

SECTION '2' – Applications meriting special consideration

Application No : 16/03135/FULL1

Ward:
Biggin Hill

Address : 190 Main Road Biggin Hill TN16 3BB

OS Grid Ref: E: 542175 N: 158557

Applicant : Mr R.L.R Goldsmith

Objections : YES

Description of Development:

Demolition of existing building and erection of a part one/two storey building comprising 2 ground floor retail units fronting main road and 2 two bedroom houses with car parking spaces and amenity area at rear

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Retail Shopping Frontage Biggin Hill
Smoke Control SCA 24

Proposal

The proposal seeks permission to demolish the existing building and erect a part one/part two storey building comprising two ground floor retail units fronting Main Road, with two attached two storey dwellings to the rear, with associated car parking and amenity space to the rear of the building. Access will be via the existing private access way to the side of the site.

The proposed building will have a width of 9.0m and a length of 27.8m. The roof will be pitched with a height of 4.1m, with the two storey dwelling reaching a height of 7.7m.

The proposal comprises 2 ground floor retail units and 2 two bedroom three person houses. Access to the residential units will be via a footpath to the side of the building, providing access to the front and rear of the site.

Amended plans have been received dated 10/08/16 indicating a widened access pathway to the side of the house from 0.8m to 0.9m

Location

The site is located on the southern side of Main Road and comprises a single storey commercial unit in retail (Class A1) use with a residential use to the rear. The area on this side of Main Road is characterised by two storey development comprising commercial uses at ground floor level and residential and office uses at

first floor level. Opposite the site on the northern side of Main Road there are residential apartment blocks. The site forms part of the Local Centre for shopping in Biggin Hill. There are no site designations or specific constraints.

Comments from local residents

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

- Inadequate access for additional vehicles
- Insufficient car parking provision and layout
- Overlooking and loss of privacy
- Loss of sunlight and outlook
- Development would be out of character and would have a detrimental visual impact
- Removal of existing trees
- Impact on drainage
- Inadequate access arrangements, with access onto common land
- Flat roofed retail units would be out of character

Consultations

Highways - proposal is generally acceptable subject to conditions, however the footpath was considered insufficient in width to suitable access, particularly for wheelchairs. Revised details have been requested and have been received dated 10/08/16 indicating a widened access and no objections are raised subject to conditions.

Thames Water has not objected to the application and has suggested an informative.

No technical drainage objections are raised subject to standard conditions.

Waste Services has not commented on the proposal.

Environmental Health (Housing) has not commented on the application.

Planning Considerations

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

BE1 Design of New Development
BE19 Shopfronts
H1 Housing Supply
H7 Housing Density and Design
H9 Side Space
T1 Transport Demand
T3 Parking
T6 Pedestrians

T7 Cyclists
T18 Road Safety
NE7 Development And Trees
S4 Local Centres

London Plan:

3.3 Increasing Housing Supply
3.4 Optimising Housing Potential
3.5 Quality and Design of Housing Developments
3.8 Housing Choice
3.9 Mixed and Balanced Communities
4.3 Mixed Use Development And Offices
4.7 Retail and Town Centre Development
4.9 Small Shops
5.3 Sustainable Design and Construction
5.13 Sustainable Drainage
6.9 Cycling
6.10 Walking
6.13 Parking
7.4 Local Character

The Mayor's Supplementary Planning Guidance: Housing

Housing Standards Policy Transition Statement (Oct 2015)

The National Planning Policy Framework (NPPF) is also a consideration.

Technical Housing Standards (March 2015)

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

Planning history

Planning permission was refused under ref. 01/03889 for an extension to form first floor comprising 2 one bedroom flats; 2 storey and first floor side extensions. The reasons for refusal were as follows:

'The proposed development would have an unacceptable impact on the amenities of the neighbouring residents at No. 192A Main Road, by reason of visual impact, loss of prospect and overshadowing, contrary to Policy E.1 of the Unitary Development Plan and Policy BE1 of the first deposit draft Unitary Development Plan (March 2001).'

Planning permission was refused under ref. 02/02208 for a first floor/two storey extension comprising 2 one bedroom flats. The refusal grounds were as follows:

'The proposed development would have an unacceptable impact on the amenities of neighbouring residents, particularly 188 Main Road, by reason of visual impact,

loss of prospect and overshadowing contrary to Policy E.1 of the Unitary Development Plan and Policy BE1 of the second deposit draft Unitary Development Plan (Sept 2002).'

The application was subsequently allowed on appeal. The Inspector states:

'The appeal site remains the only single storey building in this part of Main Road, its enlargement to two storeys would be in keeping with the street scene. The issue remains the effect on adjoining properties. The dwelling most affected is the adjoining flat at first floor level in 188 Main Road.

Having assessed the relationship between the east facing habitable room window of 188 and the nearest part of the appeal proposal, I find that there is unlikely to be a significant loss of daylight or sunlight. This is because the window faces east and it has a high sill so that the upper parts of the proposed extension at 190 would not significantly affect the view of the sky. Furthermore, this habitable room has an alternative and better source of daylight from a south-facing patio door onto the terrace.'

Planning permission was granted under ref. 03/02447 for a single storey rear extension for conservatory.

Planning permission was refused under ref. 16/01161 for first floor/ two storey extension to provide 2 one bedroom flats with car parking spaces and communal amenity space at rear. The refusal grounds were as follows:

'The proposal would result in a cramped and over-intensive form of development that would fail to meet the minimum space standards for residential accommodation, thereby lacking adequate facilities commensurate with modern living standards and providing an unsatisfactory quality of residential accommodation, detrimental to the living conditions and amenity of future occupants, and contrary to Policy BE1 of the Unitary Development Plan, Policy 3.5 of The London Plan, the DCLG Technical Space Standards and the Mayor's Housing Supplementary Planning Guidance (2012).

The proposal would result in the reliance upon the unmade access road to the side of the building which is in poor condition and unlit, creating an access arrangement that is unsuitable and unsafe for the future occupants of the residential units, thereby contrary to Policy T6 of the Unitary Development Plan.'

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties. The impact on highway safety and the standard of accommodation provided for future occupants are also considerations. A further consideration is the impact of the development on the retail functioning of the Local Centre.

The proposal will replace the existing building with a part one/two storey structure that will have a height of 7.7m and will provide a similar level of bulk and massing to the site as was previously proposed under ref. 16/01161. The new building will reflect the height and bulk of the immediately adjoining properties and wider area. The development would not exceed the heights of other two storey development within the area and therefore would not impact harmfully on local character.

The proposed additional bulk is similar to that allowed on appeal under ref. 02/02208 and therefore would not impact harmfully on local residential amenities, as stated by the Inspector. The proposal would not include flank facing windows that could impact on the amenities of Nos. 188 and 192. The proposed increase in use of the access road by a potential two new flats was not considered by the Inspector to impact harmfully in terms of noise and disturbance.

The development would retain the ground floor commercial use and would provide 2 one bedroom flats to the upper floor. It is considered that the principle of residential development is suitable in this locality, and there are various examples of similar residential development in the locality. The retention of ground floor retail units is considered to comply with the purposes of Policy S4 by preserving the retail functioning of the site and its contribution to the wider shopping area of Main Road.

The proposal will replace the existing ground floor retail unit with two smaller retail units. The development will retain a retail frontage onto Main Road and will provide shopfronts for each unit. It is considered that the relationship the building will have with the surrounding Main Road area would be acceptable and suitable for a retail centre.

The proposed flats will provide a suitable floor area and layout for future occupants, with room for refuse and cycle storage. The Technical housing Standards require a two storey two bedroom three person house to have a floor area of 70m². The proposed houses will have a floor area of 76m². The room sizes are also considered to be suitable. The provision of private gardens of a suitable size (between 21m² and 30m²) to the rear of the building is also considered suitable in this location. Each dwelling will be provided with a dual aspect layout, with windows facing northeast and southwest.

In terms of highway safety and vehicular access arrangements, the provision of two car parking spaces is suitable for the proposed development. The access for cars and parking arrangements are not objected to, subject to the retention of existing access rights. The proposed pedestrian environment and access to the flats is considered to be improved from the previous application, with access provided to the opposite side of the building, thereby avoiding reliance on pedestrian access from the unmade access road.

Having had regard to the above it was considered that the proposal is acceptable in that it would provide a satisfactory standard of accommodation for future occupants, would respect the character of the area, would protect the amenities of neighbouring properties and would not impact harmfully on highway safety. The

retail functioning of the Local Centre would also be unaffected. It is therefore recommended that Members grant planning permission.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 3 Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The windows shall be installed in accordance with the approved details.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 4 No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority, and drainage works shall be carried out in accordance with the approved details prior to first use of any dwelling. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems set out in the London Plan, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:**

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;

ii) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and

iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented, maintained and managed in accordance with the approved details

Reason: In order to comply with Policy 5.13 of the London Plan and in order to ensure the adequate drainage of the site.

- 5 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 6 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 7 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved

under this planning permission unless previously agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 8 Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 9 Before the use hereby permitted commences a window display appropriate to a shopping area shall be provided at the front of the premises and subsequently shall be permanently retained thereafter.**

Reason: In order to comply with Policy S4 and S10 of the Unitary Development Plan to provide visual interest to the front of the premises and avoid an undesirable visual break in the shopping frontage.

- 10 No windows or doors shall at any time be inserted in the first floor flank elevation(s) of the development hereby permitted, without the prior approval in writing of the Local Planning Authority.**

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

- 11 The ground floor commercial units shall be used for retail (Class A1) and for no other purpose.**

Reason: In order to comply with Policy S4 of the Unitary Development Plan and in the interest of retaining the retail functioning of Main Road.

- 12 The use shall not operate before 08:00 and after 18:00 on any day.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the area.

- 13 The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be permanently retained thereafter.**

Reason: To comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016 and to ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants.

You are further informed that :

- 1 This is a summary of the main reasons for this decision as required by law. The application has been determined in accordance with the development plan insofar as it is relevant and taking into account all other material planning considerations, including all the representations received. For further details, please see the application report (if the case was reported to Committee), the Unitary Development Plan and associated documents or write to Chief Planner quoting the above application number.**
- 2 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.**
- 3 Conditions imposed on this planning permission require compliance with Part M4 of the Building Regulations. The developer is required to notify Building Control or their Approved Inspector of the requirements of these conditions prior to the commencement of development.**
- 4 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