



Planning Statement

Permission in Principle for up to 9 dwellings and associated garages

Land rear of 147-157 Parkside Avenue
Bexleyheath
Kent
DA7 6NP

November 2021

Document Reference: 2979/JD
London Borough of Bexley

Introduction

1. This planning statement has been prepared on behalf of PLCi Ltd (hereby referred to as "the applicant") for a 'Permission in Principle' application seeking consent for developing 9 dwellings and associated garages on land to the rear of 147-157 Parkside Avenue, Bexleyheath, Kent, DA7 6NP (hereby referred to as "the site").

2. This permission in principle application follows an approval for 2-4 units (ref:21/01067/PIP) and a previous refusal in March 2021 (ref:21/00260/PIP) which sought consent for 6-9 units. The decision notice of the refused application states:

"It has not been demonstrated that the site can accommodate the amount of development proposed due to site constraints and the need to provide development that is designed to be appropriate to the context of the site and as such is considered to be contrary to London Plan (2021) policies D2 and D3, Bexley Core Strategy (2012) policies CS01 and CS02 and Bexley Unitary Development Plan (2004) saved policies H3 and H8".

3. The LPA confirmed that the proposed land use and location of the development was considered acceptable. Therefore the focus of this application is on the amount of development proposed.

4. Whilst permission in principle should not consider the detail of a planning application (i.e. design, layout, siting...etc.), the applicant has provided as part of this proposal a detailed indicative scheme for 9 units to demonstrate that the development site could accommodate the amount of development proposed. The supporting information provided includes:

- A supporting Planning Statement prepared by Plainview Planning;
- A Location Plan prepared by Urban and Rural;
- A Site Plan prepared by Urban and Rural;
- indicative drawings showing how 9 units could work on the site prepared by Urban and Rural; and,
- A parking technical note prepared by Motion;

5. The details of the additional supporting documents have been discussed further below and how these documents overcome the previous reason for refusal.

The Permission in Principle Process

6. The Town and Country Planning (Permission in Principle) (Amendment) Order 2017, and the Planning Practice Guidance (PPG) are explicitly clear that the 'Permission in Principle' application process has two stages. The first stage establishes whether a site is suitable 'in principle' and the second 'technical details consent' stage is when the detailed development proposals are assessed.
7. Paragraph 012 Reference ID: 58-012-20180615 of the PPG clearly states:

"What matters are within the scope of a decision on whether to grant permission in principle?"

The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission. "

8. It is clear that only 'in principle' matters should be considered by this application. Any other matter such as design, and technical details should be considered at stage 2 (technical details consent).
9. Material considerations in relation to the three aspects of 'principle' (location, land use, and amount of development) are considered in this Statement.

Permission in Principle Legislation

10. It is worth noting that s336 of TCPA 1990 defines "planning permission" as "permission under Part III or section 293A but does not include permission in principle". This is important as a permission in principle is nothing without a technical matters application. No precedent or chapter of planning history is being set until the Technical Matters is approved.
11. Fulford Parish Council, R (On the Application Of) v City of York Council [2019] EWCA Civ 1359 (30 July 2019) also notes the s336 definition of "planning permission" and notes:

"It follows from the exclusionary nature of this definition that, in order to bring permission in principle within the statutory planning code, there must be some part of the process that treats an application as an application for planning permission. The application for technical details consent fulfils that function".

12. Again, a permission in principle is nothing without a technical matters application. The LPA does not need to worry that a permission in principle will make it harder to refuse a technical matters application.
13. Consequently, consideration of any detailed planning considerations is reserved for the technical matters stage when full planning permission is being sought. For now, consideration can only be given to location, land use and amount of development for the proposed up to 9 affordable dwellings.

The Site

Context

14. The proposal site is located to the rear of an established residential row of residential properties to the south and a raised railway line to the north. The plot is currently vacant scrubland and adjoins a mix of other backland uses to the east and west, including storage buildings, garages, allotments, a children’s nursery and other residential properties.
15. Whilst the plot immediately adjoins Parkside Cross to the west, the site also benefits from a single track road which is used to access neighbouring sites immediately to the south. This also acts as a natural barrier between the residential gardens to the south and the site.
16. Whilst there is a clear linear pattern of development along Parkside Avenue, the plots to the rear of the properties (including the site in question) form part of a mix of uses and development styles with no clear pattern or distinguishable design features.

Planning Designations

17. According to the Bexley planning proposals map, the site lies in the defined built up area and has no restrictive environmental or heritage planning policy designations. The Environment Agency’s flood risk maps confirm that the proposal site is also in Flood Zone 1 (lowest level of risk).

Planning History

18. There have been a number of planning applications on the site (please see details below). The 1981 application is not considered relevant for the purposes of determining the permission in principle proposal.

Year	Reference	Description	Decision
1981	81/01023/FUL	Erection of building for storage and sale of horticultural products	Approve
2021	21/00260/PIP	Application for permission in principle for a residential development of between 6 and 9 dwellings.	Refused
2021	21/01067/PIP	Application for permission in principle for a residential development of between 2 and 4 dwellings.	Granted

The Proposal

19. Permission in principle is being sought for the erection of up to 9 dwellings at the proposal site.

Planning Policy

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

21. The relevant policies against which to assess this proposal are contained within the Unitary Development Plan (2004), the Core Strategy (2012), the London Plan (2021), National Planning Policy Framework (NPPF) (2021) and any supplementary planning guidance.

Core Strategy (2012)

- CS01 – Achieving Sustainable Development
- CS03 – Belvedere Geographic Region
- CS10 - Housing Need

Unitary Development Plan (2004)

- ENV39 – Quality of the Built Environment
- H1 – Housing Supply
- H3 – Housing character
- T17 – Parking Standards

The London Plan (2021)

- D2 - Infrastructure requirements for sustainable densities
- D3 - Optimising site capacity through the design led approach
- D4 - Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D11 Safety security and resilience to emergency
- D12 Fire Safety
- D13 Agent of change
- D14 Noise

- H1 Increasing housing supply
- H2 Small sites
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking

Amount of Development

22. 9 units have been previously proposed on site as part of application 21/00260/PIP. Whilst the density level was acceptable, the council were not convinced that 9 units could be suitably provided within the site.
23. In response to this developed indicative plans have been provided as part of this PIP application to demonstrate that 9 units can be suitably accommodated within the site meeting the Bexley design guidance, Bexley local policy and the requirements of the London Plan.
24. Since the previous application the new London Plan has been adopted. It promotes higher density housing and notes that councils should work proactively to promote higher density development.
25. London Plan policy D3 requires that developments must make the best use of land following a design led approach which optimises the capacity of a site. Whilst the design and layout of the proposal will follow as part of the technical matters consent, the submitted plans demonstrate that 9 units can be suitably provided on the site.
26. The indicative plans show a 3.5 storey building which is similar in height to other 3-3.5 storey buildings within the area such as those on Tanners Close, Cumbria Avenue, Cheviot Close and Hurstwood Avenue. A building of this size, whilst taller than properties on adjacent sites, would sit comfortably within the site, capitalising on its location adjacent to the railway embankment. This potential relationship has been shown on the submitted elevations which are inclusive of a 25 degree reference line and separation distances which highlight that a potential scheme is suitable with regard to separation distances and BRE guidance.
27. If the development were designed as a 3.5 storey unit (as the indicative plan illustrates), then 9 high quality flats could be provided. 9 x appropriately sized flats could be provided over 3.5 stories whilst maintaining the appropriate level of private outdoor amenity space and building height relative to neighbours in accordance with the adopted Bexley Design for Living guide, the London Housing SPG and the London Plan. Space remains available on site to provide on site parking, cycle and bin storage, this is shown on the submitted plans.

28. In terms of density, the development site is 0.1 hectares in total excluding the southern access. The proposed flats would be provided on a 0.08 hectare part of the site (western element). The provision of 9 units would result in a density of 90dph at 0.1 hectares or 112dph at 0.08 hectares. This is comparable to the densities of recent residential developments permitted in Bexley which either have similar contexts or are in close proximity to the proposal site. These have been noted below to offer context to the generally accepted density levels locally in the borough:

Year	Address	Reference	No. of Units	Density
2018	72A Eversley Avenue	18/02699/FUL	2	100dph
2019	8 - 10 Park Grove	19/00212/PIP	Up to 2	110dph
2019	Betsham Road	19/00393/PIP	Up to 7	145dph
2020	Wadeville Close	20/00800/PIP	Up to 7	116dph

29. The indicative plans show that parking for the 9 units can be suitably provided within the site. Notwithstanding this, parking can also be provided off site and as previously established in 21/01067/PIP. The area has a low parking stress level at present. A parking technical note has been included to this effect. This confirms that there is flexibility in the amount of off street parking that may need to be provided through the technical matters application and means that the development site could make greater use of the available land available for outdoor amenity space etc than that shown on the indicative plans if required.

30. The number of homes proposed would fit comfortably on the development site and can be considered an appropriate amount of development.

31. Whilst indicative plans have been provided, it should be noted that the permission in principle application only seeks to consider the “principle” of the proposed amount of development. The final design, appearance and layout of the proposal development through the technical matters application will allow the local authority to consider the level of development in more detail.

32. Consequently, taking the above into consideration, it is concluded that the amount of development proposed is, in principle, acceptable.

Location & Land Use

33. Under planning application reference: 21/00260/PIP and 21/01067/PIP, the LPA considered the location and land use to be acceptable. On land use, the supporting officer’s report acknowledged that the proposal site is within a primarily residential area within the development plan. As the site is undeveloped scrubland without any

designations, it was agreed that the proposed residential use would be appropriate in principle.

34. With regard to the location of development, the supporting officer's report stated: "The site is within an area that is designated as Primarily Residential and therefore the principle of residential development could be acceptable in this location".
35. It is considered in this instance that consistency in decision making applies with regard to determining the location and land use proposed.

Other Planning Issues

36. The Town and Country Planning (Permission in Principle) (Amendment) Order 2017, and the guidance set out in the PPG, confirm that the permission in principle process has two stages. The first seeks to establish whether the site is suitable in-principle and the second "technical details consent" stage is when the detailed development proposals are assessed.
37. Paragraph 012 Reference ID: 58-012-20180615 of the PPG sets out clearly that the only relevant considerations under the first stage are the principle of location, land use and amount of development.
38. It is evident from the guidance set out in the PPG that matters such as quality of accommodation, car parking provision, amenity space standards, and relationship with neighbouring residential properties in respect of spatial separation are technical matters that would be subject to the second stage of the process.

Conclusion

39. Permission in principle is being sought for 9 residential properties at Land rear of 147-157 Parkside Avenue, Bexleyheath, Kent, DA7 6NP.
40. In accordance with the requirements set out under the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 and the NPPG, information has been provided on the (1) location; (2) Land Use; and (3) Amount of Development.
41. Following the initial refusal in March 2021, the applicant has since secured consent for up to 4 units on the site. They have also taken into consideration the LPA's comments regarding the up to 9 unit scheme and has provided additional evidence to demonstrate that the amount of development proposed is achievable in accordance with local character and highways. The previous decision confirms that the principle of residential development and the location proposed are acceptable.

42. This planning statement has demonstrated how the proposal is acceptable within all three determining factors. Consequently, planning permission should be granted without delay. We trust you have everything you need, however please do not hesitate to contact us if you require any further information.