

Committee Date	03.09.2020	
Address	Land And Garages Between 17 And 18 Gardiner Close Orpington	
Application Number	20/01682/FULL1	Officer - Gill Lambert
Ward	Cray Valley East	
Proposal	Demolition of existing garages and erection of 2 two storey semi-detached 4 bedroom dwellings with associated parking and cycle and refuse stores.	
Applicant	Agent	
Mr Shazad Mahmood	Donna Walker	
57 Bow Road London London E3 2AD	60 Mildmay Grove South London N1 4PJ	
Reason for referral to committee	Call-In	Councillor call in
	Call-In	Yes

RECOMMENDATION	Application Permitted
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<p>KEY DESIGNATIONS</p> <p>Conservation Area: St Pauls Cray Areas of Archeological Significance Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding Smoke Control SCA 20</p>
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Land use Details		
	Use Class or Use description	Floor space (GIA SQM)

Existing	Garages	103.5
Proposed	Residential	240

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	0	3	+3
Disabled car spaces	0	1	+1
Cycle	0	6	+6

Electric car charging points	N/A
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Representation summary	Adjoining owner letters were sent on 20 th May 2020	
Total number of responses	6	
Number neither support nor objection	1	
Number of objections	5	

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in a harmful impact on the character and appearance of the area
- The development would not adversely affect the amenities of neighbouring residential properties
- The proposals would not constitute an overdevelopment of the site
- The development would provide a satisfactory standard of residential accommodation
- The proposals would not have adverse impacts on parking or highway safety

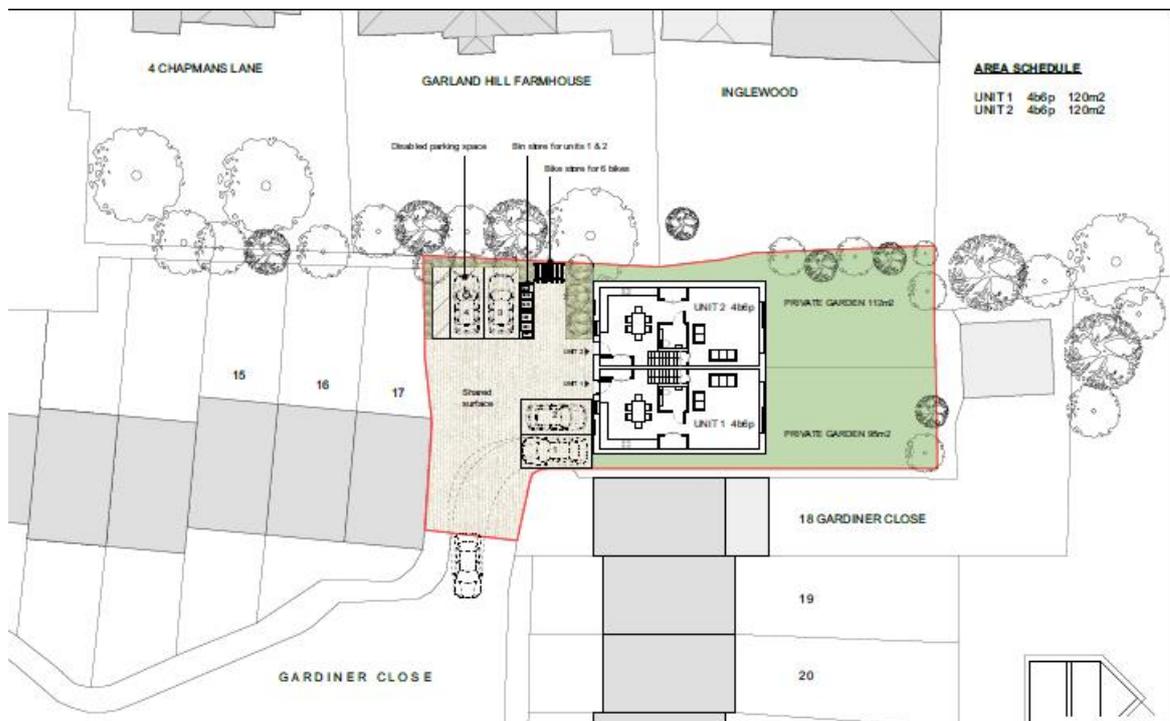
2 LOCATION

- 2.1 This site is located at the end of a small cul-de-sac of 1970s terraced houses, and contains a row of 10 garages situated along the northern boundary which appear to have been built as part of the development but have been vacant for the last 2 years.
- 2.2 The northern boundary of the site lies adjacent to St. Pauls Cray Conservation Area, and backs onto Garland Hill Farmhouse, which is locally listed, and Inglewood which is a detached dwelling.
- 2.3 The site borders No.18 Gardiner Close to the south whose garden extends around the site in an L-shape such that it also borders the eastern boundary of the site. A detached garage serving No.18 lies within this part of their garden and is accessed via the garage compound.
- 2.4 The western boundary of the site lies adjacent to No.17 Gardiner Close, and the existing garage block borders part of their rear garden.
- 2.5 The eastern boundary of the application site borders the Green Belt.



3 PROPOSAL

- 3.1 It is proposed to demolish the existing block of garages on this site and construct a pair of two storey semi-detached 4 bedroom dwellings which would align with the adjacent row of houses at Nos.18-21 Gardiner Close and would face westwards towards the rear gardens of Nos.9-17 Gardiner Close.
- 3.2 The dwellings would be set back 1m from the flank boundaries with No.18 to the south and Garland Hill Farmhouse and Inglewood to the north. The dwellings would each have a dual-pitched roof with a front gable, and the roof apex would be lower than the apex of the adjacent terraced properties.
- 3.3 The dwellings would have 11-12m deep rear gardens which would measure between 95-112sq.m. in area.
- 3.4 Four car parking spaces would be provided to the front of the dwellings along with the bin stores and cycle parking. The development would block access to an existing double garage used by No.18 Gardiner Close, but information has been submitted by the applicant to demonstrate that the owners of No.18 do not have a legal right of access over the application site.
- 3.5 The application was supported by the following documents:
- Design and Access Statement
 - SUDS/Drainage Assessment
 - Land Registry Documents regarding rights of access





4 RELEVANT PLANNING HISTORY

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

5 CONSULTATION SUMMARY

A) Statutory/Non-Statutory

Highways – No objection

- The application indicates the garages are no longer in use and given their size are not suitable for parking vehicles. Each proposed property would have 2 parking spaces. The refuse storage is some distance from the road and Waste Services would need to agree the location.
- The shared access in front of the properties needs to be surfaced with a bound material, not loose materials such as gravel.
- No. 18 Gardiner Close does not front the adopted highway. I note the objection on grounds of a right of access. I am not aware of what private rights the property may have but that is something the neighbour would need to demonstrate.

Historic England – No objection

- The development could cause harm to archaeological remains. However the significance of the asset and scale of harm to it is such that the effect can be managed using a planning condition.

Drainage – No objection

- No drainage objections are raised to the proposals subject to standard conditions.

B) Adjoining Occupiers

Loss of use of garage to No.18 (addressed in para. 7.8.4)

- Occupiers of No.18 Gardiner Close would not be able to access their garage which is located at the rear of the site if the development were to go ahead
- As Bromley Council granted planning permission for the garage, access to it should be provided by the developer

Character and appearance (addressed in paras. 7.4.7 and 7.4.8)

- Design of the houses would not be in keeping with the area

Parking and traffic (addressed in para.7.8.4)

- Loss of garages and parking area would put pressure on parking in surrounding area
- Developers claim that the garages were vacant for 2 years but this is because they were in a poor state of repair and residents were unable to use them

Light, privacy and outlook (addressed in paras. 7.6.2, 7.6.3 and 7.6.4)

- Overlooking of neighbouring properties and gardens from front and rear windows of the new dwellings
- Overshadowing of neighbours' gardens
- Loss of trees could cause loss of privacy to neighbouring properties

General (addressed in paras. 7.6.5)

- Location of bin stores could cause security issues to neighbouring properties
- Security issues caused by demolition of garage block
- Query over the extent of the site and ownership issues (these are private matters)
- No details given on boundary walls/fences (these can be dealt with by conditions)

6 POLICIES AND GUIDANCE

6.1 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.

6.2 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.

- 6.3 The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.
- 6.4 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.
- 6.5 The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.
- 6.6 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 was version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.
- 6.7 The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan.
- 6.8 After considering the 'Intend to Publish' Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor identifying directed changes to a number of policies in the draft plan. The SoS considered these changes were necessary to address concerns regarding inconsistencies with national policy. The Mayor cannot publish the New London Plan until the directed changes have been incorporated, or until alternative changes to address identified concerns have been agreed with the SoS. This could affect the weight given to the draft plan with regard to the directed policies.
- 6.9 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. However, where no modifications have been directed the draft London Plan policies are capable of having significant weight (as seen in a recent SoS call-in decision in the Royal Borough of Kensington and Chelsea). Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.

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

6.11 National Planning Policy Framework 2019

6.12 The London Plan

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

6.13 Draft London Plan

- D1 London's form and characteristics
- D4 Delivering good design
- D5 Inclusive design

6.14 Bromley Local Plan 2019

- 4 Housing Design
- 8 Side Space
- 30 Parking
- 32 Road Safety
- 37 General Design of Development

6.15 Bromley Supplementary Guidance

- Supplementary Planning Guidance 1 - General Design Principles
- Supplementary Planning Guidance 2 - Residential Design Guidance

7 ASSESSMENT

7.1 Principle - Acceptable

7.2.1 A planning appeal decision was issued on 26th June 2019 that has implications for the assessment of planning applications involving the provision of housing. The appeal at Land to the rear of the former Dylon International Premises, Station Approach Lower Sydenham SE26 5BQ was allowed. The Inspector concluded that the Local Planning Authority cannot support the submission that it can demonstrate a five year housing land supply having given his view on the deliverability of some Local Plan allocations and large outline planning permissions. According to paragraph 11d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'.

7.2.2 In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.2.3 This application includes the provision of 2 dwellings which would represent a minor contribution to the supply of housing within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.

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

7.2 Density - Acceptable

7.3.1 With regard to the density of the proposed development, Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan (2015) gives an indicative level of density for new housing developments. In this instance, the proposal represents a density of 33 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 slightly below the thresholds in the London Plan.

7.3 Design, layout, scale – Acceptable

7.3.1 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.

7.4.2 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.

7.4.3 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.

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

7.4.5 Policies 4 and 37 of the Bromley Local Plan (BLP) and the Council's Supplementary design guidance seek to ensure that new development, including residential and mixed developments are of a high quality design that are compatible with surrounding development.

7.4.6 Policy 8 of the BLP requires a minimum separation of 1m to be retained to the flank boundaries of the site in respect of two storey development.

7.4.7 The surrounding area is predominantly made up of terraced and semi-detached dwellings set on modest sized plots, and the current proposals for a pair of semi-detached dwellings at the end of this cul-de-sac would not be out of character with the area, albeit that they would be of a different design. The dwellings would provide a 1m separation to the flank boundaries of the site, which would comply with the Council's side space policy, and would not exceed the height of neighbouring properties. The proposals would not therefore appear unduly cramped or bulky within the street scene.

7.4.8 The dwellings would be of a different design to the adjacent dwellings in Gardiner Close, but have been designed to reflect more the adjacent conservation area with features such as the front roof gable and red tiles and bricks. The appearance of the dwellings is not therefore considered to detract from the character and appearance of the adjacent conservation area nor have a detrimental visual impact on the adjacent locally listed building.

7.4 Standard of residential accommodation – Acceptable

7.4.1 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.

7.4.2 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 Governments National Technical Housing Standards.

7.4.3 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.

7.5.4 The proposals comprise 2 four bedroom 6 person dwellings for which The London Plan suggests that the minimum size should be 106sq.m. in floor area. The dwellings would provide 120sq.m. floorspace, and would therefore achieve this standard.

7.5.5 Private amenity space would be provided in the form of 11-12m deep rear gardens which would be between 95-112sq.m. in area and are considered acceptable for family sized dwellings.

7.5 Residential Amenity – Acceptable

7.5.1 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.

7.6.2 The proposed dwellings would project approximately 2.8m further to the rear of the adjacent two storey dwelling to the south at No.18, but this property currently has a 3m deep single storey rear extension, and given the northerly position of the new dwellings and the separation between them, the proposals are not considered to result in significant loss of outlook or overshadowing of this property.

7.6.3 With regard to the impact on the dwellings to the north which back onto the site (Garland Hill Farmhouse and Inglewood), the side elevation of the proposed dwellings would be set back at least 1m from their rear garden boundaries, and would be about 16m from the rear elevations of these dwellings which may result in some overshadowing of the adjacent gardens and a degree of loss of outlook from these dwellings. However, there is some tree screening along the boundary with Garland Hill Farmhouse, and there would be space for some additional planting along the boundary with Inglewood which would help to reduce any impact.

7.6.4 No windows are proposed in the flank elevation of the dwellings, and the first floor windows that are proposed in the front elevation of the dwellings would be set within projecting angled reveals so that they would be angled away from the rear gardens of Nos.9-17 Gardiner Close and would instead face the cul-de-sac road. The rear windows of the proposed dwellings would have only an oblique view of neighbouring gardens to the south which is a common situation in a residential area. The proposals are not therefore considered to result in significant overlooking of neighbouring properties.

7.6.5 Residents have raised concerns about security issues caused by the demolition of the garage block, but this can be dealt with under a Construction Management Plan, and an additional condition can secure the provision of adequate boundary enclosures.

7.6.6 The proposals are not therefore considered to have a significant detrimental impact on the amenities of nearby residential properties in terms of loss of light, outlook, privacy and security.

7.6 Highways – Acceptable

7.6.1 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.

7.8.2 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.

7.8.3 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.

7.8.4 The proposals are considered to provide an acceptable level of parking for the development, and would not have a detrimental impact on parking in the surrounding area. No evidence has been submitted by the neighbour at No.18 to substantiate their claim that they have a right of access over the land in order to access their garage, and in any case, this is a private legal matter between the parties involved.

7.7 Sustainability

7.7.1 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.

7.9.2 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.

7.9.3 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.

7.10 CIL

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

8 CONCLUSION

8.1 Having regard to the above, the proposals are not considered to result in an overdevelopment of the site, nor have a detrimental impact on the character and appearance of the surrounding area, including the adjacent conservation area. The development would not have a significant detrimental impact on light, outlook or privacy to neighbouring residential properties, and sufficient parking would be provided. Additionally, the provision of 2 new dwellings would make a minor contribution towards meeting the Council's housing targets, which also weighs in its favour.

8.2 Conditions are recommended to secure an acceptable form of development which protects the amenities of neighbouring properties and the area generally.

RECOMMENDATION: Application Permitted

Subject to the following conditions:

Standard Conditions:

- 1. Standard time limit of 3 years**
- 2. Standard compliance with approved plans**

Pre-Commencement Conditions:

- 3. Construction and Environmental Management Plan**
- 4. Slab level required**
- 5. Surface water drainage**
- 6. Programme of Archaeological Works**

Above Ground Works conditions:

- 7. Soft and hard landscaping and boundary enclosures**
- 8. Details of highway drainage**

Prior to First Occupation conditions:

- 9. Car parking details to be implemented**

Compliance conditions:

- 10. Materials in accordance with plans**
- 11. Wash down facilities**
- 12. Remove PD rights (Classes A/B/C/E)**
- 13. Demolish existing building**
- 14. Removal of PD rights for windows**
- 15. Side space**

Any other planning condition(s) considered necessary by the Assistant Director of Planning

Informatives:

- 1. CIL**
- 2. The written scheme of investigation (WSI) will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.**