spatial standards of the surrounding area, and would adequately protect the amenities of neighbouring residential properties. Safeguarding measures would ensure the protection of the badger sett.

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 37 of the Bromley Local Plan 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 and Policies 115, 116 and 117 of the Bromley Local Plan

4 (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to commencement of the above ground works.

(b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of visual amenity and the amenities of adjacent properties.

5 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 details as set out in this planning permission 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 30 of the Bromley Local 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.

6 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area.

7 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

Reason: In the interest of pedestrian and vehicular safety and in order to comply with Policy 32 Bromley Local Plan.

- 8 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

- 9 The development hereby permitted shall be carried out strictly in accordance with the slab levels shown on the approved drawing(s).

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the visual and residential amenities of the area.

- 10 Prior to any works commencing on site, an exclusion zone shall be fenced off using chestnut paling around the badger sett in accordance with details to be submitted to and approved in writing by the Local Planning Authority. This paling shall have 1m gaps at regular intervals and shall remain in place and be maintained in good condition for the duration of the construction works in accordance with the approved details. No vehicles, plant, equipment, goods, materials or any other articles or parts thereof shall be stored, displayed, repaired, serviced or assembled on the excluded area to be fenced in accordance with the approved details. No bonfires shall take place within the exclusion zone identified in the approved details.

Reason: In order to comply with Policies 70 and 72 of the Bromley Local Plan and in order to safeguard the interests and well-being of badgers and their setts.

- 11 Trench work and footings should have a thirty-degree slope or board as an escape route should any animal fall in. Soakaways should ideally be dug out and rings inserted, backfilled and capped in one day. If not, the top should be secured to stop animals from falling in. No wet concrete overnight.

Reason: In order to comply with Policies 70 and 72 of the Bromley Local Plan and in order to safeguard the interests and well-being of badgers and their setts.

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