

SECTION '2' – Applications meriting special consideration

Application No : 13/02697/FULL1

Ward:
Darwin

Address : Land Opposite The Addington Centre
Fairchildes Avenue King Henry's Drive
Biggin Hill

OS Grid Ref: E: 539521 N: 161305

Applicant : Mr J Botton

Objections : NO

Description of Development:

Stationing of 15 permanent residential mobile homes with cesspool and children's play space with associated landscaping

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding

Proposal

Permission is sought for the stationing of 15 permanent mobile homes consisting of 8 one bedroom, 4 two bedroom and 3 three bedroom units. The site would also feature a children's play area to the south and the installation of a cesspool. The homes are to be occupied by individuals or families and are not restricted to any ethnic minority grouping.

Location

The application site is located to the eastern edge of King Henry's Drive and to the south of a caravan/residential site, which shares the vehicular crossover but with separate means of access. The site is within the Green Belt and is in use for the storage of cars, lorries and scaffolding

Comments from Local Residents

Nearby owners/occupiers were notified of the application and no representations were received.

The London Borough of Croydon, as the adjoining authority, object on the basis that it is considered the proposal constitutes inappropriate development as it

would be likely to have a greater impact upon the openness of the Green Belt than the existing lawful use. The proposal would be detrimental to the proper planning of the London Borough of Croydon as a result. If permission is granted LB Croydon request a condition is imposed requiring the approval of access details prior to commencement in the interest of highway safety.

Comments from Consultees

Highways have raised no objection.

Thames Water have no objections.

No significant trees would be directly affected by this proposal.

Planning Considerations

BE1 Design of New Development
ER7 Contaminated Land
G1 The Green Belt
H1 Housing Supply
H2 Affordable Housing
H3 Affordable Housing Payment in Lieu
H7 Housing Density
IMP1 Planning Obligations
NE7 Development and Trees
T3 Parking

Affordable Housing SPD (March 2008)
Planning Obligations SPD (Dec 2010)
Supplementary Planning Guidance (Design)

In strategic terms the most relevant London Plan policies are:

3.3 Increasing Housing Supply
3.4 Optimising Housing Potential
3.5 Quality and Design of Housing Developments
3.8 Housing choice
3.10 Definition of Affordable Housing
3.11 Affordable Housing Targets
3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
5.1 Climate Change Migration
5.2 Minimising Carbon Dioxide Emissions
5.3 Sustainable Design and Construction
5.7 Renewable Energy
5.13 Sustainable Drainage
7.4 Local Character
7.16 Green Belt
8.2 Planning Obligations

The Mayor's Housing Supplementary Planning Guidance

The National Planning Policy Framework, the most relevant paragraphs include

- 14 Presumption in favour of sustainable development
- 203-206 Planning obligations
- Section 6 Delivering a wide choice of high quality homes
- Section 7 Requiring good design
- Section 9 Protecting Green Belt

Planning History

Most recently application ref. 13/00799 sought a determination for the use of the land for the storage of cars, lorries and scaffolding. This certificate was granted on the basis that the use has subsisted, on the balance of probabilities, for more than ten years continuously and as such constitutes lawful development.

Prior to this, in 2000, application ref. 00/02153 sought a determination that the use of the land for commercial storage and the parking/servicing of commercial vehicles was lawful. This was refused on the ground that:

"There is insufficient evidence to prove, on the balance of probability, that the land has been used for commercial storage purposes and the parking/servicing of commercial vehicles and equipment for a period of 10 years preceding the date of the application."

Application ref. 99/03610 refused planning permission for the retention of land and buildings for skip hire/maintenance and recycling centre.

Members will note the relevance of the site to the north of the application site. The residential use was established under application ref. 02/03596 which granted a lawful use certificate for the use of land to north of current site as a permanent residential caravan site for 11 caravans.

Conclusions

Green Belt

The NPPF at paragraph 89 lists the exceptions for the construction of new buildings not being inappropriate development within the Green Belt. However, the stationing of mobile homes consists of a use of the land and the laying of hardstanding and landscaping also falls outside of the scope of paragraph 89.

As such the NPPF at paragraph 90 lists other forms of development - other than the construction of new buildings - that are also not inappropriate within the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. None of the five forms of development listed are applicable to the application proposal.

As such the proposal amounts to inappropriate development by definition and very special circumstances are required to be demonstrated that clearly outweigh the harm to the green Belt by other considerations. The applicant has listed four as part of the application:

1. The removal of a lawful open storage use which is visually unacceptable in this location
2. The removal of open storage uses which can generate significant volumes of traffic, including heavy goods vehicles
3. The provision of mobile homes will satisfy a need at the lower end of the market for affordable housing in the area that is desperately in need of this type of provision
4. There is the opportunity to tidy the site greatly with the provision of good planting on the boundary, new boundary fencing and children's play area

The existing use of the site is an unplanned and therefore unconditioned use for the storage of cars, lorries and scaffolding. This use is also next to an established, albeit unplanned, residential use and the resulting impact upon the amenities of those residents is a material consideration.

The removal of the current lawful use that is adjacent to an existing residential area and replacing it with the proposed units that are accessible in affordability terms is considered to amount to a very special circumstance in this instance.

S106 contributions and affordable housing

It is considered that the units would not fall within the council's definition of affordable housing as set out in the adopted Housing SPG, the related costs/rents show that all of the units would more 'affordable' than other 1 and 2 bedroom units on the open market. in light of this it is considered that it would not be appropriate in this instance to apply the requirement of Policies H2 and H3 as the proposal consists of a type of affordable unit. However, contributions towards health and education costs are considered appropriate.

Following negotiations, the applicant has offered a total contribution of £65,479.01. This would be split to provide £20,309 for health provision and £45,170.01 for education to support the future occupants of this development.

Summary

To conclude, Members will need to carefully consider the impact of the proposed development upon the openness of the Green Belt with regard to the existing lawful use of the site and the proposed provision of affordable residential units adjacent to an existing residential site. Having regard to the above, Members may agree that the proposed development is acceptable on balance subject to the payment of contributions towards the future costs of health and education provision and accordingly it is recommended that planning permission be granted, subject to a legal agreement and the conditions detailed below.

Background papers referred to during production of this report comprise all correspondence on the files refs. 13/02697 and 13/00799 set out in the Planning History section above, excluding exempt information.

as amended by documents received on 19.11.2013 15.04.2014

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 ACA04 Landscaping Scheme - full app no details
ACA04R Reason A04
- 3 ACA07 Boundary enclosure - no detail submitted
ACA07R Reason A07
- 4 ACI18 No additional hardstanding
ACI18R I18 reason
- 5 ACK01 Compliance with submitted plan

Reason: In order to comply with Policies BE1 and G1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area and the character and openness of the Green Belt.

- 6 ACK09 Soil survey - contaminated land
ACK09R K09 reason
- 7 Before any works on site are commenced, a site-wide energy assessment and strategy for reducing carbon emissions shall be submitted to and approved by the Local Planning Authority. The results of this strategy shall be incorporated into the final design of the buildings prior to first occupation. The strategy shall include measures to allow the development to achieve a reduction in carbon emissions of 25% above that required by the 2010 building regulations. The development should also achieve a reduction in carbon emissions of at least 20% from on-site renewable energy generation. The final designs, including the energy generation shall be retained thereafter in operational working order, and shall include details of schemes to provide noise insulation and silencing for and filtration and purification to control odour, fumes and soot emissions of any equipment as appropriate.

Reason: In order to seek to achieve compliance with the Mayor of London's Energy Strategy and to comply with Policy 5.2 and 5.7 of the London Plan 2011.

INFORMATIVE(S)

- 1 Before construction commences, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web.

- 2 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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