

**Application No : 10/01111/OUT**

**Ward:  
Biggin Hill**

**Address : 36 Polesteeple Hill Biggin Hill TN16 3TH**

**OS Grid Ref: E: 541758 N: 158526**

**Applicant : P.D.L Homes LTD**

**Objections : YES**

### **Description of Development:**

Demolition of existing dwelling and erection of a three storey block comprising of 9 three bedroom flats, 9 car parking spaces, cycle and waste stores.  
OUTLINE APPLICATION.

### **Proposal**

This application has been called to Committee by the local ward Member.

The proposal is an outline application for the demolition of the existing house at the site and the erection of one three storey building resulting in 9 three bedroom flats. The only reserved matter is landscaping.

### **Location**

The application site is a triangular plot comprising a large detached house with large garden. It has a frontage to Polesteeple Hill and also adjoins development on Charlton Drive and Sunningvale Avenue. The site extends over an area of 0.128ha. The site lies within a built up, residential part of Biggin Hill with a variety of dwelling types and sizes in the vicinity. The area is characterised by steep gradients, and many of the houses, including that of No. 36 Polesteeple Hill, have steep gardens with retaining walls.

### **Comments from Local Residents**

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

- loss of privacy;
- car park will be next to back garden;
- lack of parking spaces for the proposal, resulting in overspill in other areas which are already overstretched;
- concern that the proposal will involve substantial excavation given the gradient of the site and this may structurally affect neighbouring properties;
- loss of trees and screening on boundary/neighbouring gardens;

- parking survey is inaccurate, and includes spaces that would not be safe to use;
- parking survey does not take into account the local businesses nearby which will impact on parking, given the early and late hours or the nearby bus route;
- is Bromley Council going to carry out an independent parking survey?
- the one way system is not mentioned in the report;
- impact on emergency and service vehicles using the nearby roads given the increase in parking;
- impact on the local businesses with regards to the extra parking from the proposed development;
- in 2005 it was discussed that an entrance/exit from Polestreeple Hill would not be acceptable because the gradients of both the new drive and Polestreeple Hill and the entrance would be directly opposite The Grove and this would lead to an increase in danger to those using this junction and entrance/exit;
- not in keeping with the area;
- overdevelopment of the site;
- no objection to development on the site, just objections to flats;
- lack of amenity space for the development.

A petition with 186 signatories has been submitted objecting to the proposal. Photographs have also been submitted by local residents showing the parking along local roads.

The Tatsfield Ward Councillor for Tandridge has raised objections to this proposal with regards to the traffic survey and parking in nearby roads.

### **Comments from Consultees**

With regards to highway safety there were 3 highway issues with the previous application: sightlines, parking and pedestrian access.

The sightline shown is 2.4m x 59m, which equates to speeds of 37mph from the table 7.1 in Manual for Streets, and would be acceptable. To the south of the site the sightline goes across land not shown as being within the applicant's control. It is stated in the Planning Statement that a legal agreement has been entered into with the owner of the land to provide the sightline. A copy of the agreement needs to be seen by the Council to confirm that the sightline can be suitably secured and a copy is awaited at the time of reporting.

There are 9 parking spaces proposed for the 9 flats which is in line with the Council's maximum standards. However, given the low accessibility to public transport, car ownership in the area is relatively high and it is likely that on-street parking will be associated with the development. A residential parking stress survey was supplied with the application. The survey probably overestimates the number of spaces available where possible parking on both sides of certain roads is counted. There are also roads such as Lusted Hall Lane where, as there is no footway, residents or

visitors associated with the development are unlikely to look to park. There are however a number of vacant spaces shown in Steeple Heights Drive, Sunningvale Avenue and the one-way section of Polesteeple Hill which are likely to be able to accommodate overspill parking from the site.

Vehicles are not currently parked in the section of Polesteeple Hill outside the site but as this would be the closest unrestricted parking to the site it may be that drivers are attracted to park here. However, given the width of the road, the bend and the hill this is not a suitable place to park. It is therefore suggested that unless more parking is provided on site the applicant enters into a legal agreement to fund the investigation, design and implementation of a waiting restriction scheme around the site.

A footway is proposed along the frontage of the site with Polesteeple Hill, which is shown at 1.2m wide. The latest advice from Manual for Streets is that footways should be a minimum of 2m wide. However, it would seem adequate if the new footway matches the adjacent existing one which appears to be 1.8m wide and so the applicant should be asked to supply an amended plan. Any additional information received will be reported to Members verbally.

Thames Water has no objections to the proposal and requests an appropriate condition regarding surface water drainage.

With regards to Drainage no objections have been received subject to surface water being drained into a soakaway.

No objections have been received from an Environmental Health point of view.

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

- H7 Housing Density and Design
- BE1 Design of New Development
- NE7 Development and Trees
- T3 Parking
- T18 Road Safety

There are no objections to the scheme in respect of the impact on trees subject to appropriate conditions.

### **Planning History**

This site has a short planning history, an application under planning ref: 05/00241 for the erection of two 3 storey buildings comprising 12 two bedroom flats was refused for the following reasons; the proposal was considered a cramped overdevelopment of

the site, out of character with the area, and the scheme lacked adequate on-site car parking given its low public transport accessibility.

The subsequent appeal was dismissed by decision letter dated 26 July 2005. The Inspector considered the two main issues in that case to be the effect of the proposal on the character and appearance of the area and the implications of the proposal for parking and highway safety.

In respect of the character and amenities of the area, she did not consider the scale, size or design of the development to be out of character, to constitute over development or to conflict with development plan policies. However, as regards the parking and traffic issue she concluded that the proposal would generate a need for parking that could not be met on site. She also believed that the increased demand for parking in the area could not easily be met on street because of the pressure that already exists. Given this, the significant increase in traffic along Charlton Drive, a narrow road, the likelihood of parked vehicles, and the difficulties of access by service vehicles, she concluded that traffic congestion and conflict would result, contrary to Policy T15 of the UDP.

Following this a further application was submitted under planning ref: 05/03646 for the demolition of existing dwelling and erection of 2 three storey buildings comprising 8 three bedroom and 2 one bedroom flats with car parking. This was refused by Members for the following reasons: the lack of on-site car parking and would result in the intensification of the use of the junction of Charlton Drive and Sunningvale Avenue which, given the sub-standard visibility and the potential for an increase in on-street parking within close proximity to this junction, would be detrimental to the free flow of traffic and conditions of highway and pedestrian safety.

This application was also dismissed at appeal by decision letter dated 29 March 2005. The inspector concluded the development would not have a harmful effect on the character and appearance of the area. However, it would have an adverse impact on road safety in Sunningvale Avenue from inadequate sightlines at the junction of Charlton Drive and Sunningvale Avenue, and therefore dismissed the appeal.

Most recently under planning ref: 09/03501 an application was submitted which is identical to the current application for the demolition of the existing house at the site and the erection of one three storey building resulting in 9 three bedroom flats. This application was refused by the Council on the following grounds;

1. The site is within an area of low accessibility to public transport and hence higher than average car ownership and, with the absence of information to the contrary, the potential overspill parking is likely to result in an increase in on-street parking which will interfere with the free flow of traffic to the detriment of road safety contrary to Policies T3 and T18 of the Unitary Development Plan.

2. The lack of adequate provision for pedestrian movement in the vicinity of the development and lack of links to the surrounding footpath network onto Polesteeple Hill would be harmful to the pedestrian environment and therefore contrary to Policy T6 of the Unitary Development Plan.

This application is currently being appealed by the applicant under written representation with the Councils submission of details due on the 8th June 2010.

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character of the area, the impact that it would have on the amenities of the occupants of surrounding residential properties and the impact on road/traffic safety. It is also necessary to consider whether the current application overcomes the previous grounds of refusal to merit granting permission, with particular regard to previous appeal decisions.

To overcome the previous refusals, the applicants have altered the access from Charlton Drive to Polesteeple Hill and submitted a parking stress survey. Concerns have been raised with regards to road safety, however the applicants have provided adequate sightlines, albeit subject to a legal agreement ensuring that the sightlines can be maintained.

Concerns have been raised from local residents regarding parking, however Members will note that Appendix II (Parking Standards) of the Unitary Development Plan sets out the maximum parking spaces and for flats it is one space per unit, therefore the proposed number of spaces meets that standard. It should also be noted that at the appeal under planning ref: 05/03646 the Inspector considered the added pressure on parking in conjunction with a parking survey which was carried out and concluded that a refusal of planning permission cannot be justified on the grounds of inadequate parking provision when the appellant proposed to provide the maximum level of on site parking sanctioned by the UDP, and when each of the parking surveys undertaken demonstrates that there is some spare capacity in the immediate area. However, it must be noted that at the time the Inspector considered this the access for the development was through Charlton Drive, from Sunningvale Avenue and not from Polesteeple Hill, although the new parking survey still demonstrates there to be some spare capacity in the surrounding roads.

Notwithstanding the strong objections from the local residents in relation to the overall impact of the development on their amenities and the character of the area, in terms of the design and location of the blocks there are reasonable similarities to the previous application and bearing in mind the Inspector took the view that this element of the application was unobjectionable, it would not be advisable for the Council to resist the application on those grounds.

On balance and having regard to the planning history, it is recommended that permission be granted subject to (i) the Council being satisfied that the sight-lines across adjoining land can be achieved and maintained and (ii) the Council being satisfied that the proposal will not be prejudicial to highway safety and parking. An update on these points will be reported at committee.

Background papers referred to during production of this report comprise all correspondence on files refs. 05/00241, 05/03646 and 09/03501, excluding exempt information.

**RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT**

and the following conditions:

- |    |  |  |            |    |
|----|--|--|------------|----|
| 1  | ACA01  | Commencement of development within 3 yrs |            |    |
|    | ACA01R   | A01 Reason 3 years                       |            |    |
| 2  | ACC01  | Satisfactory materials (ext'nl surfaces) |            |    |
|    | ACC01R   | Reason C01                               |            |    |
| 3  | ACB01  | Trees to be retained during building op. |            |    |
|    | ACB01R   | Reason B01                               |            |    |
| 4  | ACB02  | Trees - protective fencing               |            |    |
|    | ACB02R   | Reason B02                               |            |    |
| 5  | ACB03  | Trees - no bonfires                      |            |    |
|    | ACB03R   | Reason B03                               |            |    |
| 6  | ACB04  | Trees - no trenches, pipelines or drains |            |    |
|    | ACB04R   | Reason B04                               |            |    |
| 7  | ACD02  | Surface water drainage - no det. submitt |            |    |
|    | ADD02R   | Reason D02                               |            |    |
| 8  | ACH03  | Satisfactory parking - full application  |            |    |
|    | ACH03R   | Reason H03                               |            |    |
| 9  | ACH04  | Size of parking bays/garages             |            |    |
|    | ACH04R   | Reason H04                               |            |    |
| 10 | ACH12  | Vis. splays (vehicular access) (2 in)    | 2.4m x 59m | 1m |
|    | ACH12R   | Reason H12                               |            |    |
| 11 | ACH16  | Hardstanding for wash-down facilities    |            |    |
|    | ACH16R   | Reason H16                               |            |    |
| 12 | ACH19  | Refuse storage - implementation          |            |    |
|    | ACH19R   | Reason H19                               |            |    |
| 13 | ACH22  | Bicycle Parking                          |            |    |
|    | ACH22R   | Reason H22                               |            |    |
| 14 | While the development hereby permitted is carried out, provision shall be made to accommodate, operatives and construction vehicles loading, unloading, parking and turning within the site in accordance with details submitted to, and approved, in writing by, the Local Planning Authority, and such provision shall |  |            |    |

remain available for such uses to the Authorities satisfaction throughout the course of the development.

ACH03R Reason H03

- 15 The developer to certify to the Council in writing that lighting of the access/car parking is in accordance with BS 5489-1:2003 prior to first occupation, and that such lighting will be maintained permanently thereafter.

**Reason:** In order to comply with Policy BE1 adopted Unitary Development Plan and in the interest of the amenities of the adjacent properties.

**Reasons for permission:**

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- H7 Housing Density and Design
- BE1 Design of New Development
- NE7 Development and Trees
- T3 Parking
- T18 Road Safety

The development is considered to be satisfactory in relation to the following:-

- (a) the appearance of the development in the street scene;
- (b) the relationship of the development to the existing buildings;
- (c) the character of the development in the surrounding area;
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (e) the privacy of occupiers of adjacent and nearby properties;
- (f) the impact on the trees;
- (g) road safety and parking.

and having regard to all other matters raised.

**INFORMATIVE(S)**

- 1 Please note that you will require Thames Water's approval to discharge into the public sewer. Please contact Thames Water Developer Services on 0845 850 2777.
- 2 RD110 Consult Land Charges/Street Numbering
- 3 You should seek engineering advice from the Environmental Services Department at the Civic Centre regarding general drainage matters and the provision of on-site surface water storage facilities (020 8313 4547, John Peck).
- 4 Before the use commences, the applicant is advised to contact the Pollution Team of Environmental Health and Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act

1990. If during works on site contamination is discovered, Environmental health should be contacted immediately to discuss the actions.

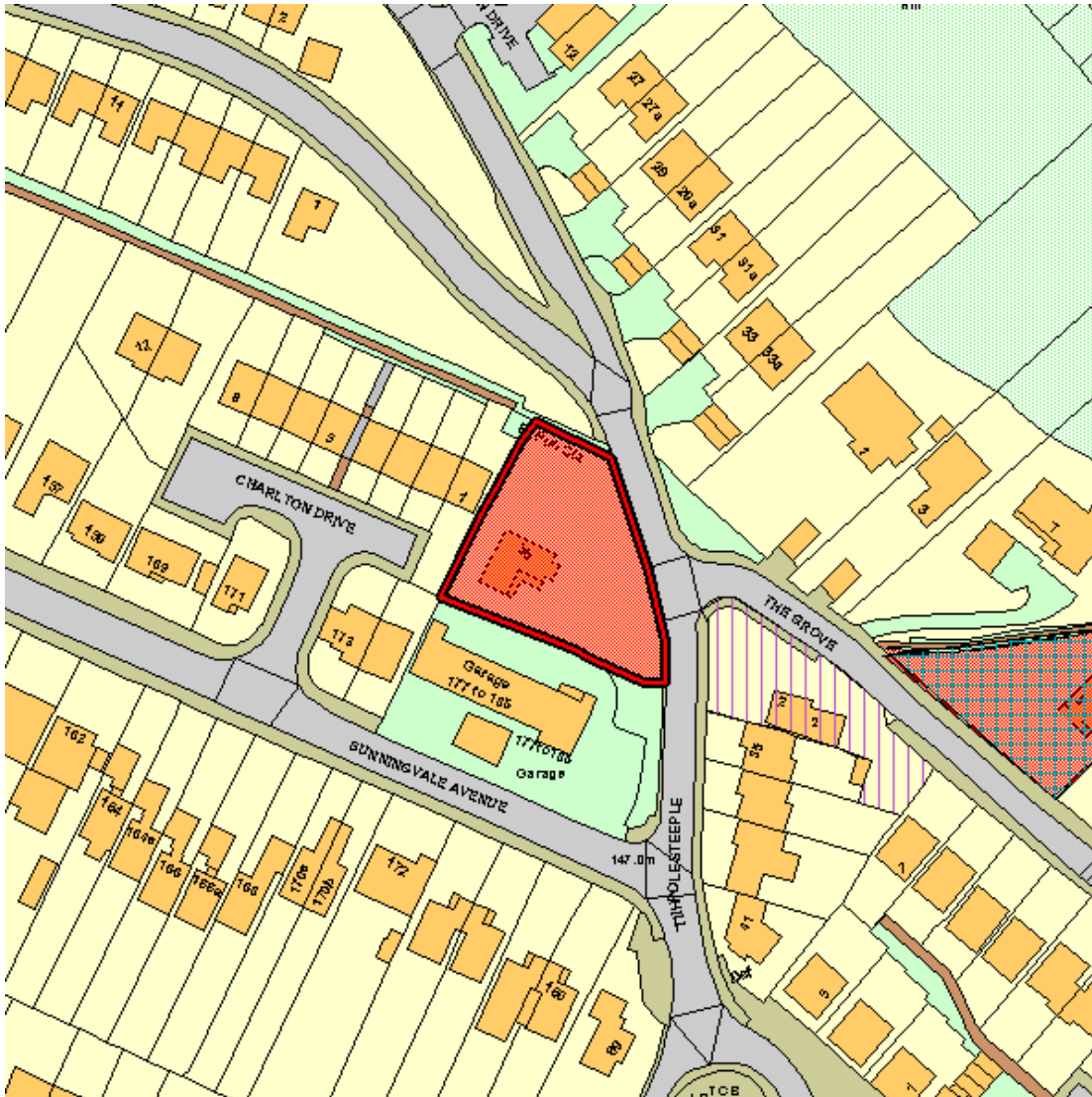


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