

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

Application No : 19/05159/FULL6

Ward:
Darwin

Address : 2 Luxted Farm Cottages, Luxted Road,
Downe, Orpington BR6 7JT

Objections: Yes

OS Grid Ref: E: 543395 N: 160218

Applicant : Mr Lee Rutland

Description of Development:

Proposal to create a new vehicular crossover to serve an existing residential dwelling

Key designations:

Special Advertisement Control Area
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding

Proposal

The application only seeks permission for the creation of a new vehicular crossover to serve an existing dwelling. The crossover would have a width of 4.8m and be sited to the northern boundary of the site, providing vehicular access onto Luxted Road.

Location and Key Constraints

The application site hosts a semi-detached single storey dwelling located on the southern side of Luxted Road.

The site forms one half of a pair of properties which originally formed a barn as part of Luxted Farm, but have been converted into residential dwellings.

This application has been called in by the local ward Councillor.

Comments from Local Residents and Groups

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

Local Groups (Downe Resident's Association)

- Proposed route across land from Luxted Road to the cottage would involve a change of use of the land, with the creation of a residential driveway across Green Belt land which we believe to be designated as Agricultural land, and across the bed of an ancient pond.
- Hedge bordering Luxted Road has recently been removed.
- No mention of the fate of the large Willow tree which is either directly in the path of the proposed driveway or just to one side.
- Property is currently served by the access point that is shared with Luxted Farmhouse and No.1 Luxted Farm Cottages.
- Unaware of any reasons this access cannot be continued to be shared - the continued availability of this access and area for parking was a condition of the planning permission granted in 1991.
- The supporting statement calls the property 2 Luxted Cottages - whereas it is actually 2 Luxted Farm Cottages.
- It is the rear of the cottage which faces Luxted Road, not the front.
- Not sure that the drawings show the true extent of the driveway being proposed (which to reach the front of the property and outbuildings would require a much longer route along the rear of the property to reach the front).
- Provision of access and driveway is unnecessary and contrary to the assumption under which permission for the development was given which was with the continued use of the shared access arrangement & parking.
- Proposal would represent a change of use of the land, contrary to local and national Green Belt policy.
- Would be harmful to the character and openness of the area.

The full text of correspondence received is on the file.

Comments from Consultees

Highways:

The applicant is suggesting that the existing hedgerow fronting the property will be removed and set back behind the visibility splay to ensure no obstruction which is satisfactory.

The owner of the site has full control of the adjacent residential dwelling (1 Luxted Cottage) as well as land to the east, and therefore has the ability to alter and/or remove vegetation as is required

The applicant has considered Crashmap.com, which indicates that one collision resulting in personal injury took place in the vicinity of the proposed vehicle crossover over the latest five-year period. The incident occurred at a priority junction between Luxted Road and Bird House Lane, and resulted in injuries classified as 'slight'. It is not considered likely that the proposed crossover will increase the risk of incidents occurring. There are numerous existing crossovers

serving similar properties with access onto Luxted Road in the vicinity of the site which has not resulted in any clear accident record.

The applicant also conducted a speed survey. An automatic traffic counter (ATC) was placed on Luxted Road in the vicinity of the proposed crossover to inform on vehicle flow and speed. The ATC recorded 85th percentile speeds of 18.6 mph westbound and 21.3 mph eastbound.

Visibility splays of 2.0m by 22.7m to the east and 2.0m by 26.9m to the west, calculated from the 85th percentile speeds measured on Luxted Road according to guidance set out within Manual for Streets (MfS), are achievable within adopted highway or land under our client's control.

The application is to construct a vehicle crossover from Luxted Road to the north of the site, providing vehicular access to an existing dwelling.

Adequate visibility can be achieved from the proposed crossover based on measured speeds along Luxted Road.

I am also of the opinion that the proposal will not lead to a material increase in traffic and as such the proposed crossover is considered safe and suitable for the proposed purpose.

Trees:

No objection in terms of impact on significant trees. However, if there is concern about the general loss of vegetation on a rural road, I would recommend a soft landscaping condition to secure some native hedgerow planting.

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.

Draft New London Plan

The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.

The draft new London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This is the version of the London Plan which the Mayor intends to publish, having considered the report and recommendations of the panel of Inspectors. Where recommendations have not been accepted, the Mayor has set out a statement of reasons to explain why this is.

Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan. This factors affect the weight given to the draft plan. At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations.

The application falls to be determined in accordance with the following policies:

London Plan Policies

- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.16 Green Belt

Draft London Plan

- D4 Delivering Good Design
- G2 London's Green Belt

Bromley Local Plan

- 30 Parking
- 32 Road Safety
- 34 Highway Infrastructure Provision
- 37 General Design of Development
- 38 Statutory Listed Buildings
- 49 Green Belt
- 73 Development and Trees
- 123 Sustainable Design and Construction

Supplementary Planning Guidance

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance

Planning History

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

- 87/03969/FUL - Change of use of barn to two dwellings for family occupation - Allowed on Appeal
- 91/01958/DET - Elevational alterations to barn and conversion into one 2 bedroom and one 3 bedroom dwellings - Permitted
- 92/00841/FUL - Elevational alterations to barn and conversion into one 2 bedroom and one 3 bedroom dwellings - Permitted
- 98/00300/FUL - Detached building for summer house - Refused

Considerations

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

- Green Belt
- Design
- Highways
- Neighbouring amenity

Green Belt

Paragraphs 133 - 147 of the NPPF sets out the Government's intention for Green Belt. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The Green Belt is intended to serve five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraphs 143 - 147 deal specifically with development proposals in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Para 146 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include engineering operations.

Bromley Development Plan Policies provide the same level of protection to Green Belt as the NPPF.

The creation of the vehicular crossover to provide access to the property would be considered an engineering operation and would therefore not be inappropriate development within the Green Belt, provided its openness is preserved and it does not conflict with the five purposes of including the land in the Green Belt.

The development would provide a dropped kerb to provide vehicular access, rather than the erection of any structure and it is therefore considered that the development would not impact detrimentally upon the openness of the Green Belt. Given that it would also not conflict with the five purposes set out in the NPPF for including land in the Green Belt, the development would not be considered inappropriate development.

It is noted that concerns have been raised regarding the impact on the Green Belt and that the drawings do not show the true extent of the driveway being proposed. However, the application seeks permission for the addition of the crossover and vehicular access only, and does not include the addition of any associated hardstanding. The submitted Design and Access Statement indicates a Swept path analysis which shows the cars movements, but states that this internal layout is yet to be designed. No indication of any hardstanding has been provided and therefore cannot be considered as part of this application.

The application is therefore required to be submitted on the basis of the impact of the crossover and vehicular access only, which in itself would not be considered to harm the openness and visual amenity of the Green Belt.

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.

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

The proposed dropped kerb would not be considered to significantly impact upon the visual amenities of the streetscene, and would not appear out of character with the area given there are other similar crossovers providing access onto Luxted Road. Therefore, this proposal is considered acceptable in terms of its design.

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 Bromley Local Plan 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.

The application is to construct a vehicle crossover from Luxted Road to the north of the site, providing vehicular access to an existing dwelling.

It is noted from visiting the site that an existing hedgerow fronting onto Luxted Road has been removed and therefore the proposed crossover would benefit from a sufficient visibility splay which is considered acceptable by Highways Officers. The owner of the site has full control of the adjacent residential dwelling (1 Luxted Cottage) as well as land to the east, and therefore has the ability to alter and/or remove vegetation as is required to ensure appropriate sightlines are maintained.

The applicant has also considered Crashmap.com, which indicates that one collision resulting in personal injury took place in the vicinity of the proposed vehicle crossover over the latest five-year period. This incident occurred at a priority junction between Luxted Road and Bird House Lane, and resulted in injuries classified as 'slight'. Highways Officers consider that the proposed crossover would not be likely to increase the risk of incidents occurring given that there are existing crossovers serving similar properties with access onto Luxted Road which have not resulted in any clear accident record.

The applicant also conducted a speed survey, with an automatic traffic counter (ATC) placed on Luxted Road in the vicinity of the proposed crossover to inform on vehicle flow and speed. The ATC recorded 85th percentile speeds of 18.6 mph westbound and 21.3 mph eastbound. Visibility splays of 2.0m by 22.7m to the east and 2.0m by 26.9m to the west, calculated from the 85th percentile speeds measured on Luxted Road according to guidance set out within Manual for Streets (MfS), are achievable within adopted highway or land under our client's control. Therefore, adequate visibility can be achieved from the proposed crossover based on measured speeds along Luxted Road.

Highways Officers also consider that the proposal will not lead to a material increase in traffic, and having regard to the above it is therefore considered the proposed crossover would be safe and suitable for the proposed purpose.

Trees

Tree Officers have not raised any objection in terms of the impact on significant trees.

The submitted Design & Access Statement states that the existing hedgerow fronting the property will be removed and set back behind the visibility splay to ensure no obstructions. It is noted from visiting the site that the hedgerow appears to have already been removed, however the addition of a replacement hedgerow set-back would be considered to enhance the appearance of the site within its rural setting.

A soft landscaping condition is therefore recommended to seek additional details to ensure that the replacement planting would be of a suitable native hedgerow and that it would not harm the visibility splays of the vehicular access.

Neighbouring amenity

Policy 37 of the Bromley Local Plan 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 development would only consist of the creation of a new crossover on Luxted Road to provide vehicular access to the host dwelling. It would not result in the enlargement of the existing dwelling or any structures being erected and would be similar to other vehicular crossovers in the area. Therefore, it is not considered to have any detrimental impact on the neighbouring amenities.

Conclusion

Having had regard to the above, it is considered that the development in the manner proposed is acceptable in that it would not impact detrimentally on the character of the area, would not harm the openness of the Green Belt and would not result in an adverse impact on highway safety.

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 Before any part of the development hereby permitted is first occupied the vehicle access / crossover shall be provided with 2.0m by 22.7m visibility splays to the east and 2.0m by 26.9m visibility splays to the west and there shall be no obstruction to visibility in excess of 1m in height within these splays except for trees selected by the Local Planning Authority, and which shall be permanently retained thereafter.**

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

- 4 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.

- 5 (a) Surface water from private land shall not discharge on to the highway.**
- (b) Prior to the commencement of above ground works 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.**
- (c) Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the details approved under Part (b) and shall be retained permanently thereafter.**

Reason: To ensure satisfactory implementation of the surface water drainage proposals can be secured before additional pressure is placed on existing arrangements and to accord with to London Plan Policy 5.13 Sustainable Drainage and Policies 115, 116 and 117 of the Bromley Local Plan

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

Reason: In order to comply with Policy 34 of the Bromley Local Plan and in the interest of pedestrian and vehicular safety.

- 7 Within 1 month of the commencement of the development hereby approved a soft landscaping plan shall be submitted to the Local Planning Authority for approval. The plan shall detail the planting of a hedgerow comprising native broadleaf species as close to the boundary with Luxted Road as possible without obscuring visibility splays. Once approved the hedgerow shall be planted within 3 months of approval or within 1 month of the commencement of the next planting season, whichever is sooner. Any plants within the hedgerow that die or are removed within 5 years shall be replacement with the same species and size plants. Thereafter the hedgerow shall maintained at a height of no greater than 1m.**

Reason: To enhance the character and appearance of the locality, to promote biodiversity and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with Polices 37, 73 and 74 of the Bromley Local Plan

You are further informed that :

- 1 With regard to the laying out of the crossover(s) and or reinstatement of the existing crossover(s) a Vehicle Crossover Application will need to be made to the Highway's Department. The application fee is a non-refundable £100 pounds and the forms can be found through the webpage**

https://www.bromley.gov.uk/info/200083/roads_highways_and_pavements/279/access_to_your_drive_crossovers_dropped_kerbs/2

- 2 Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant.**