

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 17/03781/FULL1

Ward:
Orpington

Address : 251 High Street Orpington BR6 0NZ

OS Grid Ref: E: 546208 N: 166088

Applicant : Mr A. Low

Objections : NO

Description of Development:

Fourth floor extension to Nos.251-259 High Street Orpington to provide 3 three bedroom, 1 two bedroom and 5 one bedroom flats together with alterations to existing building including replacement and addition of windows, installation of render to facades, repositioning and part enclosure of fire escape stair and erection of terraces at 2nd and 3rd floor levels

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 29

Proposal

Prior approval was granted in March 2017 (ref.17/00266) for the change of use of the second and third floors of Nos.251-259 High Street, Orpington from Class B1(a) offices to Class C3 residential to form 34 flats (22 studios and 12 one bedroom flats). Ten car parking spaces were proposed within the rear parking area accessed from Gravel Pit Way, and sheltered cycle parking was provided for 34 bicycles.

The approval was subject to conditions inter alia to prevent residents from applying for residents parking permits, and giving residents membership of the local car club.

Planning permission is now sought for alterations to the existing building in order to accommodate the conversion of the second and third floors into 34 flats which comprise the replacement and addition of windows, the installation of render to the facades, the repositioning and part enclosure of the fire escape stair, and the addition of terraces/balconies. Permission is also sought for the addition of a fourth floor extension to provide an additional 9 flats (3 three bedroom, 1 two bedroom and 5 one bedroom) which would also include balconies. An additional 6 car parking spaces are proposed for the 9 fourth floor flats, giving a total of 16 spaces provided for the development as a whole. A Transport Assessment has been submitted as part of the application.

An application for physical alterations to the existing building required to facilitate the previously approved conversion of the second and third floors into 34 flats (but without the additional floor) is under consideration elsewhere on the agenda (ref.17/03287). This application must be considered as a proposal that may be implemented separately from these other application proposals/permissions.

Location

The site is located on the eastern side of the High Street within the Primary Shopping Frontage, and backs onto Gravel Pit Way. It contains retail uses on the ground and first floors, and vacant office space on the second and third floors.

Residential dwellings in Homefield Rise back onto the rear part of the site, whilst dwellings in Lancing Road lie some distance away on the opposite side of Gravel Pit Way.

Consultations

Nearby owners/occupiers were notified of the application and representations were received, including from Lancing Residents' Association, which can be summarised as follows:

- * the premises should be kept in commercial use which is appropriate for a High Street location
- * the additional height of the building would be out of character with other High Street buildings
- * overdevelopment of the site
- * overlooking of nearby dwellings and gardens from balconies and windows
- * loss of outlook to neighbouring properties
- * increase in noise and disturbance from increased number of residents in the area
- * inadequate parking for the number of flats
- * increased traffic
- * bin stores unacceptable next to residential gardens
- * parking at the rear would cause difficulties with deliveries to the shops leading to possible loss of the retail units
- * the fire escape should be fully enclosed to prevent antisocial behaviour
- * the screening proposed to balconies is inadequate
- * nearby development proposals will already impact on the area
- * the proposed residential units are cramped
- * detrimental impact on pedestrian safety.

Comments from Consultees

Highways comment that the site is divided between PTAL ratings of 4 and 6a. The car parking area would provide an extra 6 spaces for the additional 9 flats, which is based on the car ownership for flats in Orpington from the 2011 census.

The main entrance to the flats is from the High Street, so the car park would not be that conveniently located as residents would have to access it via the High Street, Homefield Rise and then Gravel Pit Way (although it is noted that the fire escape is to be used as a rear access for the flats from the parking area and bin stores).

With regard to refuse stores provided at the rear, it is unlikely that the refuse collection vehicle would enter the site, and the storage bins are over the normal maximum 18m drag distance from the highway. This would need to be dealt with by condition.

The Prior Approval application for 34 flats included a unilateral undertaking to prevent residents applying for residents parking permits, and this is offered again. Conditions were imposed to prevent residents from applying for residents parking permits, and giving residents membership of the local car club, and these are suggested again.

Planning Considerations

The following policies of the Unitary Development Plan are of relevance to this application:

BE1 Design of New Development

H7 Housing Density & Design
T3 Parking
T18 Road Safety

The Council is preparing a Local Plan. The submission of the draft Local Plan was made to the Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances. The relevant policies are as follows:

Draft Policy 4 - Housing Design
Draft Policy 30 - Parking
Draft Policy 32 - Road Safety
Draft Policy 37 - General Design of Development

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

Conclusions

The use of the second and third floors of this building for 34 flats has already been established by the Prior Approval application granted in March 2017, therefore, the main issues in this case are the impact of the fourth floor extension to provide an additional 9 flats and the elevational alterations to the existing building on the amount of development, the character and appearance of the surrounding area, affordable housing provision, the amenities of neighbouring residential properties, and on parking and road safety in the adjacent highway. This application must be considered as a stand alone proposal which could be implemented independently of the change of use prior approval.

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 in the High Street with residential or commercial accommodation above, and backs onto residential properties at the rear. In principal, a residential development above the ground floor commercial units is considered to be appropriate 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 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 195 dwellings per hectare if the prior approval scheme for 34 flats is implemented or 41 dwellings per hectare if not. The table gives a suggested level of between 45-260 dwellings per hectare in urban areas with a 4 to 6 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 residential 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.

With regard to the impact on the street scene, whilst the amendments to the existing building, including changes to the windows and the addition of balconies, would not detract from the overall appearance of the building, the addition of a fourth floor extension would add to the overall bulk of the building, and whilst the fourth floor would be set back from the front elevation of the building (in line with the third floor), it would still be very visible within the street scene, particularly on approach from the north and south.

The rear of the building is also very visible from Homefield Rise and Gravel Pit Way, and an additional storey would appear more prominent from the surrounding area, particularly

when viewed against the significantly smaller neighbouring properties. The increased bulk of the building would be exacerbated by the additional terraces and balconies proposed, and the proposals are therefore considered to have a detrimental impact on the visual amenities of the street scene, and the character and appearance 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 3 three bedroom 4 person flats, 1 two bedroom 4 person flats, 2 one bedroom 2 person flats and 3 one bedroom 1 person flats. The London Plan (2015) suggests that the minimum size of a three bedroom 4 person flat should be 74sq.m., the minimum size of a two bedroom 4 person flat should be 70sq.m., the minimum size of a one bedroom 2 person flat should be 50sq.m., and the minimum size of a one bedroom 1 person flat should be 37sq.m. where a shower room is provided rather than a bathroom (as in this case).

The three bedroom flats would provide between 74-86sq.m. floorspace, the two bedroom flat would provide 92sq.m. floorspace, the one bedroom 2 person flats would provide between 57-62sq.m. floorspace, and the one bedroom 1 person flats would provide between 37-41 sq.m. floorspace. All the flats would therefore achieve these standards.

Each dwelling would have private outdoor amenity space in the form of a balcony.

The applicant has confirmed that the proposals would comply with Part M4(2) of the Building Regulations "accessible and adaptable dwellings", and therefore complies with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016.

Affordable Housing

Policy H2 states that affordable housing will be sought on all housing sites capable of providing 10 dwellings or more. On all sites at or above this threshold negotiations will take place to determine the number of affordable dwellings to be provided.

Paragraph 6.3 of the Bromley Housing Supplementary Planning Document states that where the Council consider that a site has been artificially sub-divided in order to avoid the application of the affordable housing policy, the policy will be applied across the entire site and any sub-phase of the site.

In this case, application 17/000266/RESPA which was granted prior approval in March 2017 proposed 34 flats over the second and third floors. If implemented with this application, the number of residential units would total 43. If the applications were submitted together, affordable housing contributions would have been sought.

The Council would, if at any time permission was minded to be granted for this proposal, seek to secure through legal agreement affordable housing contributions once more than 10 dwellings are created at the site as a result of the extant approvals.

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 rear of the building currently stands close to Nos.6-12 Homefield Rise which back onto the site, and although the addition of screened terraces and balconies in the northern elevation of the existing building is not on its own considered to adversely affect outlook and privacy to these properties, the addition of a fourth floor extension to the building containing 9 flats with a number of windows and balconies facing the rear of the Homefield Road properties, would significantly increase overlooking at a higher level, and the perception of being overlooked, in addition to a loss of outlook caused by the bulkier building.

Concerns have also been raised by residents in Lancing Road whose properties back onto Gravel Pit Way regarding overlooking from windows and balconies on the southern and eastern elevations of the building and the fourth floor extension, however, these dwellings are situated some distance away from the building (80-100m), and the terraces and balconies would be largely screened from these properties by the enclosed fire escape staircase towards the rear of the building, and by 1.8m high opaque screens to the terraces. The proposals are not therefore considered to cause undue overlooking of neighbouring properties in Lancing Road.

Impact on parking and road safety in the adjacent highway

With regard to highway matters, the level of parking provided is considered to be acceptable, subject to conditions relating to further details of the cycle parking, the prevention of future residents from applying for residents parking permits, and giving residents membership of the local car club.

Conclusion

The proposed extension of the building to provide a fourth floor of residential accommodation is considered to have a detrimental impact on the visual amenities of the street scene, would be out of character with the surrounding area, and would result in loss of privacy to and outlook from neighbouring residential properties.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposed fourth floor extension, by reason of its size, height and bulk, would result in an overdominant form of development within the street scene, and would be detrimental to the character and visual amenities of the surrounding area, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.**
- 2 The proposals would, by reason of the size, bulk and height of the proposed extension and the additional windows and balconies proposed, result in significant overlooking of neighbouring residential properties in addition to loss of outlook, thereby contrary to Policy BE1 of the Unitary Development Plan.**

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**