

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 17/02291/FULL1

Ward:
Biggin Hill

Address : 136 Main Road Biggin Hill TN16 3BA

OS Grid Ref: E: 541951 N: 158801

Applicant : Hazelback Estates Ltd

Objections : YES

Description of Development:

Demolition of existing building and erection of part two/three storey building comprising 2 Class A1 retail units on ground floor and 1 two bedroom and 6 one bedroom flats on first and second floors, with front and rear balconies, 9 car parking spaces, amendments to access road, provision of refuse and cycle stores, and landscaping

Key designations:

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

Proposal

It is proposed to demolish the existing buildings on the site, and erect a part two/part three storey flat-roofed building fronting Main Road which would comprise two retail units on the ground floor, and a total of 7 flats on the first and second floors (4 one bedroom flats on the first floor, and 1 two bedroom and 2 one bedroom flats on the second floor). Each flat would have a front or rear balcony, whilst a communal amenity space would be provided to the rear adjacent to the parking area.

It is proposed to widen the existing shared access road between Nos.134 and 136 in order to access the rear parking area which would contain 9 car parking spaces and a cycle store. A refuse store would be incorporated within the main building adjacent to the access road.

The application is accompanied by a Planning Statement, a Design and Access Statement, a Transport Statement, a Stage 1 Road Safety Audit, and a Badger Assessment and Monitoring Report.

Location

This site is located on the south-western side of Main Road and is occupied by a vacant single storey building which comprised two Class A1 retail units. It lies adjacent to Biggin Hill Sports and Social Club to the south-east, separated by an access road, and is adjacent to an estate agents at No.134 to the north-west, again separated by an access road leading to parking at the rear of the shops.

Consultations

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

- * cramped form of development which would be out of character with the area
- * design of the building would not be in keeping with the area

- * substandard vehicular access
- * the building is too high at three storeys compared with neighbouring buildings
- * loss of privacy to neighbouring residential properties in Sutherland Avenue, particularly from rear balconies
- * loss of trees that currently screen the site to the rear
- * dangerous vehicular access
- * inadequate parking provision
- * lack of amenity space for the flats
- * future occupiers of the development could complain about noise levels at the adjacent Sports and Social Club to the detriment of club members
- * loss of light to the club buildings.

Comments from Consultees

Highways -The proposals are for a reduction of one flat since the refused 2016 application. There is a parking area to the rear of the building with an existing access from Main Road which is a very busy classified road, a London Distribution Route, and part of the A233. The site is within a low (2) PTAL area.

The access is close to the traffic signal junction with Lebanon Gardens, and would be widened to allow 2 cars to pass. A Stage 1 Road Safety Audit was carried out.

The application indicates that there are 5 existing parking spaces to the rear of the property, and 9 are proposed in the current scheme (one for each flat and one for each retail unit). The layout to the rear includes more landscaping and so the parking area has been reduced in size since the 2016 application.

The entrance door to the flats is shown opening inwards but residents would still be stepping straight into the access road, as with the previous scheme.

With regard to the Stage 1 Road Safety Audit submitted, the applicant has confirmed that self-closing or sliding doors would be used for the bin stores, which can be dealt with by condition, as can the incorporation of pedestrian measures in the design of the access. The telephone box to the front of the site which affects the sightline is due to be removed, although there is no timescale for its removal. As the access is already in use and there do not seem to be any accident issues associated with it, it would be difficult to justify its removal before any work commenced on site.

Stage 2 and 3 Road Safety Audits should be carried out at the appropriate times.

The West Kent Badger Group has identified an active badger sett in the wooded/rubbish area to the west of the proposed development, with entrances to the sett from the garden of the adjacent property at Dallington. The Group agrees with the recommendations made in The Badger Monitoring and Assessment Reports by the Ecology Partnership regarding retention of the green area in order to protect the badgers and their sett and to enhance the area. A planning condition is recommended in order to preserve this green space for wildlife.

Environmental Health advise that the two bedroom flat (Unit 7) would be slightly below the minimum size recommended, and the balcony would not be of adequate size if occupied by a family. The windows to the bedrooms should be slightly larger in order to provide adequate natural light. Adequate natural ventilation should also be provided to the living rooms and bedrooms of all the flats.

No drainage objections are raised, and Thames Water have no concerns about the proposals.

Planning Considerations

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

BE1 Design of New Development
H7 Housing Density & Design
H9 Side Space
T3 Parking
T18 Road Safety
NE5 Protected Species
S4 Local Shopping Centres

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closed on December 31st 2016, and is likely to be submitted to the Secretary of State in mid-2017. These documents are a material consideration, and the weight attached to the draft policies increases as the Local Plan process advances. The relevant draft policies include:

Draft Policy 4 - Housing Design
Draft Policy 8 - Side Space
Draft Policy 30 - Parking
Draft Policy 32 - Road Safety
Draft Policy 37 - General Design of Development
Draft Policy 72 - Protected Species

The London Plan (2015)

Policy 3.3 Increasing Housing Supply
Policy 3.4 Optimising Housing Potential
Policy 3.5 Quality and Design of Housing Developments
Policy 3.8 Housing Choice
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An Inclusive Environment
Policy 7.4 Local Character
Policy 7.6 Architecture

Planning History

Permission was refused in 2015 (ref.14/05017) for the demolition of the existing buildings and the erection of a part one/three storey building comprising 2 Class A1 retail units and 8 one bedroom flats with 12 car parking spaces, cycle and refuse stores and a caretakers store on 4 grounds:

- (1) the size, height and bulk of the building would result in a cramped overdevelopment of the site, detrimental to the street scene
- (2) the unacceptable intensification of the use of a substandard vehicular access
- (3) the proposals may adversely impact on badgers on or close to the site
- (4) the inadequate size of the residential units and the lack of adequate amenity space to serve the development.

More recently, permission was refused in August 2016 (ref.16/00231) for a similar scheme for 2 retail units and 8 flats on similar grounds. The only issue that had been satisfactorily resolved was the size of the residential units.

Conclusions

The main issues in this case are the impact of the revised proposals on the character and spatial standards of the surrounding area, on the amenities of neighbouring residential properties, on parking and road safety in the adjacent highway, and on protected species.

The proposals have been revised since the 2016 application in the following main ways:

- * the number of flats has been reduced from 8 to 7
- * the height and bulk of the building has been reduced, and the second floor has been set back from the front of the building
- * private amenity space is provided in the form of front and rear balconies
- * the access road has been widened
- * the parking area at the rear has been reduced in size and the landscaped area increased in order to provide an appropriate safeguarding distance to a badger sett located at the rear of the site.

Further information has also been submitted in the form of a Road Safety Audit and a Badger Monitoring Report.

Amount of development and character and appearance of the area

Housing is a priority use for all London Boroughs and the Development Plan welcomes the provision of small scale infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

The document also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

Policy 3.4 Optimising housing potential of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.

The site is located adjacent to other commercial properties to the north-west and south-east, some with residential accommodation above, and backs onto residential properties at the rear. The Council would therefore consider a mixed commercial/residential development to be appropriate in principle in this location, provided that it is designed to complement the character of surrounding developments, that the design and layout would provide suitable residential accommodation, and it would provide adequate garden and amenity space for future occupiers.

Density

With regard to the density of the proposed development, Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan (2015) gives an indicative level of density for new housing developments. In this instance, the proposal represents a density of 64 dwellings per hectare with the table giving a suggested level of between 35-95 dwellings per hectare in suburban areas with a 2 PTAL location. The proposals would

therefore result in an intensity of use of the site that would be within the thresholds in the London Plan. However, the proposals need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area.

Size, scale and design

Policy 3.4 of the London Plan specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range. This reflects paragraph 58 of the National Planning Policy Framework, which requires development to respond to local character and context and optimise the potential of sites.

Policy BE1 of the UDP sets out a number of criteria for the design of new development. With regard to local character and appearance, development should be imaginative and attractive to look at, and should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape, and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping, and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

Policy H7 of the UDP sets out criteria to assess whether new housing developments are appropriate subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, community safety and refuse arrangements.

The revised scheme has reduced the overall height of the building by approximately 1m, and the first and second floor accommodation would be stepped back 3-4m from the front of the building, whilst the front second floor flat would be set back between 1.8-5m from the side walls of the building in order to significantly reduce the overall bulk of the building. In comparison with the refused 2016 scheme, the proposed building would have more detailing particularly on the front elevation, and would sit more comfortably within the street scene.

Although the building would still be higher than the adjacent properties, the revised design and reduced bulk of the building mean that it would not now appear overbearing in relation to its neighbours, and would not appear overly cramped within the street scene. It would not therefore have a detrimental impact on the character and spatial standards of the surrounding area.

Future residential amenity

Policy 3.5 of the London Plan (2015) Quality and Design of Housing Developments states the minimum internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.

Policy BE1 in the UDP states that the development should respect the amenity of occupiers of future occupants.

The proposals comprise 1 two bedroom 4 person flat and 6 one bedroom 2 person flats. The London Plan (2015) suggests that the minimum size of a two bedroom 4 person dwelling should be 70sq.m., and the minimum size of a one bedroom 2 person dwelling should be 50sq.m.

The two bedroom flat would be slightly below the requirements at 69sq.m., but this would not be unacceptably small to warrant a refusal on those grounds. The one bedroom flats would provide between 51-63sq.m. floorspace, and would therefore achieve the standard.

Each dwelling would have private outdoor amenity space in the form of a balcony and a communal area is proposed at the rear adjacent to the parking area.

With regard to the layout of the flats, Environmental Health have commented that the two bedroom flat would not provide adequate private recreational space if occupied by a family, and that the windows to the bedrooms should be slightly larger to provide adequate natural lighting, however, these aspects are not considered so significant to warrant a refusal on residential amenity grounds.

Impact on neighbouring residential amenity

Policy BE1 seeks to ensure that new development proposals respect the amenity of occupiers of neighbouring buildings and that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.

With regard to the impact on neighbouring properties, the proposed building would be separated from the adjoining buildings by side access roads, and would extend approximately 5m beyond the existing main building, but would not extend as far as the existing store. Although some loss of light may occur to adjacent properties, the separation is such that it would not be significantly harmful to the amenities of adjoining occupiers.

The proposed building would be visible from residential properties to the rear in Lebanon Gardens and Sutherland Avenue, and would contain rear-facing windows and balconies at first and second floor levels. However, they would be at least 30m away from the nearest rear garden at Dallington, and approximately 75m away from the rear elevations of properties in Sutherland Avenue. The proposals are not, therefore, considered to result in undue loss of outlook or privacy to residential properties to the rear.

Impact on parking and road safety in the adjacent highway

With regard to highway matters, the level of parking provided is acceptable, and the access road has now been widened. Subject to safeguarding measures, the proposals would now provide an acceptable access to the site, and would not now cause harm to the free flow of traffic and conditions of safety in the highway.

Impact on protected species

Badger Monitoring and Assessment Reports were submitted with the application, and the green area to the rear of the site would now be adequately retained in order to protect the badgers and their sett, and this can be appropriately conditioned in order to preserve the green space.

Conclusions

The revised scheme is now considered to have satisfactorily overcome the previous grounds for refusal, and would result in an acceptable form of development on the site.

as amended by documents received on 02.08.2017
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 a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

- 3 Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.

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

- 4 No trees on the site shall be felled, lopped, topped or pruned before or during building operations except with the prior agreement in writing by the Local Planning Authority. Any trees removed or which die through lopping, topping or pruning shall be replaced in the next planting season with trees of such size and species as may be agreed with the Authority.

Reason: In order to comply with Policy NE7 of the Unitary Development Plan and to ensure that as many trees as possible are preserved at this stage, in the interest of amenity.

- 5 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

- 6 Details of a surface water drainage system (including storage facilities 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 system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.12 of the London Plan

7 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 Annex F of PPS25, 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: To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan

8 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.

9 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

Reason: In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

- 10** Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

Reason: In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 11** Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The approved scheme shall be self-certified to accord with BS 5489 - 1:2003 and be implemented before the development is first occupied and the lighting shall be permanently retained thereafter.

Reason: In order to comply with Policy T3 and Appendix II of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

- 12** 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.

- 13** Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 4A.14 of the London Plan and Planning Policy Statement 25.

- 14** No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the first and second floor flank elevation(s) of the building 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.

- 15 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.

- 16 The development hereby permitted shall be carried out strictly in accordance with the slab levels shown on the approved drawing(s).

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.

- 17 Before any work is commenced on the access/highway works, a Stage 2 Road Safety Audit shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented strictly in accordance with the approved details to the satisfaction of the Local Planning Authority before any part of the development hereby permitted is first occupied. A Stage 3 Audit shall be submitted to and approved in writing by the Local Planning Authority following satisfactory completion of the works.

Reason: In order to comply with Policy T18 of the Unitary Development Plan and to ensure that the proposal does not prejudice the free flow of traffic and conditions of general safety along the adjoining highway.

- 18 Details of the method of opening of the bin stores shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details before the first occupation of the building.

Reason: In order to comply with Policy T18 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

- 19 Details of the design of the access road to incorporate pedestrian safety measures shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details before the first occupation of the building.

Reason: In order to comply with Policy T18 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

- 20 The development shall be carried out in accordance with the recommendations in the Badger Assessment and Monitoring Report 2017 by The Ecology Partnership.

Reason: In order to comply with Policy NE3 of the Unitary Development Plan and in order to safeguard the interests and well-being of badgers and their setts.

You are further informed that:

- 1 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**