



Appeal Decision

Site visit made on 9 August 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24/10/2022

Appeal Ref: APP/D5120/W/21/3283035

Garages adjacent to No. 9 Wadeville Close, Belvedere, Kent.

(Grid Ref Easting: 549342; Grid Ref Northing: 178054)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant technical details consent.
 - The appeal is made by Mr Thandi against the decision of the Council of the London Borough of Bexley.
 - The application Ref 21/00915/TECHDT, dated 19 March 2021, was refused by notice dated 28 July 2021.
 - The development proposed is described on the appeal form as "Technical Details Consent following the Permission in Principle ref. 20/00800/PIP for the demolition of garages and the erection of 6 x residential flats comprising 3 x 1 bedroom and 3 x 2 bedroom with provision of car and cycle spaces. (Revised proposal to application 20/02887/TECHDT)".
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Decision

1. The appeal is allowed and technical details consent is granted for Technical Details Consent following the Permission in Principle ref. 20/00800/PIP for the demolition of garages and the erection of 6 x residential flats comprising 3 x 1 bedroom and 3 x 2 bedroom with provision of car and cycle spaces at garages adjacent to No. 9 Wadeville Close, Belvedere, Kent (Grid Ref Easting: 549342; Grid Ref Northing: 178054) in accordance with the terms of the application, Ref 21/00915/TECHDT, dated 19 March 2021 and subject to the conditions set out in the attached schedule.

Procedural Matters

2. The proposal is for Technical Details Consent following the grant of Permission in Principle. The Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The Permission in Principle has established that the location, land use, and amount of development is suitable in principle. The Technical Details Consent that is the subject of this appeal can consider the remaining detailed matters but cannot reopen what has been agreed at the Permission in Principle stage. I have determined this appeal on that basis.
3. The description of the development provided on the application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.

However, in granting Technical Details Consent I have removed reference to a previous application as that is not part of the development proposed.

4. During the course of this appeal it became apparent that some details on the submitted plans were incorrect, including the titles of some plans and indications of the form of existing development. The appellant has submitted amended plans to address these issues, and the Council has been given the opportunity to comment on these plans. The amendments consist of minor matters of clarification, and the substantive content of the plans has not changed. On that basis, no interested party would be prejudiced by my considering this appeal on the basis of the amended plans.

Main Issue

5. The main issue is the effect of the proposal on parking provision in the area, with due regard to highway safety and the convenience of nearby residents.

Reasons

6. The appeal site consists of a number of garages and a forecourt accessed via a cul-de-sac. The proposed residential development would involve the demolition of the garages and the loss of the forecourt, with the resultant loss of parking provision.
7. As part of the proposal, 1 parking space would be provided for each of the 6 dwellings, resulting in 6 spaces in total. In its Highway Planning Appeal Statement, the Council accepts that this meets the car ownership levels indicated in the 2011 Census data for this area. On that basis, I consider that the proposal would provide sufficient car parking for residents of the proposed development.
8. The appeal site includes a number of garages which would be demolished. However, the appellant purchased the site in 2019, and the submitted marketing details specified that the garages were vacant. The appellant also submits that the garages are old and unfit for modern vehicles, and that many were used primarily for storage. The Council has provided no substantive evidence to the contrary. Therefore, on the basis of the evidence before me, the garages have not been used for the parking of vehicles since at least 2019.
9. The site also includes a forecourt area. The evidence submitted by the main parties indicates that this could provide parking for between 4-6 vehicles, and the Council refers to this area being used for the parking of residents vehicles as late as December 2020. However, at the time of my visit the garages and forecourt were closed off and were not available for the parking of vehicles. I also observed a number of on-street spaces which were available in the area, although I am mindful that I visited the site during the day, whereas the demand for parking in this residential area will be at the evenings and weekends.
10. The appellant has undertaken a number of parking surveys in the area using the 'Lambeth' methodology. The local parking network is considered to be 'stressed' when on-street parking exceeds 85% of capacity.
11. Parking surveys undertaken in March 2020 indicate that on-street parking stress in this area would be below the 85% threshold. However, the Council has expressed concern that these surveys were based on a 5m parking space,

- whereas Bexley's requirement is for a 5.5m parking space. Concern was also expressed in relation to the extent of the survey distance from the site.
12. In response, the appellant has undertaken 2 further parking surveys on 9 and 10 December 2020. These were based on a 200m radius of the site, and undertook calculations on the basis of both a 5m and 5.5m parking space.
 13. Based on a 5.5m parking space, these later surveys identified a parking stress of 86.5% and 83.2%, with an average of approximately 85%. This is essentially at the threshold where parking in this area is considered to be stressed.
 14. However, the appellant's evidence specifies that the December 2020 surveys were undertaken when the appeal site and a nearby parking site at Lumley Close were closed to local residents. The roads within the scope of the survey therefore accommodated all local on-street parking. Given that the proposal would include sufficient parking provision for the development itself, the evidence suggests that the proposed development would have a neutral effect on the level of on-street parking in this area.
 15. Furthermore, the parking stress figures I have referred to from the December 2020 surveys are based on the Bexley 5.5m parking space. This specification has also been referred to in a recent decision at Ruskin Road¹. However, the appellant's evidence specifies that when a Lambeth methodology 5m space is used as a basis for calculations then on-street parking occupancy is significantly below the 85% threshold. Also, the majority of on-street spaces in this area are not marked out, and there is therefore some flexibility in respect of the accommodation of on-street vehicle parking. On that basis, I consider that the use of the 5.5m space as the basis for calculations is a worst-case scenario. Therefore, even given the relationship of the average surveyed parking demand to the 85% threshold, this is not sufficient to demonstrate unacceptable parking stress in this area.
 16. I have had regard to the Ruskin Road appeal decision. However, that proposal would have provided no off-street parking for the proposed dwellings, and is therefore materially different to the appeal before me where suitable parking for the proposal would be provided within the site.
 17. The Council refers to parking observed on the appeal site on 5 December 2020, shortly before the date of the parking surveys undertaken in that month. However, the appellant has confirmed that between 4-6 December 2020 the gate was left open to allow access for the site owner. Furthermore, the parking surveys undertaken in December 2020 specifically state that no observed parking spaces were in use on the Wadeville Close Garage Area. On the basis of the evidence before me, the parking observed on 5 December does not undermine the robustness of the appellant's parking surveys.
 18. The proposal would generate some visitor parking which would not be provided for within the site. However, this would be intermittent and would predominantly be for short periods of time. Due to this, and the limited number of dwellings proposed, the level of visitor parking generated by the proposal would not be unacceptable.

¹ Appeal Ref: APP/D5120/W/21/3273029

19. Reference has been made to a condition on the original planning permission for this area of housing which states that "The space shown reserved for the parking of cars shall be used for, or available for, such use at all times". The Council submits that the closure of this parking area would be in breach of this condition. However, there are other routes available to the Council should it consider this is a matter which should be enforced, and this does not demonstrate that the parking on the appeal site was not closed off at the time of the parking surveys. Furthermore, a permission granted in respect of the appeal proposal would represent a new chapter in the development of this site, and given my conclusions in respect of parking stress in this area this is not a matter that leads me to conclude that the appeal should be dismissed.
20. Based on what I have seen and read, I conclude that the proposal would not lead to unacceptable parking stress in this area, and would therefore not be harmful in respect of highway safety or the convenience of residents. The proposal would therefore not be contrary to policy T4 of the London Plan 2021, Policy CS15 of the Core Strategy 2012, and saved policies ENV39 and T17 of the Unitary Development Plan 2004 which together seek to mitigate the transport impacts of development and make adequate provision for vehicle parking, amongst other things. The proposal would also not be contrary to the National Planning Policy Framework in respect of the impact on highway safety.

Other Matters

21. Comments raised locally refer to the design of the proposal. The wider area includes building of a variety of designs and scale, although the majority of dwellings on Wadeville Close are of an understated suburban appearance. The flat roofed design of the proposal would contrast with the pitched roofs of the nearest buildings. However, the appeal site is located at one corner of the streetscape, and due to its self-contained nature it is appropriate that the development of this site does not have to mimic nearby properties. The proposal also uses the topography of the site to limit the scale and massing of the building. Despite its differing character, I consider that the bespoke design of the proposal would not harm the character and appearance of the area.
22. The appeal site is located in close proximity to the dwelling of 9 Wadeville Close. However, the proposed building would have a limited projection beyond the rear elevation of No 9 and would not appear as an overdominant feature in views from the neighbouring property. The proposed balconies would also have a limited degree of projection, and although these may allow a degree of overlooking of neighbouring properties, the Council's officer report refers to the use of privacy screens to retain a suitable degree of privacy and which can be secured by condition.
23. A swept path analysis submitted by the appellant demonstrates that vehicles can enter the site in a forward gear, manoeuvre within the site and then exit in a forward gear.

Conditions

24. The Council and consultees have suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance. As a result, I have amended some of the conditions for clarity.

25. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty. I have not referred to existing site plans or visualisations as these do not represent substantive details of the proposed development.
26. A condition requiring the submission of drainage details is required in the interests of sustainable drainage. A condition regarding site contamination is required to ensure that matters of land contamination are appropriately addressed. The submission of a Demolition and Construction Management and Logistics Plan is appropriate in the interests of the living conditions of nearby residents and highway safety. A condition regarding the submission of details of the green roof is required in the interests of biodiversity. Conditions regarding the storage of refuse and cycles are required in the interests of the living conditions of residents and sustainable transport. All of these details should be submitted to and approved by the local planning authority at the pre-commencement stage as they relate to matters which need to be established before the commencement of building operations.
27. A condition in respect of Secured By Design is appropriate in the interests of promoting safe communities. I have reworded this condition as it is not appropriate to require in a condition that a development should be carried out to the satisfaction of a third party as this decision rests with the local planning authority. It will be for the local planning authority to decide whether or not to consult with any other parties when considering if a submitted scheme is acceptable.
28. A condition in respect of materials and finishes is appropriate in the interests of character and appearance. A condition in respect of works affecting trees is required in the interests of biodiversity as well as character and appearance. Conditions removing permitted development rights and requiring details of privacy screens are required in the interests of privacy. The submission of details in respect of bird and bat nesting is required in the interests of biodiversity. Conditions in respect of lighting as well as hard and soft landscaping are required in the interests of character and appearance as well as the living conditions of residents. Conditions regarding the provision and retention of vehicle parking and visibility splays are required in the interests of highway safety.
29. A condition in respect of accessible and adaptable dwellings is appropriate in the interests of meeting the needs of people whose mobility is impaired. A condition in respect of water efficiency is appropriate in respect of sustainable water supply. I have reworded both conditions, as the discharge of conditions is the responsibility of the local planning authority and it will be for them to decide whether or not to consult with any other parties when considering if submitted details are acceptable.

Conclusion

30. For the reasons given above, I conclude that the appeal should be allowed.

David Cross

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - B1466-10 P9 dated Jan 2020
 - B1466-11 P6 dated Feb 2020
 - B1466-12 P8 dated Feb 2020
 - B1466-20 P5 dated Feb 2020
 - B1466-21 P5 dated Feb 2020
 - B1466-22 P5 dated Feb 2020
 - B1466-23 P5 dated Feb 2020
 - B1466-24 P5 dated Feb 2020
 - B1466-27 P3 dated Feb 2021
 - B1466-26 P5 dated Feb 2020
 - B1466-01 P1 dated Jan 2020
 - B1466-30 P5 dated Jan 2020
- 3) Prior to commencement of the development (excluding demolition), a scheme for a Sustainable Drainage System (the SDS Scheme) in accordance with the Bexley Sustainable Drainage Design and Evaluation Guide (2019) shall be submitted to and approved in writing by the Local Planning Authority. The submitted SDS Scheme shall include details of:
 - i) How reduction in surface water runoff to the greenfield runoff rate shall be achieved;
 - ii) Calculations to demonstrate that the proposed system is fit for purpose, including correctly sized attenuation and surface water discharge rates;
 - iii) Installation of petrol/oil interceptors as necessary;
 - iv) Distribution of foul water flows into the surrounding sewer network as necessary;
 - v) Installation of rainfall attenuation units for capturing and reusing water;
 - vi) Information about the design storm period and intensity, the method employed to delay and control surface water discharged from the site and measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - vii) Include a timetable for its implementation; and,
 - viii) Provide a management and maintenance plan for the lifetime of the development.

The SDS Scheme must demonstrate how the following disposal hierarchy has been followed:

- 1st Store rain water for later use;
- 2nd Use infiltration techniques, such as porous surfaces in non-clay areas;
- 3rd Attenuate rainwater in ponds or open water features for gradual release to a watercourse;
- 4th Attenuate rainwater by storing in tanks or sealed water feature for gradual release to a watercourse;
- 5th Discharge rainwater direct to watercourse;
- 6th Discharge rainwater to a surface water drain; and
- 7th Discharge to the combined sewer.

The development shall only be carried out in accordance with the approved details.

- 4) A: Prior to commencement of the development:
- i. A desktop study and site walkover shall be undertaken and submitted for written approval to the Local Planning Authority. This study shall include details on the site's history, potentially contaminative site uses and any other relevant information that can be used to identify all contaminant-pathway-receptor pollution linkages as part of a Conceptual Site Model.
 - ii. If the approved desk top study shows that further investigation is necessary, an Investigation and Risk Assessment, including relevant soil gas surface and groundwater sampling, shall be carried out by competent person(s). A written report of the findings shall be produced and submitted for written approval to the Local Planning Authority.
 - iii. If the approved Investigation and Risk Assessment shows that remediation is necessary, a detailed Remediation Scheme to bring the site to a condition suitable for the intended use shall be submitted to the Local Planning Authority for written approval. The Scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria, timetable and site management procedures.
 - iv. The development shall only take place in accordance with the approved details (i-iii), as necessary.
- B: During the course of the development:
- i. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing. Before development restarts at that part of the site a Risk Assessment and Remediation Scheme shall be produced by (a) suitably qualified person(s) and submitted for written approval to the Local Planning Authority.
 - ii. The development may only restart on that part of the site in accordance with the approved Remediation Scheme.
- C: Prior to occupation/first use:
- i. A Verification Report that demonstrates the effectiveness of the works carried out pursuant to approved details in relation to Part A and B of this condition shall be submitted for written approval to the Local Planning Authority.
 - ii. No occupation or use of the development shall take place until the Verification Report has been approved.
- 5) Prior to the commencement of development, a Demolition and Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of:
- i) construction methods and techniques;

- ii) management of construction and associated vehicle movements and parking, including deliveries of construction materials.
- iii) means of minimising noise and vibration (including any piling), and compliance with BS 5228;
- iv) means of minimising dust and similar emissions, in accordance with Air Quality: Best Practice Guidance - The Control of Dust and Emissions During Construction and Demolition Supplementary Planning Guidance (published by the Greater London Authority, July 2014);
- v) construction site lighting; and
- vi) the location of notice boards on the site to include details of the site manager, including contact details (phone, email, postal address) and 'out of hours' contact details.

The development hereby permitted shall only be carried out in accordance with the approved details.

- 6) Prior to the commencement of development, details of the biodiverse green roof shall be submitted to and approved in writing by the Local Planning Authority. The details shall include design, specification, installation, monitoring and maintenance plan. These details shall demonstrate that the biodiverse green roof shall be:
- i. In accordance with the Green Roof Organisation (GRO) Green Roof Code of Best Practice, and the buglife Creating Green Roofs for Invertebrates: A Best Practice Guide;
 - ii. biodiversity based extensive substrate base of varying depth up to 200mm in places to resist dry summers, with a depth above 80mm and an average depth of 130mm across the roof;
 - iii. laid out in accordance with plan B1466-12 P8 hereby approved;
 - iv. planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum species coverage); and
 - v. Incorporate biodiversity structures to provide additional habitat for invertebrates and other species.

The biodiverse green roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiverse green roof shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

- 7) Notwithstanding the plans submitted, precise details of arrangements for storage of refuse and recycling (including means of enclosure for the area concerned where necessary) and arrangements for moving bins to and from the storage area at collection times shall be submitted to, and approved in writing by, the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development is first occupied, and permanently maintained thereafter.
- 8) Details of arrangements for cycle storage (including means of enclosure for the area concerned where necessary) shall be submitted to, and approved in writing by, the Local Planning Authority before any part of

the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development is first occupied, and permanently maintained thereafter.

- 9) Prior to above ground works, details shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the development would meet the requirements of the Gold Secured by Design award. The development shall be implemented in accordance with the approved details and shall be maintained thereafter.
- 10) Prior to above ground works, written details (and physical samples where so required by the Local Planning Authority) of the materials and finishes to be used shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - i. Brickwork;
 - ii. Cladding;
 - iii. Roofing materials;
 - iv. Windows and doors;
 - v. Balconies and privacy screens; and
 - vi. Fences/boundary treatments.

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

- 11) All works on and around sites with trees to be retained, shall comply with BS 5837:2012 - Trees in Relation to Design, Demolition and Construction.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Statutory Instrument revoking, re-enacting or amending that Order), no further windows, other than those shown in the approved plans, shall be formed in the North West Elevation and South East Elevation of the building as specified on the approved plans.
- 13) Prior to occupation of the development hereby approved, details of bird and bat nesting boxes/bricks to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. Bird nesting boxes/bricks should be suitable for swifts, and other urban living bird species. The details shall include the exact location, number specification and design of the habitats. The boxes/bricks shall be installed within the development in accordance with the approved details, prior to the first occupation of the building to which they form part or the first use of the space in which they are contained, and shall be maintained as such thereafter.
- 14) Prior to occupation of the development hereby approved and prior to the installation of any external lighting (whichever is sooner), details of all external lighting, including the location, specification, fixtures and fittings, measures to reduce light spillage, and the maintenance of such external lighting, shall be submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate compliance with the Institution of Lighting Professionals (ILP) Guidance for the Reduction of Obtrusive Light and other relevant ILP Guidance Notes. The approved external lighting shall be installed and operational prior to first occupation and shall be maintained as such thereafter.

- 15) The development hereby approved shall be constructed in compliance with Building Regulations Optional Requirement Approved Document M4 (2) Category 2: Accessible and adaptable dwellings (2015 edition). Prior to occupation, evidence of compliance shall be provided to, and approved in writing by, the Local Planning Authority.
- 16) The development hereby approved shall be constructed in compliance with Building Regulations Optional Requirement Approved Document G2 - Water Efficiency (2015 edition). Prior to occupation, evidence of compliance shall be provided to, and approved in writing by, the Local Planning Authority.
- 17) Prior to occupation of the development details of a scheme of soft and hard landscaping, which shall include details of means of access to the communal amenity areas for occupants of the development (including people who require level access and wheelchair users) and a management plan for future maintenance of the areas concerned shall be submitted to and approved in writing by the Local Planning Authority. The hard landscaping works shall be carried out prior to occupation in accordance with the approved details.

The soft landscaping works shall be carried out prior to occupation or in the first seeding season following practical completion (whichever is earlier) in accordance with the approved details.

The management plan shall be implemented in accordance with the approved details. Any trees or plants which, within a period of 5 years from the carrying out of the soft landscaping works, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted.

- 18) The development thereby approved shall not be occupied and the use of the land for vehicle parking shall not be commenced until the area has been laid out, surfaced, and drained in accordance with details first submitted to, and approved in writing by, the Local Planning Authority and shall be permanently maintained and available for such use thereafter.
- 19) Before the development hereby permitted is first occupied or brought into use, the vehicle egress onto Wadeville Close shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays that can be accommodated within the site in both directions and shall thereafter be maintained free of all obstructions to visibility between heights of 0.6m and 2m above the level of the adjoining highway.
- 20) The development hereby permitted shall not be occupied until details of privacy screens to balconies have been submitted to, and approved in writing by, the Local Planning Authority. The development hereby permitted shall not be occupied until privacy screens have been erected in accordance with the approved details and shall be retained thereafter.

End of Schedule