

**LONDON BOROUGH OF BROMLEY**

**TOWN PLANNING  
RENEWAL AND RECREATION DEPARTMENT**

Committee (SC) on 23rd July 2009

REPORT OF THE CHIEF PLANNER

SECTION '1' – Applications submitted by the London Borough of Bromley

NO APPLICATIONS





being appropriate, including existing/proposed footprints, % increase and alternative sites/options considered

- a Transport Assessment is required that includes matters outlined by Transport for London
- an Energy Statement is required and the proposal should be amended to include a micro combined heat and power plant and associated renewable energy technology unless it can be demonstrated that such technology is not feasible
- biodiversity – a need to give consideration to encouraging biodiversity on site, conditions suggested regarding this and a bat survey
- an access statement should be submitted (though the application does include a disabled access (DDA) strategy, and GLA officers had no further comments on this issue).

The TfL issues were as follows –

- the school is served mainly off Oakley Road, which connects 2 TLRN roads (Transport for London Road Network or “red routes”, A21 Bromley Common and A232 Croydon Road) and it has a low public transport accessibility level (ptal) score of 1
- more information needed regarding bicycle parking
- more information needed about pupil, staff and visitor numbers to assess impact of development on the A232 and public transport services. Any changes to traffic generation and impact on bus services to be identified and relevant improvements proposed/secured by Section 106 Agreement e.g. to bus stops
- drop-off/pick-up area in school grounds needed
- details of a travel plan are required.

The school have submitted material to address the matters raised by the GLA. Part of the reason for the length of time taken to report this application has been review and consideration of the implementation of the proposal itself by the school, though discussions with GLA officers have been lengthy.

The outcomes regarding the various issues are as follows –

- the GLA accept that the very special circumstances outweigh the harm caused by inappropriateness in relation to Green Belt issue
- TfL welcomed the submission of the Transport Assessment (within the Additional Planning Support Statement) and accept that the small net increase in car parking (13 spaces) will not have an adverse impact on the highway network. Improvements have been made to internal layout to increase the number of disabled spaces, provide a drop-off/collection point (including for coaches) and to improve pedestrian routes

- additional bicycle parking and improvement of the existing Travel Plan can be secured by conditions. In fact the Travel Plan is being re-written at present with the help of the Council's School Travel Plan Officer
- it is the school's case that the proposal is intended to adequately accommodate the requirements of the current student occupancy level rather than further increase day-time numbers, as such it is not likely to materially increase travel to and from the school, as such there will be no material impact on the local highway network. The emphasis of the proposal is to improve the assembly/sports/dining facilities for the school. The pedestrian environment in the vicinity of the school is to be improved by footway works to be carried out by the Council in Oakley Road in July-September 2009. A contribution to off-site works to improve bus stops near the school (secured by a Section 106 Agreement) would not be justified by the proposal in view of there being no material increase in pupil numbers etc.
- the Additional Planning Support Statement includes an Energy Statement which proposes a biomass boiler fuelled by wood pellets. It also includes work on compliance with Part L of the Building Regulations, which can be developed further once the natural ventilation strategy for the buildings has been prepared. GLA officers are content with this approach, which can be secured by conditions.

The previous report is repeated, with relevant amendments.

## **Proposal**

This proposal is as follows -

- demolition of the detached pavilion on the north side of the school buildings
- a detached building to north-east of existing buildings for new reception, kitchens and double-height assembly/dining hall, with meeting room, office, toilets on ground floor, and drama studio, 2 general classrooms and other accommodation on part of the first floor
- single story extension on north side of gymnasium for PE office and toilets/shower, with adjacent enclosure for plant room and bin store
- substation and switch room within 2.14m high brick wall/metal gates enclosure adjacent to entrance drive from Oakley Road
- internal works including insertion of mezzanine to existing dining and kitchen areas, and other accommodation to provide classrooms etc, with necessary elevational alterations
- extension of internal access road from The Drift around the west and north of the gymnasium to a new service/delivery hardstand and 3 car parking spaces adjacent to the proposed plant room/bin store and kitchens, requiring removal of modular classroom block

- hard surfacing of car parking area adjacent to access road/entrance from The Drift
- 45 car parking spaces to north of existing internal access road from Oakley Road, to replace the 35 spaces lost to proposed detached assembly hall building.

The architects state that the proposed floorspace is as follows –

mezzanine (internal)	229
PE extension	49
substation	25
hall	1836

The total of additional new buildings will therefore be 1910 sq m, the main elements of the proposals being the multi-purpose assembly hall and access/servicing/parking arrangements.

The statements by the architects and the Chair of Governors in support of the proposal are wide-ranging and the main points are summarised as follows –

The school's OFSTED report in late 2004 was favourable in almost all respects, except that accommodation is unsatisfactory for the growing number of students, sixth form private study, social area and teaching of information & computer technology (ICT). The existing overall floorspace and that for halls, dining/social and learning resource centre accommodation is inadequate in terms of the relevant educational building bulletin advice, and the proposals will remedy these deficiencies and improve the reception facilities at the school, which are reached by steps and do not provide adequate access for the disabled.

The facilities in the pavilion will be replaced by the single storey extension, the internal works to provide toilet/changing room and the viewing terrace on the north side of the assembly hall.

The school does not have available the recommended area for sports pitches. Whilst it is acknowledged that there will be some loss of area to the playing fields the proposal does not affect the number of pitches – there are currently 5 pitches for rugby and football. The pitches will need to be slightly relocated to allow for the service road.

The current staff numbers are 99, for 2007 they are expected to be 95. There are currently 1440 students, and this is expected to rise to 1500 by the next academic year. Since 2001 girls have attended the Sixth Form, the size of which is likely to expand. The school need the assembly hall building to be operational by September 2007. At present 250 students at the school take music lessons, many of whom perform with the Bromley Youth Music Trust.

By freeing up the existing inadequate space being used for assemblies, performance, eating and catering, this existing accommodation can be remodelled to provide a sixth form centre, teaching rooms (existing shortfall is 12) including for high ICT specification.

The space by the assembly hall building and the existing buildings to the south and west will no longer be available for vehicle circulation and car parking, and will become a pedestrian courtyard space, landscaped and with a bonded gravel surround for fire and maintenance vehicles access only.

The design of the assembly hall has been based on a glue laminated timber structure to the performance space, with the beams exposed internally & externally, and vertical glazing on both sides of the beams on the north elevation. There will be full height glazing to the reception area, at the eastern end of the south elevation. Other materials will include western red cedar cladding to the performance space (to distinguish it from the rest of the building), white render and powder-coated aluminium cladding. The glazed sliding partitions at ground floor level on the north elevation will give views over the playing fields, while on the south side of the hall itself a covered walkway will protect against the weather and solar gain.

The statements set out the sustainability principles that will guide the detailed design and construction of the 2 stage project, including recycling, biomass boiler, thermal performance, natural ventilation, selection of building materials (including impact of extraction/disposal on the environment, longevity, etc).

A land drainage scheme has been carried out at the school to alleviate existing problems of flooding of adjacent properties to the north from the playing fields. This comprises a long soakaway trench running east-west with holding chambers at both ends, together with an overflow to the highway ditch alongside Barnet Wood Road. It is understood that further work is required on this.

The proposals in part constitute appropriate development in the Green Belt in that some of the facilities are related to the open air recreational use of the school playing fields. While it is acknowledged that the extensions to the school are inappropriate in terms of the central government advice in PPG2, the schools pressing need for additional accommodation should be considered as very special circumstances in relation to any impact on the openness of the Green Belt.

## **Consultations**

Concerns have been expressed by local residents about the following -

- use of The Drift (an unmade road off Croydon Road) by construction traffic and additional use of it by pupils and staff

- flooding of gardens of Barnet Wood Road properties is an existing problem, which additional buildings and hardstandings at the school will add to
- noise from the “dance studio” and additional car parking will impact on nearby properties.

The changes to the internal access layout and car parking are acceptable from the following highway engineering points of view.

The site is within an area in which the Environment Agency (EA) require restrictions on the rate of discharge of surface water from new developments into the River Ravensbourne and its tributaries. The land drainage scheme referred to in the architects supplementary information concerns the flooding of properties in Barnet Wood Road by water running off the school playing fields. The application proposal should not exacerbate this problem and in view of this and the EA’s requirements, surface water attenuation should be provided. There was a flooding incident in 2004 at No. 2 Barnet Wood Road which may have been caused in part by water flowing from the school access road onto Oakley Road. Because of the size of the car parking an oil interceptor will also be necessary on the outfall from this area.

Thames Water has no objections to the proposal regarding sewage disposal or water supply.

The Environment Agency did not comment on the application.

## **Planning Considerations**

The planning history of the site includes the following permitted applications -

- sports pavilion (refs. 92/01998 and 93/01551)
- two storey classroom block – the English Block (ref. 94/02855)
- two storey extension to the English Block, for Mathematics (refs. 98/00767 and 99/00711) with hard surfaced playground area
- extension to provide changing rooms, enlarged sports hall and additional music rooms (ref. 03/00452)
- 2 modular buildings comprising 4 classrooms (ref. 03/02127) (required for 1 year prior to opening of Bishop Justus School, now removed)
- hard surfacing for 32 space car park and playground (ref. 03/02604)
- temporary siting of 2 modular buildings comprising 4 classrooms on the site of those permitted under ref. 03/02127 (ref. 06/00862), on the site of the 25 staff car parking spaces to be hard surfaced in this current application.
- extensions to dining area/hall and to gym for office/store (ref. 06/01857)
- various modular buildings (refs. 07/03513, 08/00797, 08/00850)



The application has been treated as a Department from the Development Plan.

The site is within the Green Belt. There is a Site of Importance for Nature Conservation to the west.

The proposal would constitute inappropriate development in the Green Belt, to the extent that in the main the buildings would not be used for any of the purposes set out in para. 3.4 of PPG2. There is a general presumption against inappropriate development, which is by definition harmful to the Green Belt. It is for an applicant to argue why “very special circumstances” exist to justify such a proposal, and demonstrate that the harm by reason of inappropriateness (and any other harm) is clearly outweighed by other considerations.

In respect of educational issues, the relevant policies are C1 and C7 of the UDP – the Council will normally permit proposals to meet identified education needs.

Regarding trees on the site some will be removed for the hall building and most of the other trees close to the proposals can be safeguarded by conditions. None are of particular public amenity value, but retention of most will continue to provide a modicum of landscaping for the school grounds.

The London Plan and Policy ER4 of the UDP require that energy efficiency and on-site renewable energy technology be provided in non-residential developments comprising over 1000 sq.m.

As part of the application process, it has been necessary for the Council to give a screening opinion as to whether an Environmental Impact Assessment was required. The proposals constitute Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. After taking into account the selection criteria in Schedule 3 of the Regulations and the terms of the European Directive, it was considered that the proposed development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size and location. This opinion was expressed taking into account all relevant matters including the information submitted with the application, advice from technical consultees, the scale/characteristics of the existing and proposed development on the site. The applicants were advised accordingly.

## **Conclusions**

The proposal is for over 1900 sq m of new buildings, albeit with removal of the pavilion (about 135 sq m) and a modular classroom building (about 120 sq m).

In terms of the advice in PPG2 “Green Belts” the proposal constitutes inappropriate development. The applicants argue that there are “very special

circumstances” in respect of the school’s needs for accommodation and the community benefits that will arise.

The proposed buildings and hard surfaces will in general be outside the “envelope” of existing structures on the school site, hence they will affect its openness.

The additional accommodation, car parking and other elements of the structure will be well away from nearby properties. The gravel car park adjacent to No. 6 The Drift is in use as such, therefore hard surfacing of it will not have an adverse effect on residential properties.

In conclusion, on the Green Belt and educational issues, strong arguments have been put forward regarding the latter, but the proposals have the potential to cause harm to Green Belt policy and the openness and open character of the area. The “very special circumstances” arguments put forward need to be examined. The need for improved and additional accommodation is referred to in the Ofsted report, UDP policies are supportive of educational needs and the importance of education expressed at all levels of government make the educational arguments put forward very compelling. As such, on balance, the recommendation put forward is that permission be granted.

Background papers referred to during the production of this report comprise all correspondence on file ref. 06/00639, excluding exempt information.

as amended by documents received on 23.02.2006 04.03.2008 26.01.2009 31.03.2009

**RECOMMENDATION: PERMISSION SUBJECT TO ANY DIRECTION BY THE MAYOR OF LONDON AND THE SECRETARY OF STATE**

**Subject to 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 | 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 | ACB15  | Trees - details of access/parking        |

- ACB15R Reason B15
- 8 ACC01 Satisfactory materials (ext'nl surfaces)  
ACC01R Reason C01
- 9 Details of a surface water drainage system including petrol/oil interceptors for drainage of hard surfaced areas (including storage facilities where necessary) shall be submitted to and approved in writing by or on behalf of 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 maintained thereafter.
- ACD02R Reason D02
- 10 ACH03 Satisfactory parking - full application  
ACH03R Reason H03
- 11 ACH04 Size of parking bays/garages  
ACH04R Reason H04
- 12 ACH16 Hardstanding for wash-down facilities  
ACH16R Reason H16
- 13 ACH23 Lighting scheme for access/parking  
ACH23R Reason H23
- 14 ACI21 Secured By Design  
ACI21R I21 reason
- 15 ACK03 No equipment on roof  
ACK03R K03 reason
- 16 ACK05 Slab levels - no details submitted  
ACK05R K05 reason
- 17 ACK07 Disabled access (see DI12)  
ACK07R K07 reason
- 18 A programme for provision of car parking on the site during the carrying out of the development hereby permitted and for its management shall be submitted to and approved in writing by the Local Planning Authority, and the proposed arrangements shall be provided during construction work.  
ACH03R Reason H03
- 19 Prior to the first occupation of the building hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures to promote and encourage alternatives to single occupancy car use and a timetable for implementation of the proposed measures and details of the mechanisms for implementation and future annual monitoring by the Governors of Ravenswood School. The Travel Plan shall be implemented in accordance with the agreed timescale and details.  
ACH10R Reason H10
- 20 The development hereby permitted shall be constructed using sustainable design and construction methods (details of which shall be submitted to and approved in writing by the Local Planning Authority) to achieve a 10% reduction in carbon dioxide emissions through design measures alone compared with the requirements of the Building Regulations 2006. The

reduction of carbon dioxide emissions shall be calculated prior to assessment of any proposed renewable energy technologies to be applied to the development and shall be implemented prior to occupation of the development, and subsequently maintained thereafter.

ACL01R L01 reason

- 21 A biomass boiler of at least 50kWh to supply space heating and hot water shall be installed at the site prior to occupation of the development hereby permitted and shall thereafter be maintained for such purposes. The boiler shall be designed to achieve a minimum reduction in carbon dioxide emissions of 10% in accordance with details submitted to and approved in writing by the Local Planning Authority.

ACL01R L01 reason

- 22 A biodiversity strategy and plan for the school site, including a designated area or areas for nature conservation habitat enhancement and setting out design objectives, management responsibility and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. The plan shall include arrangements and a timetable for its implementation and shall be carried out in accordance with the approved details.

**Reason:** In order to comply with Policy NE2 of the Unitary Development Plan.

- 23 Prior to commencement of the development hereby permitted, a survey of the condition of The Drift shall be submitted to and agreed in writing by the Local Planning Authority and any damage caused to the surface of the road during the construction phase of the development will be reinstated to a standard at least commensurate with its condition prior to the commencement of the development.

ACH25R Reason H25

- 24 A scheme for providing soundproofing for the assembly hall and drama/studio room shall be submitted to and approved in writing by the Local Planning Authority and shall include relevant details of the means of construction of the building and of noise limiting measures for uses taking place in the hall. The approved scheme shall be implemented before the building is first used and shall be maintained thereafter.

ACI17R I17 reason (1 insert) BE1

- 25 ACN10 Bat survey  
ACN10R Reason N10

**26 Reasons for granting permission:**

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

- BE1 Design of new development  
ER4 Sustainable and energy efficient development  
G1 Green Belt

NE2 Nature conservation  
NE7 Development and trees  
T7 Cyclists  
T3 Parking  
T18 Road safety  
C1 Community facilities  
C7 Educational and pre-school facilities

The London Plan

3A.24 Education facilities  
3D.9 Green Belt  
4A.1 Tackling climate change  
4A.7 Renewable energy  
4B.1 Design principles for a compact city  
4B.8 Respect local context and communities

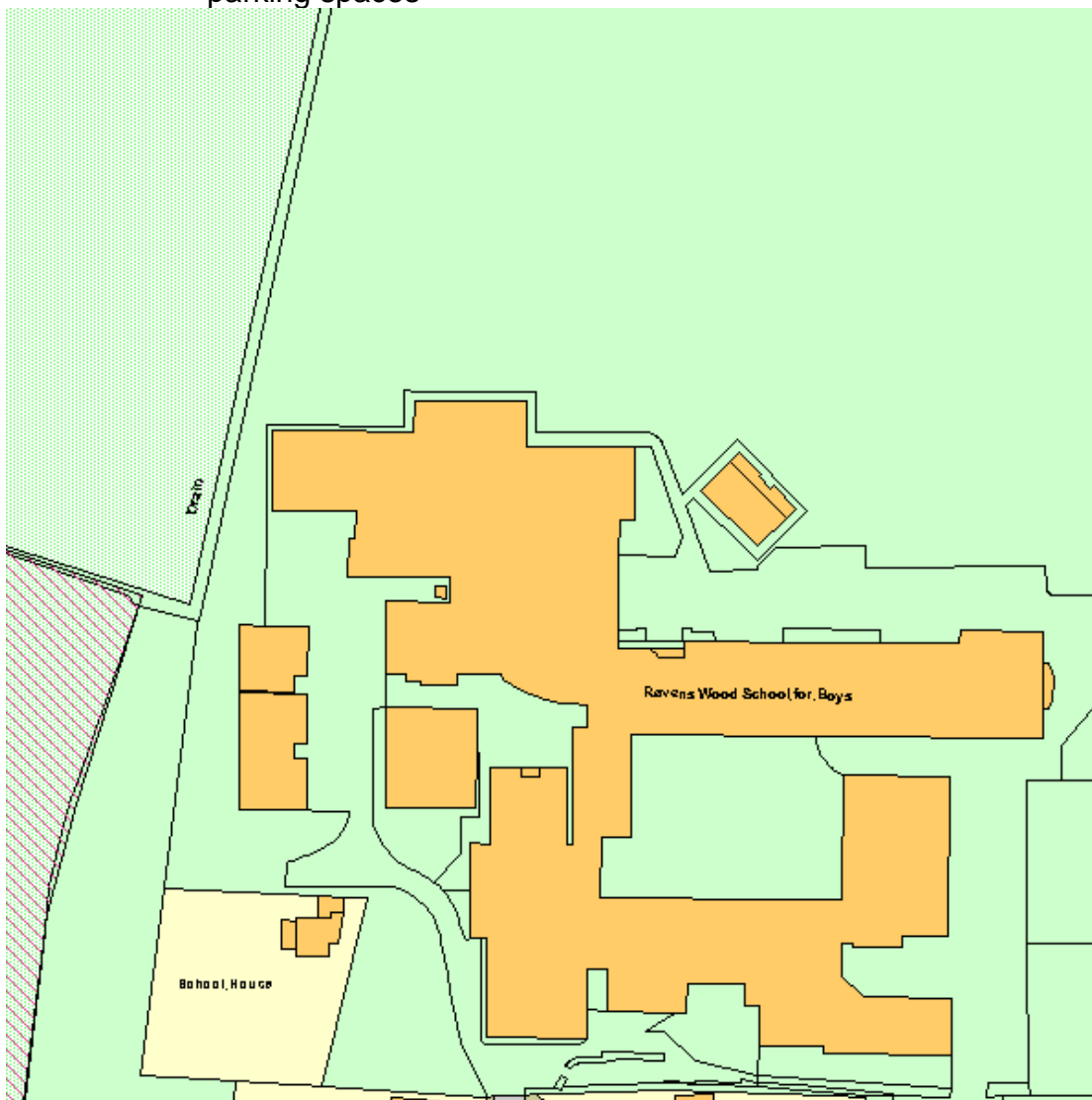
The development is considered to be satisfactory in relation to the following:

- (a) the relationship of the development to adjacent property
- (b) the character of the development in the surrounding area
- (c) the impact on the amenities of the occupiers of adjacent and nearby properties
- (d) the design policies in the development plan
- (e) Green Belt policy, arguments put forward regarding “very special circumstances” in respect of inappropriate development
- (f) impact on the openness of the site
- (g) damage and flood risk issues
- (h) the community facilities and educational policies of the development plan
- (i) the safety of pedestrians and motorists on the adjacent highway
- (j) the safety and security of buildings and the spaces around them
- (k) accessibility to buildings
- (l) sustainability issues
- (m) the environmental protection policies of the development plan and having regard to all other matters raised

Reference: 06/00639/FULL1

Address: Ravenswood School For Boys Oakley Road Bromley BR2 8HP

Proposal: Demolition of cricket pavilion. Two storey detached building comprising reception/assembly hall/kitchen/dance studio and related accommodation. Single storey extension comprising office/plant room/refuse store. Single storey detached electricity substation. Elevation alterations including ventilation outlets above roof and additional/replacement windows. Internal access roads to serve 48 additional/replacement car parking spaces and service/delivery hardstanding. Hard surfacing of existing 25 staff car parking spaces



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**2. Application No : 08/04238/FULL1 Ward : Darwin**

**Address : Cottage Farm Cackets Lane Cudham Conservation Area:NO  
Sevenoaks Kent TN14 7QG**

**OS Grid Ref: E: 545129 N: 159562**

**Applicant : Mr P Baxter Objections: YES**

**Description of Development:**

Erection of a glasshouse

**Proposal**

This application was deferred from Plans Sub Committee on 11th June 2009 in order that a business plan submitted late to the committee could be reviewed by the Council's Agricultural Consultants. The response from the consultants is on file, and essentially it casts doubt on the viability of the proposal. Therefore pending any response from the applicant's agent, the previous report is repeated below with recommendation unchanged:

The application was also previously deferred from Plans Sub Committee on 19th March 2009 in order for the applicant to consider a request to relocate the glasshouse, to reduce its size and for clarification of the use. Revised plans were received on 27th April 2009 which show a revised location and reduced building height. The supporting letter to the revised plans explains that the glasshouse will be lowered by setting it into the ground by an average of 0.5m. The agent suggests that the description should be revised to read 'erection of a glasshouse for agricultural purposes' and explains that the use of the glasshouse ought to be regarded as part of the wider established farm use and confirms that the use of the glasshouse will be predominantly commercial with an element of charity work.

This application now seeks permission for a freestanding glasshouse of 320sqm (floorspace as per original scheme) at Cottage Farm, a site primarily used for an agricultural business involving the rearing of turkeys. The turkeys reared at the site are predominantly sold at Polhill Garden Centre nearby. The applicant

resides at the site. The glasshouse was originally 5m in height to the top of the pitched roof but has now been reduced to 4.05m to the top of the roof. It was originally located to the rear of the existing residential garden to the south western side of the farm complex, and is now relocated to a position to the immediate west of the existing farm complex, in a position further away from residential properties. The structure is currently approximately 35m from the farm buildings and around 40m from the nearest adjoining residential property. The revised scheme alters these figures to immediately adjacent to the farm buildings and around 55-60m from the nearest resident. The footprint of the building remains as existing.

The use is stated to be for horticultural purposes for a variety of plants and food which cannot normally be grown in the English climate. This use extends to other areas of the site where there are two historic smaller glasshouses and some open horticulture. The use is partly for the family but predominantly as an ancillary part of the butchery and catering business. It is also stated that in addition to the 30 people already employed at the site a further person would be employed in connection with this proposal.

## **Consultations**

A number of representations both supporting and objecting to this proposal have been received:

Original objections received include the size of the structure; its visual impact from the road and public footpath to the opposite side of Cacketts Lane; impact on views from the adjacent residential properties and blocking of sunlight due to southerly aspect and the building of the glasshouse without planning permission; and the size of the structure being more akin to a garden centre.

One further letter has been received in relation to the revised plans. This expresses positive views regarding the resiting of the structure, however the letter raises concerns about the accuracy and nature of measurements used for the existing and proposed structures, and questions the intent for the use of the building which it is suggested is for commercial enterprise.

Letters of support state that the greenhouse will be vital to the business; glasshouse will be landscaped and not intrusive; glasshouse will assist in owner's charity work during his open gardens for Harris Hospicecare; and that the glasshouse will blend into the landscape once planted around and filled with plants.

There are no objections from a trees aspect and any comments in respect of the impact upon the Conservation Area from a heritage viewpoint will be reported verbally.



## **Planning Considerations**

The proposal falls to be considered with regard to Policies G1 (Green Belt), NE12 (Landscape Character), BE1 (Design), BE3 (Buildings in Rural Areas) and BE11 (Conservation Areas). PPG2 - Green Belts is also relevant.

Planning history for the site is limited to historic applications in connection with the turkey rearing business.

## **Conclusions**

The primary issues in this case and whether the glasshouse is appropriate development within the Green Belt and whether it is harmful to the landscape and visual amenities of nearby properties. It is also necessary to consider whether the amendments to the scheme warrant a change to the previous recommendation for refusal

The supporting statement originally suggested that the proposal being for horticulture constitutes appropriate development within the Green Belt as defined in PPG2 since it is part of the business at Cottage Farm. This is elaborated upon in the recent covering letter which clearly states that the glasshouse is for agricultural purposes. There is conflicting information regarding the proposed use which is apparent from the application and letters of support. A business plan has been provided to justify the glasshouse, however this is not considered by the Council's agricultural consultants to be sound. No detailed information regarding the integration of this substantial building into the existing business has been provided and it would seem doubtful that the entire area within this large structure would be used in connection with the business. Despite the information provided, insufficient justification has been provided to justify the construction of such a large structure in the Green Belt. The glasshouse is not considered to comply with Policy G1 as no detailed evidence has been provided which proves that it is required for agriculture or forestry, and is therefore inappropriate development.

Notwithstanding the assessment above, and the change of location and slight reduction in height, the building is extremely large and despite being constructed predominantly of glass will still have a considerable impact upon the landscape, particularly when viewed from nearby residential properties and nearby public viewpoints. It is not considered that it will blend into the landscape even if screened with planting given its overall size and height. The proposal therefore conflicts with Policies BE1, BE3 and NE12

Background papers referred to during production of this report comprise all correspondence on file ref. 08/04238, excluding exempt information.

## **RECOMMENDATION: PERMISSION BE REFUSED**

### **The reasons for refusal are:**

- 1 The glasshouse is located within the Green Belt where there is a presumption against inappropriate development. No very special circumstances have been put forward to justify the setting aside of normal policy requirements and the proposal is therefore contrary to Policy G1 of the Unitary Development Plan and PPG2 – Green Belts.
- 2 The glasshouse, by reason of its overall size and siting, constitutes a visually intrusive form of development, harmful to the rural character of the area, therefore contrary to Policies BE1, BE3 and NE12 of the Unitary Development Plan.

### **Further recommendation:**

Enforcement Action be authorised to secure the demolition of the glasshouse.

Reference: 08/04238/FULL1

Address: Cottage Farm Cackets Lane Cudham Sevenoaks Kent TN14 7QG

Proposal: Erection of a glasshouse



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**3. Application No : 09/00562/FULL1 Ward : Penge And Cator**

**Address : Benwick Court Croydon Road London Conservation Area:NO  
SE20 7SS**

**OS Grid Ref: E: 535205 N: 169611**

**Applicant : Court Investment Ltd Objections: YES**

**Description of Development:**

Demolition of existing garages and erection of terrace of 8 part two/three storey 3 bedroom houses with rear second floor balconies, 9 car parking spaces and 8 garages

**Proposal**

The current application proposes the demolition of the existing 46 single storey garages and the construction of a terrace of 8 part two/three storey 3 bedroom houses with rear second floor balconies, 9 car parking spaces and 8 garages.

Each dwelling will have a private rear garden towards the north eastern boundary of the site with Winsford Gardens. The block of 8 single storey flat roof garages are to be located immediately adjacent to the boundary with Winsford Gardens and the proposed 9 car parking spaces are to be located opposite these garages.

Access to the front of the new dwellings is provided by way of a pedestrian access footpath located towards the south west of the site adjacent to the rear boundary of properties located in Oak Grove Road. The proposed balconies are located at the rear of the properties on second floor level and accessed from the loft floor bedrooms looking out towards the north east over the new parking area and garages adjacent to the boundary with Winsford Gardens.

Amended plans were received during the course of this application reducing the proposal from 9 dwellings to 8. Additional information was also supplied regarding the ownership of the garages and the parking proposed and existing.

## **Location**

The area is predominantly residential in character the application site is some 0.23 hectares in size. The site is accessed through a covered entrance way from Croydon Road. This entrance currently serves the parking area to Benwick Court which currently consists of 17 surface parking spaces and 3 blocks of 46 single storey garages.

The site is located towards the rear of the existing four storey block of flats known as Benwick Court. Towards the south and west of the site there are two storey terraced houses which front Oak Grove Road. These properties have large rear gardens some 25 to 30m in depth, towards the end of these gardens adjacent to the application site there are a number of single storey sheds and garages beyond which are a tall row of trees and boundary vegetation which run parallel to the proposed development.

The site is in an area of public transport accessibility Level (PTAL ) 4.

## **Comments from Local Residents**

Letters of objection have been received from local residents in response to public consultation. The concerns raised are as follows:

- the proposal would have a significant impact on the existing car parking situation
- during the construction process if this scheme is allowed construction vehicles will be going through a narrow archway surrounded by the residential flats of Benwick Court causing excessive noise and disruption
- the development would result in overlooking and loss of privacy
- pedestrian and vehicular traffic would increase significantly as a result of this
- noise during construction would casue harm to local residents
- the proposal results in the significant loss of existing off street parking facilities for Benwick Court resulting in an increase in on street parking and congestion of traffic in the area.

## **Comments from Consultees**

In terms of drainage issues a condition should be imposed on any approval to ensure the details of the surface water and foul water drainage systems are submitted prior to the commencement of development.

With regards to refuse storage and collection no objections are raised.

In terms of environmental health issues and the standard of living accommodation, no objections are raised.

No technical highways objections are raised in light of the additional information submitted by the applicant which suggests that the garages form a separate site to Benwick Court and there is no obligation to provide parking for the flats on the site. Not with standing this, as the garages are a separate site it would seem that the current parking provision for Benwick Court is fixed. If the parking is not allocated but all the spaces on the site, existing and proposed, is available to all this should increase the flexibility. The parking provision for the new units is now 1.1 spaces/unit, given the reduction in units to 8, this would seem appropriate. A footpath has been proposed at the rear of the properties behind the parking bays. The new garages are now proposed with full width doors which should aid manoeuvring. A swept path diagram showing the refuse vehicle entering and leaving the site has been submitted.

With regards to the security of the development the Boroughs Crime Prevention Design Advisor raises objections to the proposal stating that the Secure By Design cannot be achieved due to the layout of the site.

### **Planning Considerations**

The proposal falls to be considered primarily with regard to the following policies of the Unitary Development Plan:

- H1 Housing Supply
- H7 Housing density and Design
- T3 Parking
- T6 Pedestrians
- T11 New Accesses
- T12 Residential Roads
- T18 Road Safety
- BE1 Design of New Development

### London Plan

- 3A.3 Maximising the Potential Of Sites
- 4A.3 Sustainable Design and Construction
- 4B.1 Design principles for a compact city
- 4B.8 Respect local context and communities

Government guidance, and that contained within the London Plan, require Councils to maximise the best use of urban land where appropriate when considering new residential developments, but also to retain development that makes a positive contribution to an area.

Policy H1 (v) seeks to make most effective use of land in accordance with the density/location matrix in Table 4.2. Policy H7 aims to ensure that new residential

development respects the existing built and natural environment, is of appropriate density and respects the spatial standards of the area as well as amenities adjacent occupiers, and allows adequate light penetration into and between buildings.

Regarding the proposed density and amount of development proposed (Policy H7-Housing Density and Design) the proposal appears to be a suburban area (Table 4.2 of the UDP- density/location matrix). The density equates to approximately 35 units/hectare.

## **Conclusions**

The main issues in this case are whether the current proposals would result in an overdevelopment of the site, whether they would adequately protect the amenities of adjacent residents in terms of light, privacy and outlook, whether the proposal would significantly harm the spatial standards of the locality and be in keeping with the character and appearance of the area and street scene in general.

In terms of the amenity of the local residents, the proposal maintains adequate distances between the surrounding properties and appears to have a minimal impact on the immediate neighbours, given the general pattern of development in the area. The position of the houses and the design allows existing tree screening to remain towards the southern boundary with the rear of properties located in Oak Grove Road obscuring views from the adjacent properties.

PPS3 'Housing' seeks more efficient use of land whilst at the same time not compromising the quality of the environment. The application is clearly a case that needs to be assessed in the light of this guidance.

To address concerns regarding the overall footprint of the development and its harm to spatial standards, potential overlooking to the rear gardens of properties located in Tramway Close and the numbers of units proposed, revised plans were submitted reducing the scheme from 9 to 8 units. Plot 9 which was located towards the allotment gardens on the southern boundary of the site was removed. This has allowed a greater separation towards the boundary with the allotment gardens reducing the proposals harm to existing spatial standards. The addition of two bay windows, one on the corner of plot 8 and one on the front of plot 7 at first floor level directs the views from the bedrooms towards the allotments and pedestrian footpath to the front of the dwellings. The removal of plot 9 has reduced the impact in terms of potential overlooking and loss of privacy, particularly with regard to the rear gardens of properties located in Tramway Close.

Policies H7 and BE1 draws attention to the need to respect the character, appearance and spatial standards of the surrounding area. The area around the

site is predominantly residential and the buildings in the area are of a variety of styles and scale. Whilst it is acknowledged that the proposal results in a more efficient use of the land and improves the visual amenity by removing abandoned cars and dumped rubbish it does result in a significant increase in the footprint of built development.

Members will therefore need to consider whether the layout of the site leaves adequate separation between buildings. It is clear that there will be an impact on nearby properties and existing spatial standards as a result of this proposal and a judgement needs to be made about whether the impact is unduly harmful. However, Members will need to consider whether this relationship is satisfactory. Considering these concerns and the concerns raised by local residents this application is presented on list 2 of the agenda.

Background papers referred to during production of this report comprise all correspondence on file ref. 09/00562, excluding exempt information.

As amended by documents received on 8.6.2009

#### **RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED**

- |    |  |  |
|----|--|--|
| 0  | D00002   | If Members are minded to grant planning permission the following conditions are suggested: |
| 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  | ACC01  | Satisfactory materials (ext'nl surfaces)   |
|    | ACC01R   | Reason C01   |
| 5  | ACD02  | Surface water drainage - no det. submitt   |
|    | ACD02R   | Reason D02   |
| 6  | ACH03  | Satisfactory parking - full application  |
|    | ACH03R   | Reason H03   |
| 7  | ACH23  | Lighting scheme for access/parking   |
|    | ACH23R   | Reason H23   |
| 8  | ACH27  | Arrangements for construction period   |
|    | ACH27R   | Reason H27   |
| 9  | ACI01  | Restriction of all "pd" rights   |
|    | <b>Reason:</b> In order to comply with Policies BE1 and H7 of the Unitary Development Plan and in the interests of the residential amenities of the adjacent properties. |  |
| 10 | ACI21  | Secured By Design  |
|    | ACI21R   | I21 reason   |
| 11 | ACK09  | Soil survey - contaminated land  |



ACK09R K09 reason

**Reasons for permission:**

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

- H1 Housing supply
- H7 Housing density and design
- T3 Parking
- T6 Pedestrians
- T11 New accesses
- T12 Residential roads
- T18 Road safety
- BE1 Design of new development

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 adjacent property
- (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 light and outlook of occupiers of adjacent and nearby properties
- (f) the privacy of occupiers of adjacent and nearby properties
- (g) the relationship of the development to trees to be retained
- (h) the safety of pedestrians and motorists on the adjacent highway
- (i) accessibility to buildings
- (j) the housing policies of the development plan
- (k) the urban design policies of the development plan

and having regard to all other matters raised.

D00003 If Members are minded to refuse planning permission the following grounds are suggested:

- 1 The proposal constitutes a cramped overdevelopment of the site by reason of the type and number of units proposed and if permitted would establish an undesirable pattern for similar piecemeal infilling in the area, resulting in an overintensive use of the site, retrograde lowering of spatial standards to which the area is at present developed, and safety of the area, contrary to Policies H7 and BE1 of the Unitary Development Plan.

Reference: 09/00562/FULL1

Address: 19 Benwick Court Croydon Road London SE20 7SS

Proposal: Demolition of existing garages and erection of terrace of 8 part two/three storey 3 bedroom houses with rear second floor balconies, 9 car parking spaces and 8 garages



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**4. Application No : 09/00572/FULL1 Ward : Clock House**

**Address : 124 Croydon Road Beckenham Kent Conservation Area:NO  
BR3 4DF**

**OS Grid Ref: E: 536113 N: 168461**

**Applicant : Hazelnut Fleurs Ltd (Mr Mark Wheeler) Objections: NO**

**Description of Development:**

Erection of umbrella to cover seating and smoking area at front and planters/barriers.

**Proposal**

Retrospective planning permission is sought for the erection of jumbrella to cover seating and smoking area at front of the restaurant.

The maximum height of the umbrella (taken from the submitted drawings) is 3.3m, with the canopy measuring 5.1m by 4.8m.

Planters and barriers are also proposed surrounding the outside area.

**Location**

The application site is located along Croydon Road and is situated opposite the junction with Elmerside Road.

The site is located along a small parade of commercial units and adjacent to a residential dwelling

**Comments from Local Residents**

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

Any comments received shall be reported verbally at the meeting.

## **Comments from Consultees**

No objections have been raised from the Council's Highways or Environmental Health divisions.

## **Planning Considerations**

The main policy relevant to this case is Policy BE1 of the Unitary Development Plan.

Policy BE1 sets out the design principles that would be applied when considering proposals for new development - development should respect the scale, form and materials of adjacent buildings and should not detract from the attractive townscape that the Council wishes to secure.

## **Planning History**

There is no recent planning history at the site.

## **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.

Since the outdoor area is in connection to the use of the site, it is considered unlikely that any significant increase in noise or disturbance would result or be seriously detrimental to the residential amenities of nearby occupiers. Although the jumbrella and planters/barriers in the forecourt are removable structures, the jumbrella is relatively large in size and Members will need to give careful consideration to the impact on the visual amenity of the area as a result of the proposal.

Members will note that planning permission is sought retrospectively and as such should Members decide to refuse the application, consideration must be given as to whether enforcement action to remove the structures would be expedient or not.

Background papers referred to during production of this report comprise all correspondence on file ref. 09/00572, excluding exempt information.

## **RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED**

0      D00002      If Members are minded to grant planning permission the following policies are suggested:

### **Reason for granting permission:**

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

BE1 Design of new development

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 adjacent properties
- (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 light and outlook of occupiers of adjacent and nearby properties
- (f) the safety of pedestrians and motorists on the adjacent highway
- (g) the urban design policies of the development plan
- (h) the transport policies of the development plan

and having regard to all other matters raised.

### **INFORMATIVE(S)**

- 1 You should be aware that the grant of planning approval does not constitute or imply compliance with the Health Act 2006, the Licensing Act 2003, The Smoke-free (Premises and Enforcement) regulations 2006, or associated regulation. The applicant is advised to contact the Licensing Team for further advice.

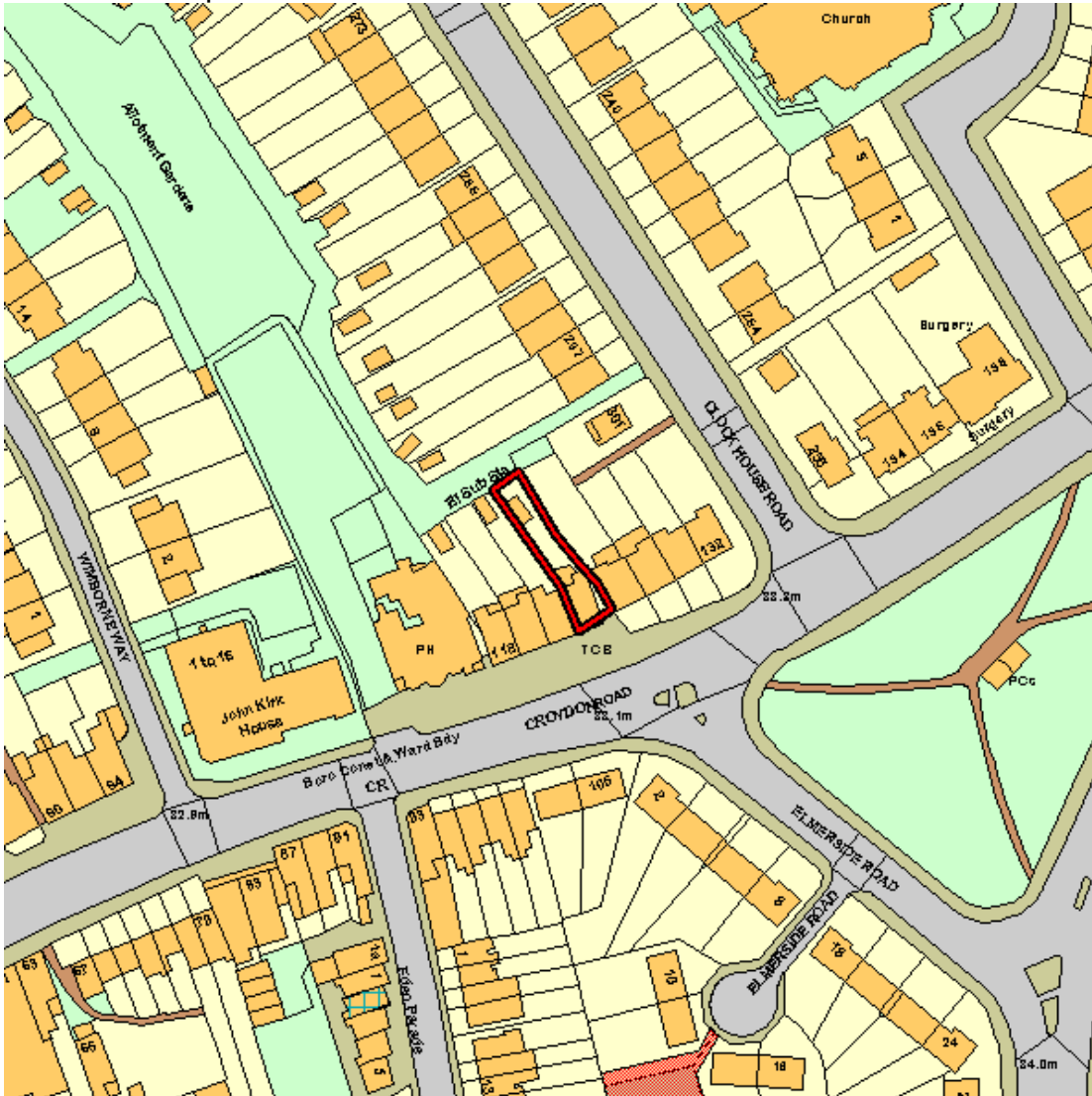
D00003 If Members are minded to refuse planning permission the following grounds are suggested:

- 1 The jumbrella, by reason of its size and siting, results in an overdominant feature within the streetscene thereby contrary to Policy BE1 of the Unitary Development Plan.

Reference: 09/00572/FULL1

Address: 124 Croydon Road Beckenham Kent BR3 4DF

Proposal: Erection of umbrella to cover seating and smoking area at front and planters/barriers.



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**5. Application No : 09/00733/FULL1 Ward : Shortlands**

**Address : 50 - 52 Shortlands Road Bromley BR2 Conservation Area: Shortlands**  
**0JP**

**OS Grid Ref: E: 538979 N: 168912**

**Applicant : Mr Richard Perry Objections: YES**

**Description of Development:**

Part one/two storey side/rear extension and increase in roof height to provide ancillary space for nursery.

**Proposal**

Single storey side extension along the eastern flank boundary of the site which would project approximately 4.5m from the rear of the main building.

First floor rear extension located partly above the existing single storey rear extension with a column positioned at ground level in order to support the projecting first floor element.

It would have a hipped roof set below the height to the main roof (as amended in plans received 15th June 2009).

Revised plans received on 15th June 2009 show the first floor rear extension to project 3.25m (approx.), as scaled from the rear of the existing first floor.

A refuse storage area is also proposed to the front of the ground floor side extension.

**Location**

The application site is a detached building which originally comprised of two semi-detached dwellings.

The current use of the building is a children's nursery/pre-school (approved under ref. 03/03046)

The site falls within the Shortlands Conservation Area.

### **Comments from Local Residents**

- already traffic problems associated with nursery.
- proposal to increase size of nursery will, undoubtedly, mean a larger number of pupils, staff and parents, resulting in more cars parking and dropping off there charges.
- they want more children at the venue which is unfair on local residents.
- rebut statement that the proposal would have little or no impact on adjoining properties.
- inaccuracies in plans.
- proposal will increase the area of vertical wall and roof visible at the bottom of the gardens in Bromley Grove and will reduce the amount of sunlight and daylight o the properties.
- will move the rear first floor windows closer to the garden of 3 Bromley Grove which borders the end of the site.
- would increase the load on surface water drainage.
- no 1 metre side space provided in conjunction with two storey extension.
- garden at 1b Bromley Grove is on a steep gradient magnifying the height of the prposed rear first floor extension.
- would be faced with a solid brick wall and a roof which is at east helf a metre higher than the existing roof, for almost the entire width of the garden.
- detrimental to view from garden and would result in more shade and occasional loss of daylight into lounge.
- disposal of surface water drainage via a soakaway would increase the risk of flooding.
- there are mature trees in an adjoining garden, close to the rear boundary of the site which could be affected by foundation excavation and the soakaway.
- overdevelopment of a site in a residential and conservation area and will have impact on all adjoining properties.
- no provision shown for storage of rubbish bins and buggies.
- windows in second floor will be considerable intrusive as garden at 1c Bromley Grove is only 12 metres long and slopes downwards.
- ground floor of 50-52 Shortlands Road is approximately 1m higher than 1c Bromley grove.
- reduced sunlight into garden especially in winter.
- impact of noise from garden for most of the year and more traffic/parking on the road, especially if No. of children were to increase.



- the extension would result in overlook to their garden and therefore lack of privacy and also cause overshadowing.
- proposed changes will no longer match the style of the current house.
- wall of the proposed laundry/storage shed is on the boundary line of No.1a Bromley Grove.
- with regard to the amended plans – they cover the issue of waste storage but there is no reference to any change in the drainage of water from the new roof and if it is intended to use only a soakaway then concerns are not addressed.
- over-dominant and harmful to the character and appearance of the original development and conservation area.

### **Comments from Consultees**

No objections were raised from a Heritage and Urban Design perspective.

From a trees perspective, no significant trees would be affected by the proposal.

From a Building Control perspective no objection would be raised to soakaway drainage in this location provided that:

- a satisfactory soakage test is carried out
- the soakaway would not be located less than 5m from any building
- the construction would be open chamber
- the final size would be as directed by the Local Authority on site depending on the soil conditions

### **Planning Considerations**

Policy BE1 of the UDP sets out the Council's principles for the design of new development. It says that development should complement the scale, form and layout of adjacent buildings and areas and not detract from the amenities of the occupiers of neighbouring buildings or future occupants through noise and disturbance or by inadequate daylight, sunlight, privacy or overshadowing.

Policy BE11 relates to proposals within conservation areas. It seeks to ensure that development would not undermine the character or appearance of the conservation area and is keeping with development in the surrounding area.

Policy ER3 requires that new and expanded developments provide the space and, where appropriate, facilities for waste separation and collection.

Policy H9 requires adequate levels of separation between new and existing development to protect the privacy and amenity of adjoining residents. It also seeks to ensure that the spatial characteristics of an area are preserved in order to maintain levels of visual amenity.

Policy C2 is related to Community Facilities and Development. The Council wishes to ensure that development proposals take appropriate account of community needs and will seek appropriate facilities to meet those needs in all development.

Policy C7 should be considered in relation to applications for new or extensions to existing educational establishments or pre-school facilities. The Council supports applications that are located so as to maximise access by means other than the car. As facilities are often provided within residential properties, the policy also seeks appropriate safeguarding of amenities.

## **Planning History**

There have been several planning applications in relation to this site. The most recent and relevant applications were as follows:

06/04255: Planning permission was granted for a first floor rear extension – to date this has not been implemented.

08/02600: Planning permission was refused for roof alterations and second floor addition to provide ancillary space for nursery with external access steps. The reasons for refusal were:

The proposed extension would result in an obtrusive ‘top-heavy’ feature incongruous and harmful to the appearance of the existing building and harmful to the character and appearance of the street scene and Shortlands Conservation Area, contrary to Policies BE1 and BE11 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 conservation area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

Following the refusal of the previous scheme, the applicants have taken on board the Council’s concerns over the impact that the roof extensions would have had on the visual amenities of the area and on the host building. The previous application involved a bulky second floor addition sited across the roof of the building, from front to back and an increase in roof height overall. In the current scheme, there are no significant changes to the shape of the roof. The extension would have a more sympathetic roof design and the existing space about the site would also be maintained. As such it is not considered that the character of the host building would be significantly altered by this development nor would the extensions have a detrimental impact on the visual amenities of the conservation area.

In terms of the impact on the amenities of the occupiers of surrounding residential properties, the main concern is with the impact it would have on the properties in Bromley Grove, to the north-east of the site and on No.54 Shortlands Road, to the south-west of the site. With regard to the ground floor extensions, there are existing buildings along the north-eastern boundary of the site and the proposed extension would project forward of these by around 5.5m (including bin store area). As the extension would have a flat roof it is not considered that it would have a significant harmful impact on the amenities of the occupiers of properties in Bromley Grove.

The principle of a first floor extension has already been established at the site in light of the ref. 06/04255 permission. In this scheme, the first floor extension only extended as far back as the existing single storey rear extension and it was considered that, given its separation to the boundary with No. 54 (nearly 3m) and its modest rearward projection of 2.3m, it would not have resulted in any significant loss of amenity to the amenities of the occupiers of No.54.

In the current application the first floor extension would have a greater rearward projection and would be wider, positioned approximately 3m away from the boundary with No.54 and just under 3m from boundary with properties in Bromley grove. There is a garage at No. 54, which is adjacent to the boundary of the two properties and this creates a substantial separation between the proposed extensions and the main dwelling. It is therefore considered that the extensions, even with the added depth, would not result in any significant loss of amenity to the main dwelling house of No. 54. The worst affected properties would therefore be those in Bromley grove whose rear gardens back onto the north-eastern boundary of the site. In this instance it is considered that the first floor extension, at the depth proposed, would have a significant visual impact on the occupiers of these dwellings, resulting in a severe loss of outlook, in particular, from No's 1b and 1c Bromley Grove.

In this instance it is therefore recommended that permission be refused as the proposal would be detrimental to the amenities of the occupiers of adjacent residential properties.

Background papers referred to during production of this report comprise all correspondence on files refs. 06/04255, 08/02600 and 09/00733, excluding exempt information.

as amended by documents received on 15.06.2009

## **RECOMMENDATION: PERMISSION BE REFUSED**

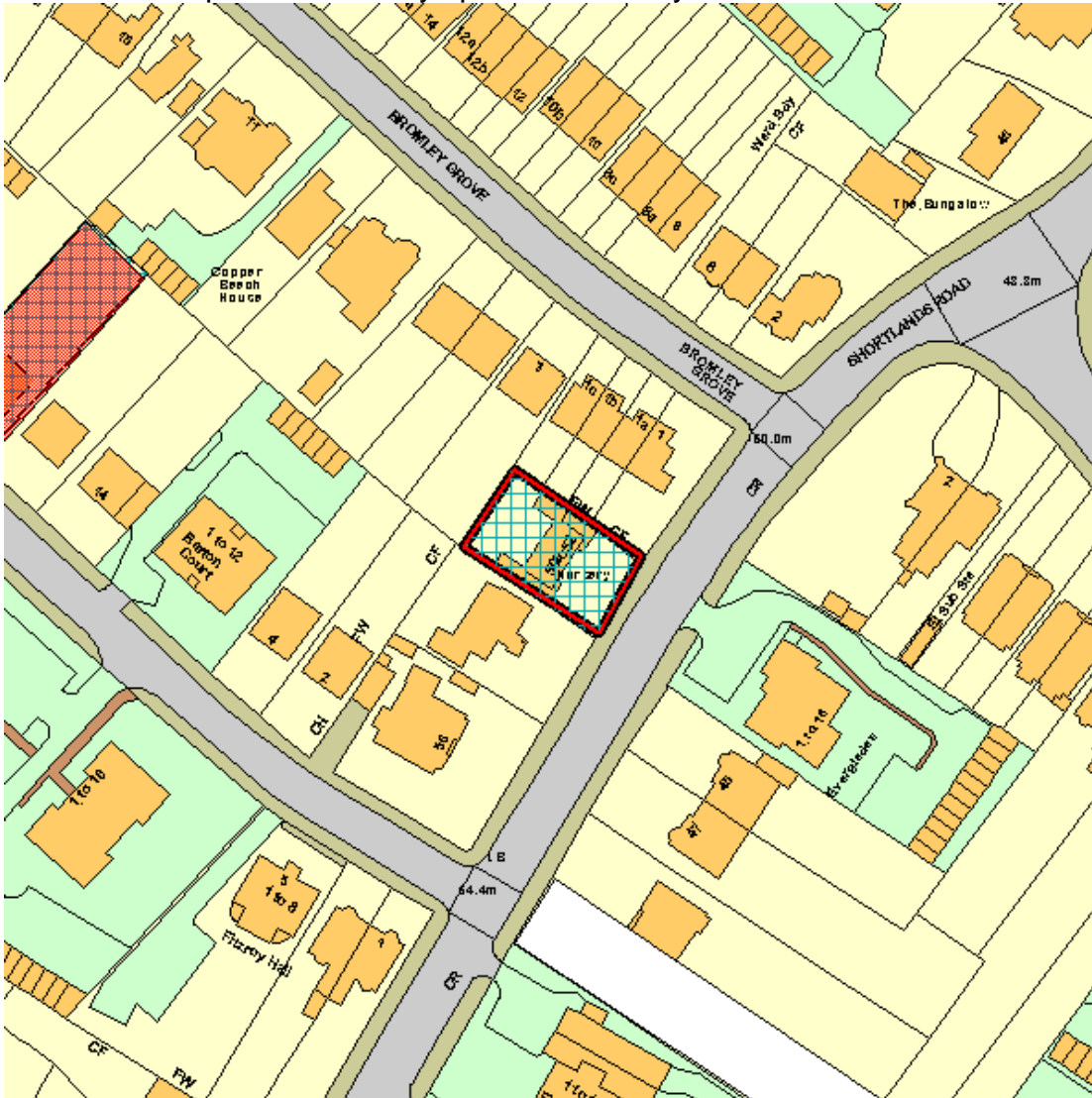
**The reasons for refusal are:**

- 1 The proposal would be seriously detrimental to the amenities that the occupiers of adjoining properties might reasonably expect to be able continue to enjoy by reason of visual impact and loss of prospect in view of its size and depth of rearward projection, contrary to policies BE1 and C7 of the Unitary Development Plan.

Reference: 09/00733/FULL1

Address: 50 - 52 Shortlands Road Bromley BR2 0JP

Proposal: Part one/two storey side/rear extension and increase in roof height to provide ancillary space for nursery.



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**6. Application No : 09/00849/FULL3 Ward : Petts Wood And Knoll**

**Address : 6 Station Square Petts Wood Orpington Conservation Area: Station Square Petts Wood Kent BR5 1NA**

**OS Grid Ref: E: 544448 N: 167701**

**Applicant : Petts Wood Organic Cafe And Juice Bar Objections: YES**

**Description of Development:**

Change of use from retail (ClassA1) to cafe and juice bar (Class A3) shopfront and ventilation extraction system.

**Proposal**

It is proposed to change the use of these vacant premises from retail (Class A1) to a café and juice bar (Class A3).

The proposed opening hours would be between 09.00 hours – 23.00 hours Mondays to Saturdays and between 10.00 hours – 22.30pm on Sundays and Bank Holidays.

Details of a ventilation system are provided, and include an external duct located at roof level on the rear elevation.

Revisions to the shopfront are also proposed, which include relocating the entrance door further to the left-hand side of the premises.

No on-site car parking is provided.

The applicant states that “despite an extensive marketing campaign of the proposed site, there has been no interest for retail use since marketing of the property”.

**Location**

The application site comprises a vacant retail unit on the western side of Station Square which was previously used as a grocers, with separate residential accommodation above. According to the applicant, the premises have been vacant for approximately 1 year.

The site falls within Station Square Petts Wood Conservation Area and is designated a Primary Shopping Frontage within Petts Wood District Centre. The surrounding area contains a mix of terraced properties comprising Class A1 uses, with some Class A2 and A3 uses along with other non-retail uses, and includes several vacant units.

### **Comments from Local Residents**

A number of local objections have been received to the proposals, including a large petition, and the concerns raised can be summarised as follows:

- there are already too many Class A3 uses in Petts Wood shopping centre, and the proposals would result in a cluster of A3 uses
- already a high proportion of units in Station Square are in non-retail use, and the loss of a further Class A1 retail unit would be detrimental to the retail function and character of this District Centre
- café uses do not in themselves generate significant numbers of pedestrian visits, but support and complement existing retail uses, therefore proposals would be contrary to Policy S1 of UDP
- if permission is granted, premises could be used for any Class A3 use which may be more harmful to residential amenity or character of the area
- evening opening hours would cause noise and disturbance to nearby residents
- insufficient marketing evidence provided with regard to long-term vacancy – the premises appear to have been vacated only last September, with the sale to the applicant being completed March 2009, therefore, doesn't appear to have been actively marketed for retail purposes
- a similar proposal was recently refused at Just Flowers, Station Square and the same considerations should apply.

### **Comments from Consultees**

The Council's highways engineer raises no objections to the proposals as the property is within a shopping centre with other food outlets nearby, and there is parking in the close vicinity.

Environmental Health raise no objections to the technical specification provided, nor to the location of the ventilation ducting which is considered to adequately protect residential amenity.

Waste Services consider that there would be adequate provision for refuse storage.

The Advisory Panel for Conservation Areas do not raise any objections to the proposals.

### **Planning Considerations**

The proposal falls to be considered primarily with regard to the following policies:

- BE1 Design of New Development
- BE11 Conservation Areas
- S1 Primary Shopping Frontages
- S9 Food And Drink Premises
- T3 Parking
- T18 Road Safety
- SPG Station Square Petts Wood

### **Planning History**

Permission was recently refused under ref. 09/00616 for the change of use of No.5 Station Square from retail (Class A1) to restaurant (Class A3), on the following grounds:

The proposed change of use would result in a concentration of non-retail uses within Petts Wood District Centre, contrary to Policy S1 of the Unitary Development Plan.

The loss of a retail unit in this location would harm the retail character of the Petts Wood District Centre and would not complement the shopping function of the town centre, therefore contrary to Policy S1 of the Unitary Development Plan.

An earlier application (ref. 08/02337) was refused permission for the change of use of Just Flowers, Station Square from florists (Class A1) to delicatessen/cafe (Classes A1/A3) on the same grounds.

No appeals have been lodged to date.

### **Conclusions**

The main issues relating to the application are the impact of the proposals on the retail character of the primary shopping frontage, the effect on the character of the Station Square Petts Wood Conservation Area, and the impact on the amenities of the occupants of surrounding residential properties.



It is the Council's aim to protect the retail character of primary frontages within District Centres, and Policy S1 therefore only allows for the loss of a Class A1 retail unit where it would not be harmful to the retail character of the shopping frontage. The proposed non-retail use should also still generate significant pedestrian visits during shopping hours, should complement the shopping function of the town centre, should not create a concentration of similar uses, and should not adversely affect residential amenity.

A recent survey of the shopping centre as a whole shows that approximately 52% of units are currently in Class A1 retail use, however, this drops to 44% within the primary frontage with 4 out of the 34 units currently vacant (including the application property).

The number of food and drink premises (Classes A3, A4 and A5) within the primary shopping frontage currently make up only 15% of the units and are spread throughout the primary frontage. Therefore, the proposed café use is not considered to cause an overconcentration of such uses, but would complement the shopping function of the shopping centre, by attracting shoppers during normal shopping hours and thus adding vitality to the area.

However, Members will need to carefully consider whether the current balance of retail and non-retail uses within the primary shopping frontage would be undermined by the permanent loss of a further Class A1 retail unit, or whether a good concentration of retailing activity would still remain, while bringing back into use a vacant unit.

In terms of the impact on residential amenity, the proposed closing times of the café would be similar to other food and drink premises nearby, and would be compatible with its District Centre location. Although residents above the shop units in this parade may experience some increased activity at the premises, particularly during the evening hours, this is not considered to be excessive nor unduly harmful to residential amenity. Furthermore, the ventilation system proposed is considered to adequately protect nearby residents from odours, and can be controlled by condition.

Policy S9 which relates to new food and drink uses also refers to the need to ensure that they would not cause undue traffic congestion nor be detrimental to road safety, which is not considered to be of issue in this case.

The proposals are not considered to adversely impact on the Conservation Area, and while it would be preferable to keep the existing shopfront, the replacement would be timber framed, and is considered acceptable in terms of design.

Background papers referred to during production of this report comprise all correspondence on files refs. 08/02337, 09/00616 and 09/00849, excluding exempt information.

as amended by documents received on 07.05.2009 10.06.2009

**RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED**

- 0 D00002 If Members are minded to grant planning permission the following conditions are suggested:
- 1 ACA01 Commencement of development within 3 yrs  
ACA01R A01 Reason 3 years
- 2 ACC01 Satisfactory materials (ext'nl surfaces)  
ACC01R Reason C01
- 3 ACC03 Details of windows  
ACC03R Reason C03
- 4 ACH19 Refuse storage - implementation  
ACH19R Reason H19
- 5 ACJ25 No take-away/home delivery  
ACJ25R J25 reason
- 6 ACJ26 Ventilation system for restaurant/take-a  
ACJ26R J26 reason
- 7 The use shall not operate before 09.00 hours and after 23.00 hours Mondays to Saturdays, and before 10.00 hours and after 22.30 hours on Sundays.  
ACJ06R J06 reason (1 insert) S9

**8 Reasons for granting permission:**

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

- BE1 Design of New Development
- BE11 Conservation Areas
- S1 Primary Shopping Frontages
- S9 Food And Drink Premises
- T3 Parking
- T18 Road Safety

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

- (a) the visual impact on the street scene
- (b) the impact on the amenities of the occupiers of nearby residential properties
- (c) the conservation policies of the development plan
- (d) the shopping policies of the development plan
- (e) the transport policies of the development plan

and having regard to all other matters raise, including neighbours concerns.

D00003      If Members are minded to refuse planning permission the following grounds are suggested:

- 1      The loss of a Class A1 retail unit in this primary shopping frontage location would further undermine the retail character of Petts Wood District Centre, and would therefore be contrary to Policy S1 of the Unitary Development Plan.

Reference: 09/00849/FULL3

Address: 6 Station Square Petts Wood Orpington Kent BR5 1NA

Proposal: Change of use from retail (ClassA1) to cafe and juice bar (Class A3) shopfront and ventilation extraction system.



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## **Comments from Consultees**

The Tree Officer was consulted on this application. Any response will be reported verbally at the meeting.

## **Planning Considerations**

Policies H8 (design of residential extensions), H9 (residential side space) and BE1 (design and layout of new development) of the Unitary Development Plan apply to the development and should be given due consideration. These policies seek to ensure a satisfactory standard of design, ensure an adequate separation in respect of 2 storey side extensions, and are to safeguard the overall character and amenities of the area.

## **Planning History**

Planning applications have previously been submitted to develop the application and neighbouring sites. These are summarised below:

05/03657/OUT Demolition of numbers 24, 26 and 28 Barfield Road and erection of 8 detached dwellings with garages and off-street parking accessed via existing to 28 Barfield Road OUTLINE Refused and dismissed at appeal  
07/00585/FULL1 Demolition of No. 28 and erection of part two/three storey block of 8 two bedroom and 1 three bedroom flats with front and rear balconies/access road and 13 car parking spaces/cycle and refuse stores at land r/o 24 and 26 Barfield Road Non-determination, dismissed at appeal.

## **Conclusions**

The main issue for consideration in this case is whether this proposal fits into the character of the area with particular focus on the degree of side space separation which will be maintained between the flank elevation of the extended dwelling and the flank boundary of the property, and whether this scheme is acceptable in view of local planning policies (H8 and H9) which prescribe a minimum separation 1 metre in respect of two storey/first floor side extensions. In particular, Policy H9 states that the Council will normally require that a minimum 1 metre space from the side boundary of the site is retained for the full height and length of the flank wall of the building. These policies are aimed at ensuring adequate separation so as to maintain adequate spatial standards, prevent 'town cramming' and to safeguard the privacy and amenity of adjoining residents.

Members may, on balance, consider that this application, although contrary to side space policy, is acceptable in this instance given the location of the site at the end of a row of detached properties which adjoins a railway embankment, and that the position of the first floor extension – which will be set in from the ground floor flank elevation – mitigates any potential for cramped development

on the site. As such, it is not considered that local spatial standards or the visual amenity of the area will be undermined.

In relation to the adjoining property at No. 26 Barfield Road the proposed first floor extension will be set approximately 3m from the boundary with that property, and given the orientation of that neighbouring dwelling it is not considered that its amenities will be unduly affected.

On balance, having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

Background papers referred to during production of this report comprise all correspondence on file ref. 09/01183, excluding exempt information.

### **RECOMMENDATION: PERMISSION**

#### **Subject to the following conditions:**

- |   |        |  |
|---|--------|--|
| 1 | ACA01  | Commencement of development within 3 yrs |
|   | ACA01R | A01 Reason 3 years                       |
| 2 | ACC04  | Matching materials                       |
|   | ACC04R | Reason C04                               |

#### **Reasons for permission:**

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

- BE1 Design of new development
- H8 Residential extensions

The development is considered satisfactory in relation to the following:

- (a) the appearance of the development in the street scene;
- (b) the relation of the development to the adjacent property;
- (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 light and outlook of occupiers of adjacent and nearby properties;
- (f) the privacy of occupiers of adjacent and nearby properties.

and having regard to all other matters raised.

Reference: 09/01183/FULL6  
Address: 28 Barfield Road Bromley BR1 2HS  
Proposal: Part one/two side extension



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**8. Application No : 09/01193/VAR Ward : Bromley Town**

**Address : The Ravensbourne School Hayes Lane Conservation Area:NO  
Bromley BR2 9EH**

**OS Grid Ref: E: 540682 N: 168046**

**Applicant : The Ravensbourne School Objections: YES**

**Description of Development:**

Variation of Condition 7 of permission 91/01549 granted for all weather pitch with protective fencing and floodlighting (which prohibits the floodlights operating after 18:00 hours Monday to Saturday (except 3 days between Monday to Fridays when the lights can operate until 21:30) ) to permit the floodlights to operate 5 evenings a week up to 21:30 hours

**Proposal**

Planning permission was granted under ref. 91/01549 for an all weather pitch with protective fencing and floodlighting. Condition 7 of the permission required that the floodlights were only used between 09.00 and 21.30 on any three weekdays and between 9.00 and 18.00 on the remaining two weekdays and between 9.00 and 18.00 on Saturdays. The applicant is seeking to relax this condition to permit the use of the floodlights until 21.30 every weeknight.

**Location**

The sports pitch is located on the eastern side of the Ravensbourne School site adjacent to residential dwellings fronting Vincent Close and Hayes Lane.

**Comments from Local Residents**

Nearby residents were notified of the application and a representation was received which can be summarised as follows:

- light pollution
- noise pollution

- additional traffic
- anti-social behaviour
- tree screening is deciduous
- additional use of pitches is not needed
- condition was originally applied to protect the amenities of local residents
- floodlights are outdated and inefficient
- floodlighting would be unacceptable under current legislation
- arguments presented by school are misleading and dubious
- school teams have not historically used pitch after 18.30

### **Comments from Consultees**

There are no objections in terms of Environmental Health.

### **Planning Considerations**

Planning permission was refused under ref. 07/01246 for the construction of 8 floodlit all weather pitches/ resurfacing and provision of floodlighting for existing hard surface court/ resurfacing of the existing floodlit all-weather 11a side pitch/ extension of the existing sports hall to provide reception cafe toilets storage and office and additional car parking. The grounds of refusal included harm to the residential amenities of the occupants of nearby dwellings.

A Certificate of Lawfulness application for the use of the floodlights until 21.30 on five weeknights was refused under reference 07/01647. It was considered that insufficient evidence had been submitted to demonstrate that the use had continued for a period of ten years and a breach of condition notice had been served prior to submission of the application.

The proposal falls to be considered primarily with regard to the following policies of the Unitary Development Plan:

- BE1 Design of new development
- ER8 Noise pollution
- ER10 Light pollution

### **Conclusions**

The main issue to be considered in this case are the impact of the proposal on the residential amenities of the area. Planning permission ref. 91/01549 indicates that the use of the floodlights until 21.30 on any three weeknights is considered acceptable. Use of the floodlights on the remaining two weeknights would be likely to result in an increased cumulative impact rather than an increase in the level of noise and light pollution resulting from the use of the sports pitch. Such a cumulative impact may be difficult to quantify and, on the

basis that it is already considered acceptable to use the floodlit sports pitch on any three weeknights, the proposal can be considered acceptable.

**RECOMMENDATION: APPROVAL**

**subject to the following conditions:**

- 1 The floodlights shall not operate other than between 09.00 and 21.30 hours Monday to Friday and between 09.00 and 18.00 hours on Saturdays.

**Reason:** In the interests of the residential amenities of the area and in order to comply with Policies ER8 and ER10 of the Unitary Development Plan.

**Reasons for granting planning approval:**

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

ER8 Noise pollution

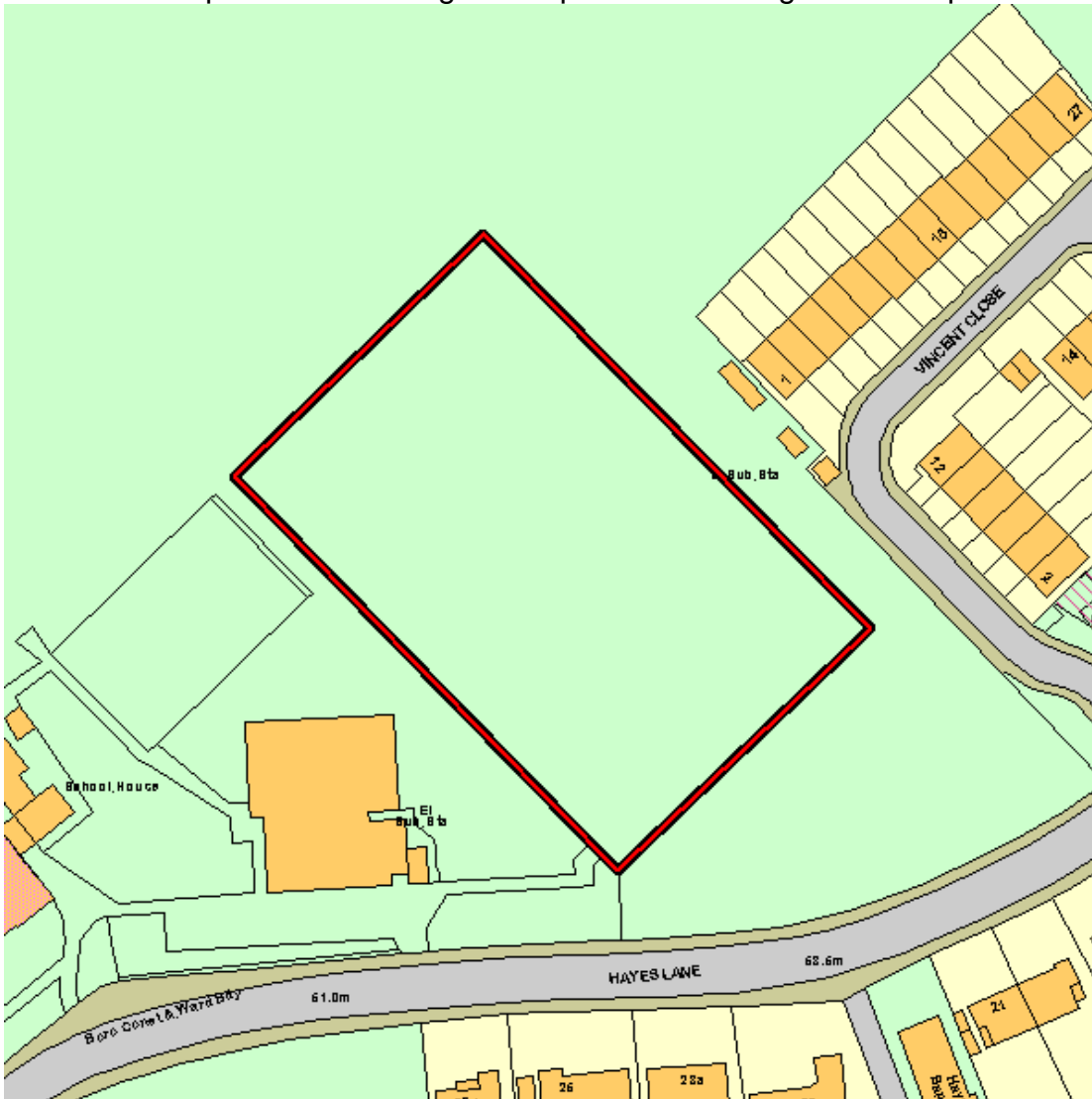
ER10 Light pollution

The proposal is considered to be satisfactory in relation to the impact on the amenities of the occupiers of adjacent and nearby properties, and having regard to all other matters raised.

Reference: 09/01193/VAR

Address: The Ravensbourne School Hayes Lane Bromley BR2 9EH

Proposal: Variation of Condition 7 of permission 91/01549 granted for all weather pitch with protective fencing and floodlighting (which prohibits the floodlights operating after 18:00 hours Monday to Saturday (except 3 days between Monday to Fridays when the lights can operate until 21:30) ) to permit the floodlights to operate 5 evenings a week up to 21:30 hours



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**9. Application No : 09/01303/FULL1 Ward : Bromley Common And Keston**

**Address : 20 Gravel Road Bromley BR2 8PF Conservation Area:NO**

**OS Grid Ref: E: 542283 N: 165943**

**Applicant : Heltfield Limited Objections: YES**

**Description of Development:**

Erection of 5 two storey detached houses (1x4 bedroom and 4x5 bedroom) with attached garages/parking spaces and bin store

**Proposal**

Planning permission is sought for 5 detached houses (indicated as Plots 3,4,5,6 and 8) bringing the total up to 8 dwellings at the rear of 16-22 Gravel Road and 13-16 Trinity Close.

Plots 1 and 2 which were granted planning permission under ref. 06/04235 have now been constructed.

The proposed houses are traditional in design, with the facing materials being predominately brick.

Plot 3 (which was granted under ref.08/00264) has altered in layout.

The access road has also been altered to accommodate the additional dwellings, although the arrangement between 18 and 22 Gravel Road remains unchanged.

Two car parking spaces are proposed per dwelling.

The application is accompanied by a Design and Access Statement and an Arboriculturalist Report.

**Location**

The application site is situated on the north-western side of Gravel Road and comprises an irregular plot (the Agent confirms the red-lined site to measure 0.452ha).

Further land that has been acquired from the rear gardens of properties in Trinity Close now forms part of the enlarged site.

The surrounding area is residential, with area to the west of the site forming part of Bromley, Hayes and Keston Common Conservation Area. There are trees to the western boundary of the site protected by TPO no. 2078.

### **Comments from Local Residents**

There have been local objections raised in respect of the application which are summarised below:

- overcrowded, excessive and intrusive
- chose to live here because rural appearance
- soil is clay- there is flooding after heavy rain
- maisonettes do not have dormer windows- No.16 has loft extension (1984)
- most residents moved here because of large gardens- did not expect gardens to be used for development
- loss of privacy
- overlooking into maisonettes in Trinity Close
- new houses in Gravel Road already cause congestion
- proposal no more than modern day overcrowded slum
- covenant states that the rear gardens must remain as gardens and no building can be built on them
- Town Councillors have already objected to overcrowding of enclosed space and garden grabbing
- additional traffic onto Gravel Road from new development
- development does nothing to enhance the neighbourhood
- detrimental to drainage/ run-off
- trees have already been removed
- proposed house do not complement established architecture
- development would do little to contribute towards housing needed in Bromley
- only beneficiaries are the developers
- overdevelopment of the site
- overshadow and block out light to existing maisonettes
- increased noise and smell
- contrary to UDP policies
- obstruction is road by construction vehicles

Any further comments received will be reported verbally. Please note that the full texts of the above objections are available on file ref. 09/01303.

### **Comments from Consultees**

Highways- no objections raised.

Drainage- no objections raised.

Thames Water- no objections raised subject to suggested informative.

Trees and Landscaping- no objections raised.

Waste- advise that refuse be left at edge of curtilage and that there is no turning area for dustcart at bottom of the road.

Any further comments will be reported verbally at the meeting

### **Planning Considerations**

In considering the application the main policies are H1, H7, H9, BE1, T3 and T18 of the Unitary Development Plan. These concern the housing supply density and design of new housing/new development, the provision of adequate car parking and new accesses and road safety.

Policy H1 (v) seeks to make most effective use of land in accordance with the density/location matrix in Table 4.2. Policy H7 aims to ensure that new residential development respects the existing built and natural environment, is of appropriate density and respects the spatial standards of the area as well as amenities adjacent occupiers, and allows adequate light penetration into and between buildings.

Regarding the proposed density and amount of development proposed (Policy H7-Housing Density and Design) the proposal is in a suburban area along a transport corridor (Table 4.2 of the UDP- density/location matrix). The density equates to approximately 11.06 units/hectare, falling below of the range of 30-50/ha set out in the matrix (if that interpretation is accepted).

Policy BE1 requires a high standard of design in new development generally, and seeks to protect the amenities of the occupants of neighbouring properties.

Policy T3 seeks to ensure that off street parking provisions for new development are to approved standards. Policy T18 requires that issues of road safety are considered in determining planning applications.

Government guidance in the form of PPS3 "Housing" generally encourages higher density developments in appropriate locations, while emphasising the role of good design and layout to achieve the objectives of making the best use of previously developed land and improving the quality and attractiveness of residential areas, but without compromising the quality of the environment.

The London Plan now also forms part of the development plan where Policies 4B.1, 4B.3, and 4B.7 are relevant.

## **Planning History**

Under ref. 08/00264 a scheme for 5 detached houses was allowed on appeal. The Council originally refused the application on the following grounds:

The proposal, by reason of the size, siting and number of units proposed, represents a cramped overdevelopment of the site, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.

The proposal, given the size, design and positioning of the proposed house on Plot 4 will have an undue impact upon the amenities of the neighbouring residential properties due to the loss of privacy, thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.

The proposal would prejudice the retention of one of the protected trees on the site and the replacement of protected trees that have been removed without consent, thereby contrary to Policy NE7 of the Unitary Development Plan."

Members should also be aware that Costs were awarded to the appellant against the Council on the basis that the third ground of refusal was not substantiated.

The main issues considered by the Inspector were whether the proposed development was cramped on the site, its impact on the neighbour's privacy and outlook, and its impact on trees. The Inspector concluded that:

"The increase in the site area and introduction of a fifth house will have little impact on the remaining sense of spaciousness or the rural character of the site, particularly as the site has been increased in size. I find the appeal scheme would be neither unacceptable nor significantly greater than that of the approved scheme. I can understand that any reduction in privacy would not be welcomed by the occupier (of Middle House), but the appeal site is in an urban area subject to considerable pressure for housing development. Overall therefore I conclude on this issue that the proposed development would not cause unacceptable harm to the amenities of neighbours. I consider the proposal would not have an unacceptable impact on protected trees. I do not think that the parking



arrangements would be inadequate. I note that Middle House is in a Conservation Area, but there is no suggestion that the development has any impact on the Conservation Area.”

Permission was granted under ref. 06/04235 for the demolition of No.20 Gravel Road and the erection of 4 detached houses (3 five bedroom and 1 four bedroom). Permission was later granted under ref. 07/02420 for elevational alterations and the enlargement of Plot 1.

Under ref. 06/02502 planning permission was dismissed at appeal for 5 detached houses the Planning Inspector stated that there would be an unacceptable level of overlooking and loss of privacy.

Planning permission was refused and dismissed at appeal under ref. 06/00619 for 6 detached houses (06/00619) for the following reason:

"The proposal, given the size, design and positioning of the proposed houses on plots 1 and 2, and the position of the access drive, will have an undue impact upon the amenities of the neighbouring residential properties due to the loss of privacy and prospect and due to noise and disturbance respectively, thereby contrary to Policies H.2 and E.1 of the adopted Unitary Development Plan (September 2002) and Policies 4B.1 and 4B.7 of the London Plan."

The Planning Inspector stated that significant harm would be caused to the outlook and privacy of the residents of No. 12 Gravel Road which could not be overcome by condition.

## **Conclusions**

The main issues in this case are whether this type of development is acceptable in principle in this location, the likely impact of the proposed scheme on the character and appearance of the surrounding area, and on the amenities of neighbouring residential properties, having particular regard to the density, layout and design of the proposed scheme. Regard must also be given to the previous application and subsequent appeal decision at the site.

The principle for five houses has already been established under ref. 08/00264. The current scheme incorporates additional land from the maisonettes in Trinity Close. The current application deletes House 4 of the previous scheme and replaces it with 3 other properties further into the site towards Trinity Close. The rear garden in No.22 is now proposed to be sub-divided to accommodate an additional dwelling.

With regards to the proposed layout of the scheme, the existing access road is to be extended further into the site to accommodate the additional dwellings. A 1m

side space is generally retained between the proposed buildings and flank boundaries, with plots 3, 4, 5 and 6 forming a staggered layout into the site. Rear gardens of the scheme range from approximately 22m to 10m in depth which may be considered adequate amenity space for future occupiers.

There have been a number of concerns raised by local residents, including residents of Trinity Close, on the effect of proposed houses on the amenity of neighbours. In relation to the impact on residential amenity, the proposal is now closer to properties in Trinity Close, Nos. 22 and 44 Gravel Road, Weald Close. However, a minimum separation of approximately 23m will be retained between Plot 5 and 15-16 Trinity Close and an approximate separation of 37m between Plot 8 and No.22 Gravel Road. Plot 8 retains an approximate 5m separation to the boundary with Nos. 4 and 6 Weald Close with these properties having rear gardens of approximately 20m in depth. Members should carefully consider the relationship with adjoining development but, on balance, it is considered that there are insufficient amenity grounds to warrant a refusal of planning permission.

Members will also note that the impact on trees is not considered to be harmful to their retention.

Background papers referred to during production of this report comprise all correspondence on file ref. 09/01303, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

### **Subject to the following conditions:**

- |   |                 |  |
|---|-----------------|--|
| 1 | ACA01<br>ACA01R | Commencement of development within 3 yrs<br>A01 Reason 3 years |
| 2 | ACA04<br>ACA04R | Landscaping Scheme - full app no details<br>Reason A04         |
| 3 | ACA08<br>ACA08R | Boundary enclosures - implementation<br>Reason A08             |
| 4 | ACB01<br>ACB01R | Trees to be retained during building op.<br>Reason B01         |
| 5 | ACB02<br>ACB02R | Trees - protective fencing<br>Reason B02                       |
| 6 | ACB03<br>ACB03R | Trees - no bonfires<br>Reason B03                              |
| 7 | ACB04<br>ACB04R | Trees - no trenches, pipelines or drains<br>Reason B04         |
| 8 | ACB16<br>ACB16R | Trees - no excavation<br>Reason B16                            |
| 9 | ACC01<br>ACC01R | Satisfactory materials (ext'nl surfaces)<br>Reason C01         |

- 10 ACD02 Surface water drainage - no det. submitt
- ACD02R Reason D02
- 11 ACH03 Satisfactory parking - full application
- ACH03R Reason H03
- 12 ACH16 Hardstanding for wash-down facilities
- ACH16R Reason H16
- 13 ACH17 Materials for estate road
- ACH17R Reason H17
- 14 ACH27 Arrangements for construction period
- ACH27R Reason H27
- 15 ACH29 Construction Management Plan
- ACH29R Reason H29
- 16 ACI02 Rest of "pd" Rights - Class A, B,C and E

**Reason:** In the interest of amenities of adjoining residents.

- 17 No windows, other than those shown on the permitted plans shall be inserted in the first floor flank elevations of the houses.

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

- 18 Before the development hereby permitted is first occupied, the proposed windows in the first floor flank elevations of the proposed houses shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.

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

- 19 The strip of land between 22 and 44 Gravel Road shall be retained as undeveloped garden land.

**Reason:** In the interest of the amenities of the adjacent properties.

**Reasons for granting permission:**

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

- H1 Housing supply
- H7 Housing density and design
- H9 Side space
- BE1 Design of new development
- T3 Parking
- T18 Road safety

INFORMATIVE(S)

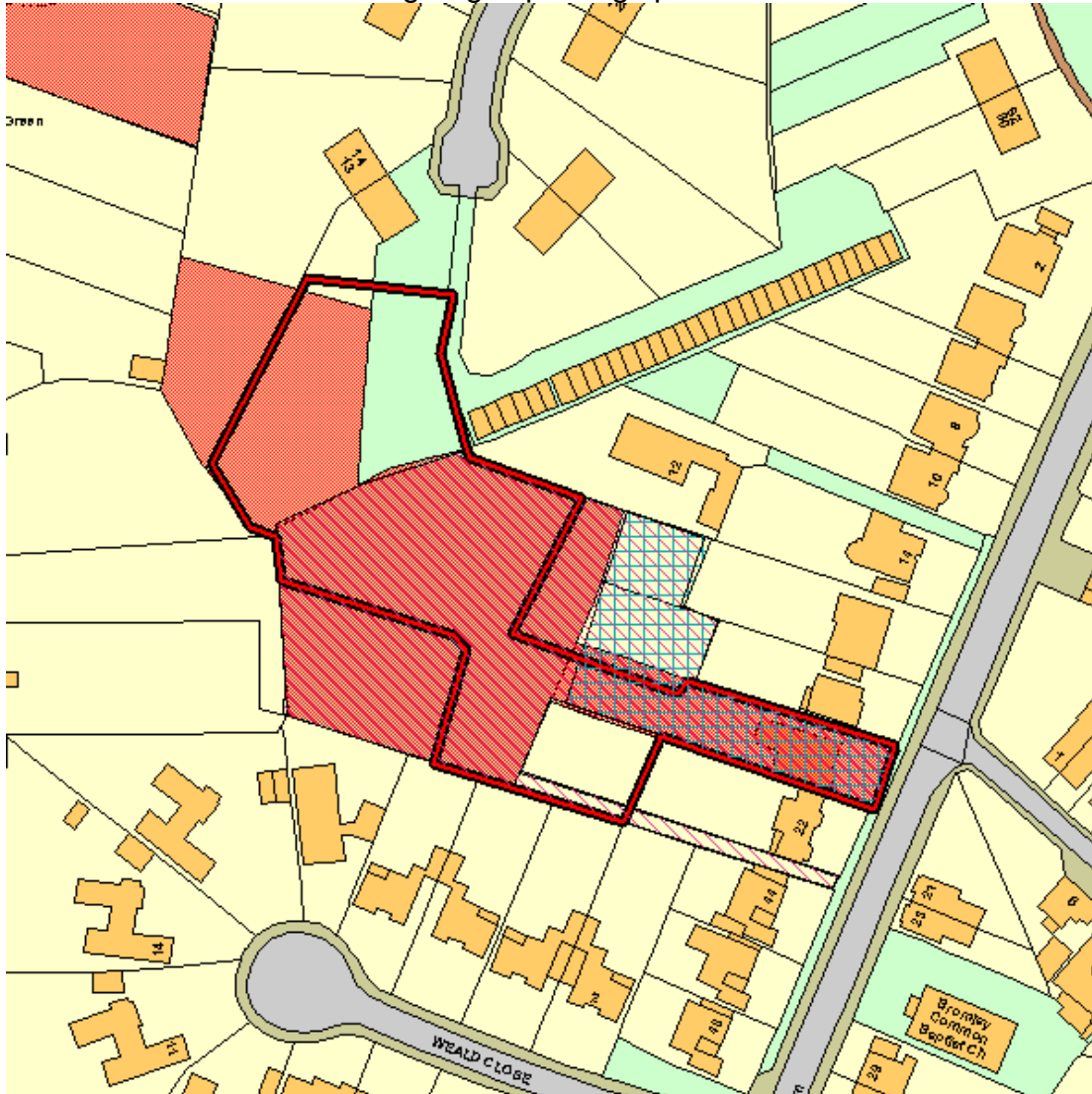
- 1 Please be aware that with regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is

recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Reference: 09/01303/FULL1

Address: 20 Gravel Road Bromley BR2 8PF

Proposal: Erection of 5 two storey detached houses (1x4 bedroom and 4x5 bedroom) with attached garages/parking spaces and bin store



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**10. Application No : 09/01444/FULL1 Ward : Petts Wood And Knoll**

**Address : 2A Priory Avenue Petts Wood Conservation Area:NO  
Orpington Kent BR5 1JF**

**OS Grid Ref: E: 544826 N: 167336**

**Applicant : Mr Justin Cockett Objections: NO**

**Description of Development:**

Replacement two storey 4 bedroom dwelling with integral garage and roof space accommodation

**Proposal**

This proposal is for a replacement two storey detached house incorporating an integral garage and roof space accommodation. This will replace an existing bungalow.

The proposed dwelling will occupy a similar footprint to that of the existing bungalow, with the main exception being the front element, part of which will be located closer to the highway (at approximately 7.4m given its L-shaped design).

A side space separation of 1.0m is proposed to the southern flank and 1.15m to the northern flank boundary.

The property will project a maximum 14.4m in depth although it will not project as far back as the existing bungalow.

Most of the property will be two storeys, with the exception of the rear-most element which will be single storey and approximately 2.2m in length.

In terms of its height, the ridge will be located up to approximately 8.2m above ground level (when scaled from the submitted plans).

This proposal is a revision to a previously refused dwelling on the site (ref. 08/03621) which Members may recall was refused at the Plans Sub Committee on 8th January 2009.

### **Location**

The site is located within a predominantly residential area along the southern end of priory Road, in close proximity to the junction with St Johns Road, and located within the southern edge of the designated Petts Wood Area of Special Residential Character.

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application. No representations had been received at the time of compiling this report.

### **Comments from Consultees**

No technical highways objections have been raised.

### **Planning Considerations**

Policies BE1, H7, and H9 of the Unitary Development Plan apply to the development and should be given due consideration. These policies seek to ensure a satisfactory standard of design which complements the qualities of the surrounding area; to safeguard the amenities of neighbouring properties; to maintain adequate parking provision; and to ensure adequate side space provision. In addition Policy H10, which relates to Areas of Special Residential Character, requires development to respect and complement the character of such designated areas. Policies T3 and T18 deal with parking and road safety respectively.

### **Planning History**

Two previous applications have been submitted for this site.

Application ref. 07/03107, relating to a replacement two storey 5 bedroom detached house with integral garage and accommodation in roofspace was refused by the Council, and subsequently dismissed at appeal. This was refused on the following ground:

The proposal would be overdominant in the street scene and would be detrimental to the amenities that the occupiers of adjoining properties might reasonably expect to be able to continue to enjoy by reason of visual impact and loss of prospect in view of its size and depth of rearward projection, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.

In assessing the appeal the Planning Inspector considered that the height of the proposed dwelling, coupled with the width of the plot would make it appear unduly dominant within the streetscene, cramped on the plot and incongruous with neighbouring dwellings. Its significant depth would be discernable from the street and from neighbouring gardens.

With regard to neighbouring amenity the Inspector noted that the proposal would result in an unacceptable loss of sunlight on No 4 Priory Avenue, especially in relation to its rear conservatory and garden. It would also appear unduly overbearing from No. 4, and from No. 2, especially given its chimney and side dormer designs.

A subsequent application, ref. 08/03621, was again refused by the Council for the same reason as the 2007 application.

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character and appearance of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

Members will need to consider whether the changes made in this proposal are sufficient enough to overcome the previous grounds of refusal raised in relation to the two preceding applications with particular regard to the impact of the proposed dwelling on the streetscene.

In comparison to the last application (ref. 08/03621), the design of the dwelling has been amended in the following ways:

- the side dormer located to the southern side of the dwelling has been removed;
- a chimney stack has been added to the southern flank;
- the single storey rear element has been reduced in depth by approximately 0.7m and a pitched roof will be added above it (as opposed to a flat roof);
- the height of the dwelling will remain unchanged.

Given the proposed reduction in the depth of the dwelling, Members may consider that neighbouring amenity will not be substantially undermined; the submitted block plan indicates that the two storey element will project no further back than the dwelling at No. 4, whilst the single storey element – which will now project 2.1m – will appear less prominent from that neighbouring side. Since there are no flank windows located at No. 2 facing the application site, the proposed dwelling will be most visible from the rear of No 2. Given the reduction in the projection of the proposed dwelling, and its separation from the house at



No. 2, on balance, Members may now consider that there is minimal impact on the amenities of the occupiers of No 2.

Finally, turning to the impact of the proposed dwelling on the streetscene, the height of the dwelling will be generally consistent with neighbouring properties in terms of the ridge height, although its width will be approximately 0.5m greater than either Nos. 2 or 4. A 1 metre side space will be introduced to the southern side of the dwelling (the existing bungalow is built within closer proximity to the southern boundary) which will help to ensure a less cramped form of development on the site. Although the site falls within an Area of Special Residential Character the development style and spatial standards along the southern side of Priory Avenue are less characteristic than much of the surrounding ASRC, in view of the piecemeal infilling which has occurred along this part of the street. Taking this into consideration, and given the wide separation that exists between the two properties either side of the application site, Members should consider whether this proposal will be in scale with and sympathetic to the surrounding streetscene, and conform with surrounding spatial standards.

Background papers referred to during production of this report comprise all correspondence on files refs. 07/03107, 08/03621 and 09/01444, excluding exempt information.

#### **RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED**

0	D00002	If Members are minded to grant planning permission the following conditions are suggested:
1	ACA01 ACA01R	Commencement of development within 3 yrs A01 Reason 3 years
2	ACC01 ACC01R	Satisfactory materials (ext'nl surfaces) Reason C01
3	ACA04 ACA04R	Landscaping Scheme - full app no details Reason A04
4	ACA07 ACA07R	Boundary enclosure - no detail submitted Reason A07
5	ACI08 ACI08R	Private vehicles only Reason I08
6	ACK05 ACK05R	Slab levels - no details submitted K05 reason
7	ACI12 ACI12R	Obscure glazing (1 insert) along the first floor flank elevation I12 reason (1 insert) H7 and BE1
8	ACI17 ACI17R	No additional windows (2 inserts) flank dwelling I17 reason (1 insert) H7 and BE1
9	ACI02	Rest of "pd" Rights - Class A, B,C and E

**Reason:** In order to protect the prevent an overdevelopment of this site and to protect the amenities of neighbouring dwellings, in accordance with Policies BE1 and H8 of the Unitary Development Plan.

- |    |        |  |
|----|--------|--|
| 10 | ACH02  | Satisfactory parking - no details submit |
|    | ACH02R | Reason H02                               |
| 11 | ACH03  | Satisfactory parking - full application  |
|    | ACH03R | Reason H03                               |
| 12 | ACH05  | Size of garage                           |
|    | ACH05R | Reason H05                               |
| 13 | ACH08  | Details of turning area                  |
|    | ACH08R | Reason H08                               |
| 14 | ACH22  | Bicycle Parking                          |
|    | ACH22R | Reason H22                               |
| 15 | AJ02B  | Justification UNIQUE reason OTHER apps   |

Policies (UDP)

- |     |                            |
|-----|----------------------------|
| BE1 | Design of new development  |
| H7  | Housing density and design |
| T3  | Parking                    |
| T18 | Road safety                |

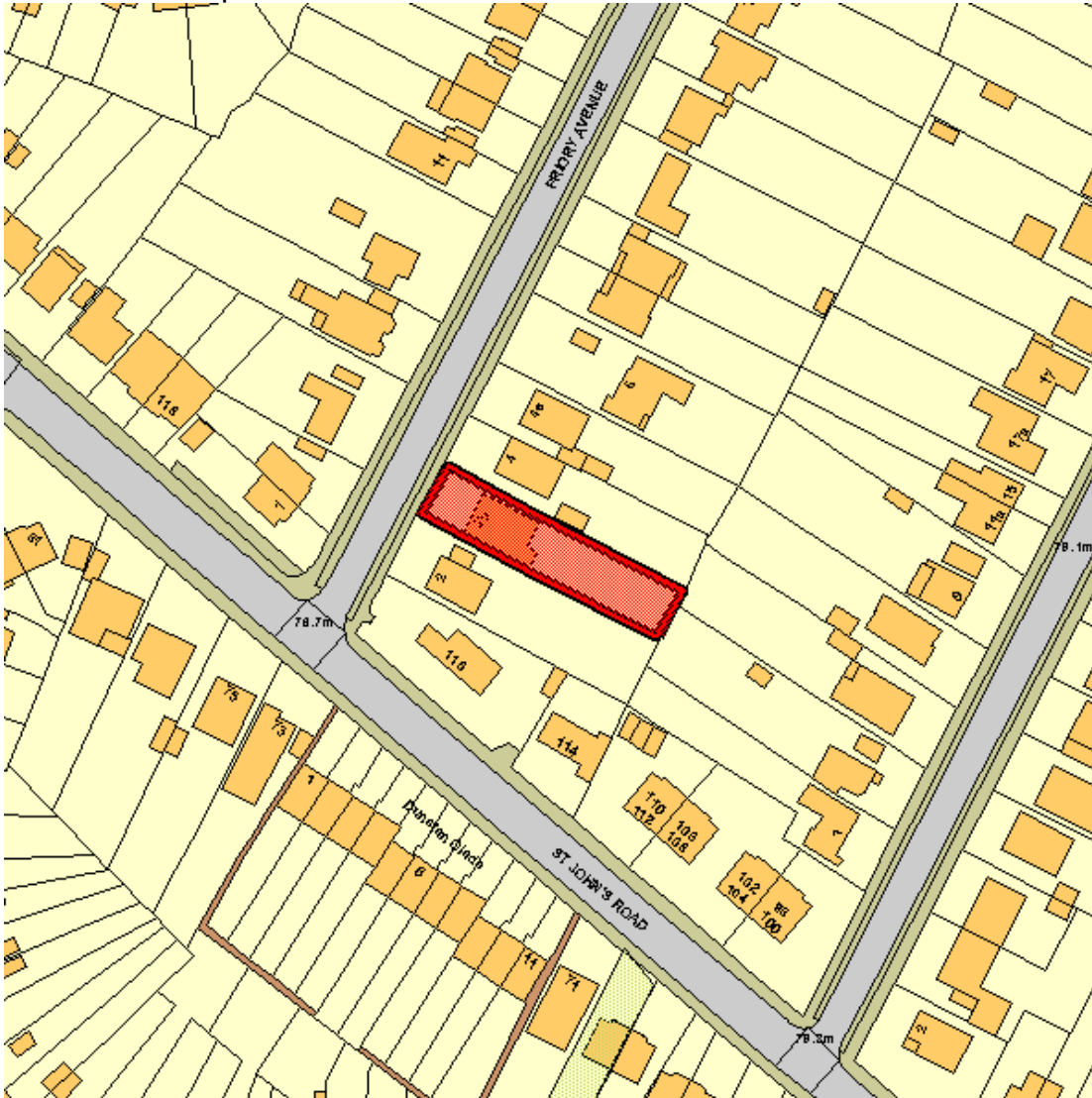
D00003 If Members are minded to refuse planning permission the following grounds are suggested:

- 1 The proposal would be overdominant in the street scene in view of its bulk and width and harmful to local spatial standards, thereby contrary to Policies BE1, H7, H9 and H10 of the Unitary Development Plan.

Reference: 09/01444/FULL1

Address: 2A Priory Avenue Petts Wood Orpington Kent BR5 1JF

Proposal: Replacement two storey 4 bedroom dwelling with integral garage and roof space accommodation



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**11. Application No : 09/01511/FULL6 Ward : Darwin**

**Address : 138 Cudham Lane North Cudham Conservation Area:NO  
Sevenoaks Kent TN14 7QS**

**OS Grid Ref: E: 544559 N: 161236**

**Applicant : Mr And Mrs Michael Jones Objections: NO**

**Description of Development:**

Two storey rear extension with roof alterations to incorporate side dormers

**Proposal**

This proposal is for a two storey rear extension with roof alterations to incorporate side dormers to a detached two storey dwelling.

The proposed alterations will include;

- the removal of the existing conservatory to the rear;
- on the ground floor the extension would project 5.75m from the existing dining room and 4.1m from the existing kitchen;
- the extension will be the full width of the property 7.3m
- at first floor level 2 new dormers would be inserted into each flank elevation to provide and enlarged bedroom and ensuite;
- the first floor rear element will project approximately 4.3m further than the existing roof to provide an extra bedroom;
- removal of existing garage which was built in 1959.

**Location**

The property lies within the Metropolitan Green Belt, on the western side of Cudham Lane North with residential properties located to the north and south.

Cudham Lane North itself is a narrow country lane with residential development alongside.

## **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and no representations were received. Any comments received will be reported verbally.

## **Planning Considerations**

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

- G4 Green Belt
- BE1 Design of New Development
- H8 Residential Extensions
- H9 Side Space

PPG 2 Green Belt

## **Planning History**

A garage was built in 1959 under planning reference OUDC 16209.

## **Conclusions**

The main issues relating to the application are whether the proposed development would constitute appropriate development within the Green Belt and, if not, whether very special circumstances exist, and the effect that it would have on the visual amenity and openness of the area.

Given the size of these extension there would be an increase in floor area of approximately 50% which is in excess of the 10% net increase of the original dwelling house within the Green Belt, therefore is contrary to Policy G4. Policy G4 states that extension and alterations within the Green Belt will only be permitted if the size, siting, materials and design do not harm the visual amenities or the open or rural character of the locality and the development should not result in a significant detrimental change in the overall form, bulk or character of the original dwelling house. The Council wish to ensure that there is not incremental harm to the Green Belt by excessive subsequent extensions to dwellings within the Green Belt that collectively may jeopardise the open nature of the countryside. In this instance, the applicant has indicated that a garage to the side/rear will be demolished which will result in a reduction in floor space of approximately 19m<sup>2</sup>. It is understood that this forms part of the case for allowing the development. In terms of other circumstances to be taken into account, the extension is located to the rear of the property and is not considered to have any impact on the street scene.

The extensions will be sited to the south west of No. 136 and as such will have some impact on light, although given the separation distances this is not considered to be sufficient to warrant a refusal of planning permission.

There will also be some impact to both neighbouring properties in terms of visual impact although again Members may consider that this is not significant by itself.

The overall bulk of the extensions and alterations to roof will affect the openness and character of the Green Belt and it is therefore necessary to consider whether there are any very special circumstances to justify the grant of permission. As indicated previously the removal of the garage will reduce overall floor space and the site and the siting of the extension to the rear of the property will ensure that it does not cause harm to the street scene. Consequently, the principle issue is the amount of development proposed given the usual policy limits and Members will need to take a view on this.

Background papers referred to during production of this report comprise all correspondence on file ref. 09/01511, excluding exempt information.

#### **RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED**

- |   |                 |   |
|---|-----------------|---|
| 0 | D00002          | If Members are minded to grant planning permission the following conditions are suggested:    |
| 1 | ACA01<br>ACA01R | Commencement of development within 3 yrs<br>A01 Reason 3 years                                |
| 2 | ACC08<br>ACC08R | Satisfactory materials (all surfaces)<br>Reason C08   |
| 3 | ACI12<br>ACI12R | Obscure glazing (1 insert) in the first floor northern elevation<br>I12 reason (1 insert) BE1 |
| 4 | ACI01           | Restriction of all "pd" rights  |
- Reason:** In the interests of the openness and character of the Green Belt and the area in general and with regard to Policy G4 of the Unitary Development Plan

#### **Reasons for granting permission:**

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

- BE1 Design of new development
- H8 Residential extensions
- H9 Side space
- G4 Extensions/alterations to dwellings in the Green Belt or on Metropolitan Open Land

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 adjacent property;
- (c) the character of the development in the surrounding area;
- (d) the character and appearance of the Green Belt;
- (e) the impact on the amenities of the occupiers of adjacent and nearby properties;

and having regard to all other matters raised.

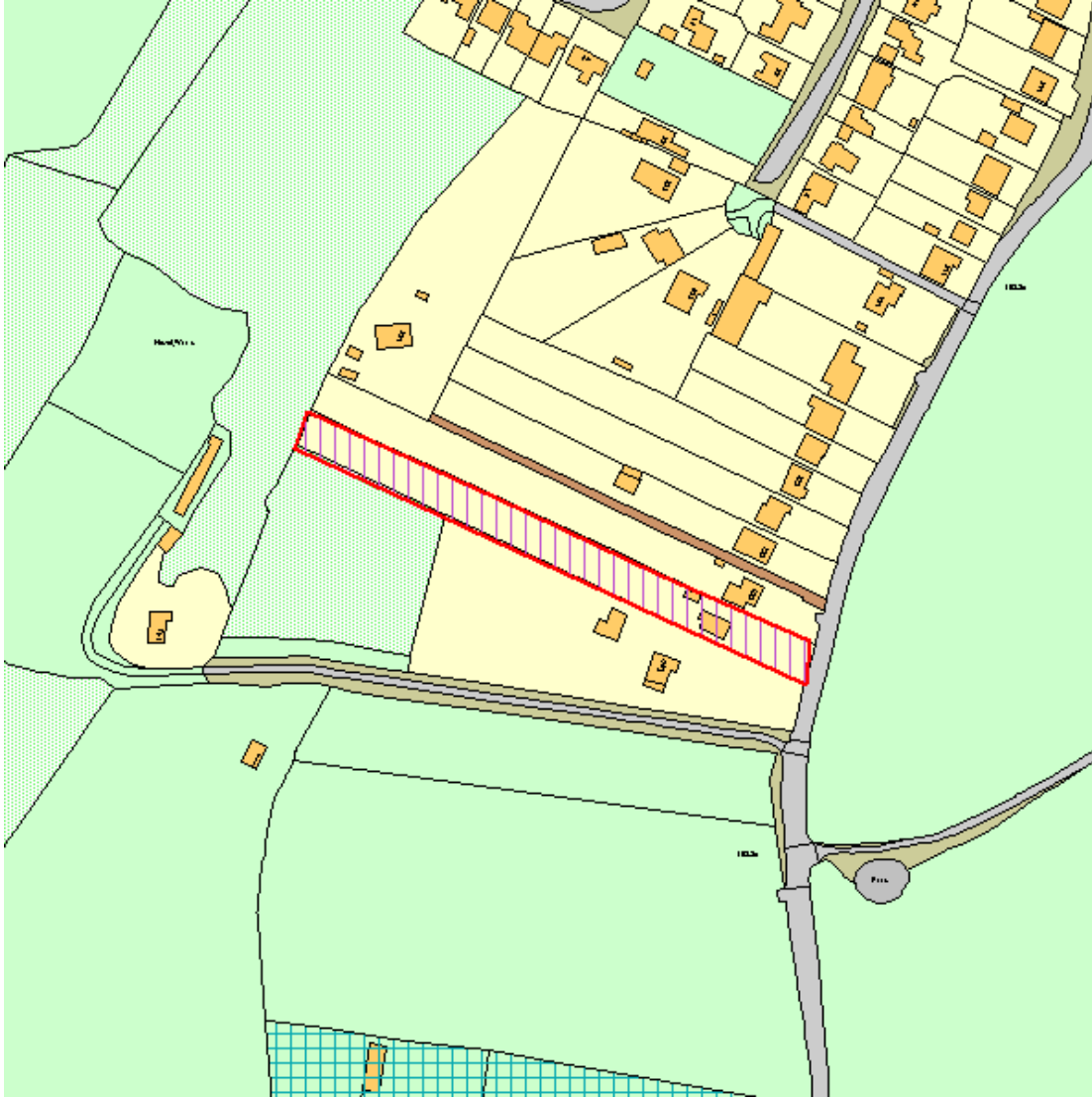
D00003      If Members are minded to refuse planning permission the following grounds are suggested:

- 1      The site is located within the Green Belt and the proposal would result in an unacceptably disproportionate addition to the original building. As such, this would constitute inappropriate development and be detrimental to the openness and visual amenities of the Green Belt, contrary to Policy G4 of the adopted Unitary Development Plan and central government guidance contained in PPG2 'Green Belts'.

Reference: 09/01511/FULL6

Address: 138 Cudham Lane North Cudham Sevenoaks Kent TN14 7QS

Proposal: Two storey rear extension with roof alterations to incorporate side dormers



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A listed building lies adjacent to the southern side of the site which was formerly part of the caravan sales site.

### **Comments from Local Residents**

One letter of objection has been received from a resident of Cudham Lane North close to the location of the proposed building. Concerns are raised about the appearance of the building and why it cannot be accommodated within the existing workshop. Also concerns are raised about the proximity of trees to the development and the need for a suitable boundary enclosure between the site and residential properties.

### **Comments from Consultees**

Transport for London has no objection to the proposal

Environmental Health has no objections to the proposal

The Environment Agency originally objected to the application on the basis of risk to pollution of controlled waters. Subsequently the agent provided a desktop study and an updated response from the EA withdraws their objection subject to the imposition of planning conditions to protect the water environment.

Highways Drainage has no comment

The Highways Engineer has no objections to the proposal

### **Planning Considerations**

The proposal falls to be considered primarily with regard to Policies BE1 (Design), T18 (Road Safety), ER6 (Potentially Polluting Development) and ER8 (Noise Pollution).

The site has a full planning history. There has been a commercial use on the site for many years, the workshop building adjacent to the proposed location for this building being permitted in 1985/6. An MOT testing centre was allowed in the mid 1990s and most recently permission was granted under ref. 04/03446 for the use of the site for sale and display of vehicles, and for customer and staff parking at the adjacent Larches Service Station site, subject to a number of conditions. A freestanding advertisement sign was permitted under ref. 08/03075 in 2008.

### **Conclusions**

The primary planning considerations with regard to this application are the impact of the building on the character of the area and the impact upon the amenities of local residents.

The building will be sited in a relatively secluded part of the site set back from the road and therefore views of the building will be limited from public vantage points. The building is set away a sufficient distance to avoid any impact on the listed building on the adjacent site. The impact on the character of the area will not be harmful, therefore according with relevant parts of Policy BE1 of the UDP.

With regard to the amenities of the neighbouring residential properties the building will be visible at the rear of gardens in Cudham Lane North. However given the separation of 5 metres from the site boundary, and the length of these rear gardens (25-30m), there will be limited visual impact, therefore according with Policy BE1 in this respect.

There are no objections from the Environmental Health Officer with regard to noise, and given the separation, proposed brick construction and enclosed nature of the facility, it is not considered that there will be any undue impact on neighbouring residential properties as a result of the MOT activities, therefore according with Policy ER8 of the UDP.

Objections raised by the Environment Agency have been addressed and the pollution impact is therefore considered acceptable subject to appropriate conditions, therefore according with Policy ER6 of the UDP.

In summary the proposal is considered acceptable subject to conditions.

## **RECOMMENDATION: PERMISSION**

### **Subject to the following conditions:**

- 1     ACA01        Commencement of development within 3 yrs  
      ACA01R      A01 Reason 3 years
  - 2     ACB08        Detail of tree surgery (1 insert)        trees along the north-  
      western site boundary  
      ACB08R      Reason B08
  - 3     ACC07        Materials as set out in application  
      ACC07R      Reason C07
  - 4     ACJ05        Rest. hours of use and ex. Sun (2 ins)        8:00am   5:00pm  
      ACJ05R      J05 reason        BE1
  - 5     ACK03        No equipment on roof  
      ACK03R      K03 reason
  - 6     The building hereby permitted shall be used for carrying out MOT tests in connection with the existing use at the site and for no other purpose unless otherwise agreed in writing by the Local Planning Authority.
- Reason:** In the interests of the amenities of adjacent residential properties and to accord with Policy BE1 of the Unitary Development Plan.
- 7     Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed

in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

(1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

(2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

**Reason:** The site is underlain by the Chalk principal aquifer within Source Protection Zone II for a potable water supply abstraction.

8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

**Reason:** The site is underlain by the Chalk principal aquifer within Source Protection Zone II for a potable water supply abstraction.

9 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

**Reason:** The site is underlain by the Chalk principal aquifer and is located within Source Protection Zone II for a potable water supply abstraction.

10 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

BE1 Design of New Development

T18 Road Safety

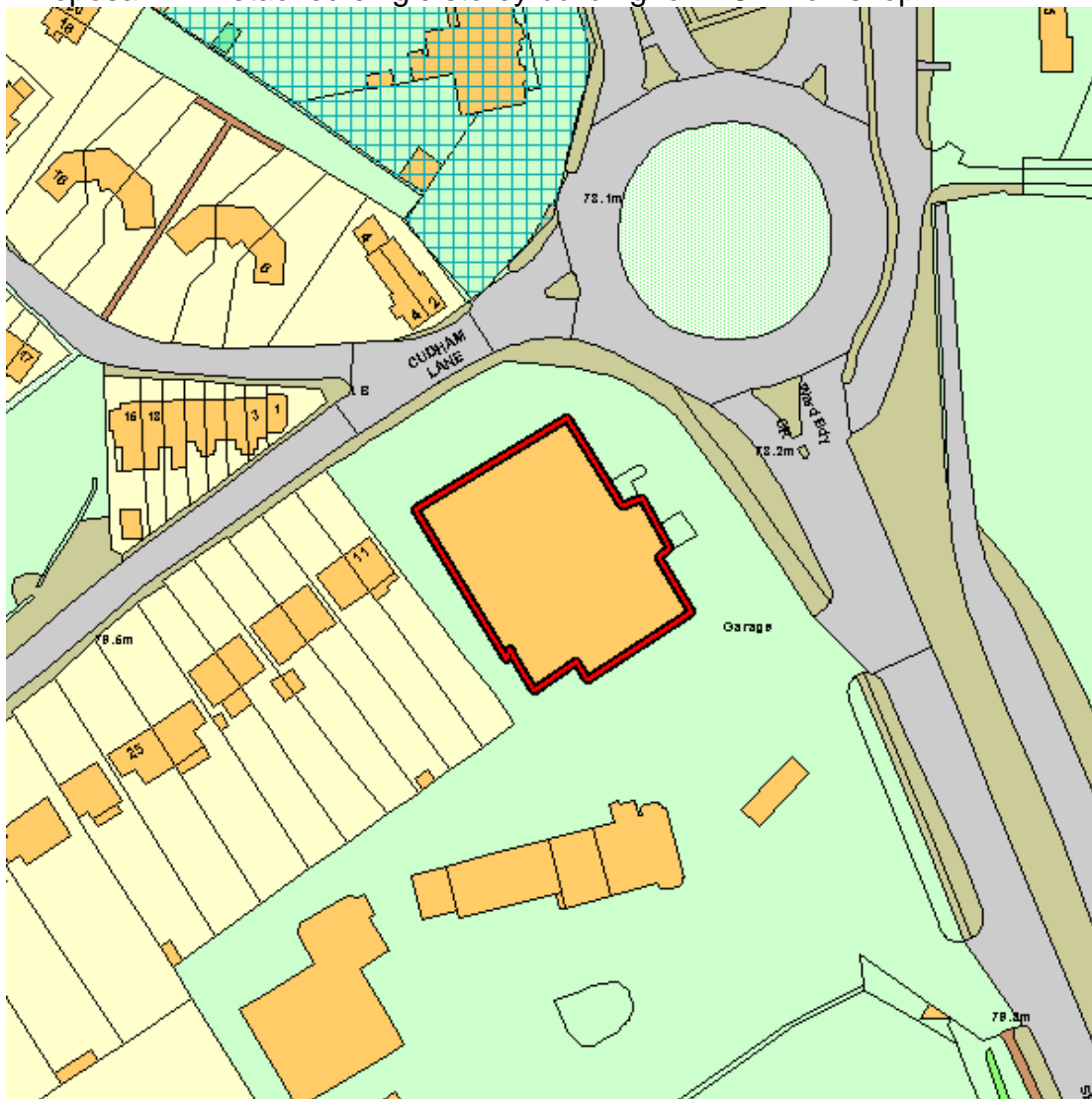
ER6 Potentially Polluting Development

ER8 Noise Pollution

Reference: 09/00521/FULL1

Address: Bristol Street Motors Ltd Sevenoaks Road Orpington Kent BR6 7LP

Proposal: Detached single storey building for MOT workshop.



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**13. Application No : 09/00591/ELUD Ward : Chislehurst**

**Address : Livingstone House 13 Beechcroft Conservation Area: Chislehurst Kent BR7 5DB**

**OS Grid E: 543191 N: 170477**

**Ref:**

**Applicant : FFWPU (Mr S Rosselli) Objections : YES**

**Description of Development:**

Sui Generis mixed use comprising living accommodation for staff, training centre, boarding for members' children and place of worship  
CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE

**Proposal**

This application concerns a Certificate of Lawfulness for an Existing Use which has been submitted by a religious institution concerning premises which they have used. A Certificate is sought for an existing mixed use comprising:

- Class C3-Dwellinghouse for staff
- Class C2-Training centre
- Class C1-Boarding for members' children
- Class D1- Place of worship

The application seeks to demonstrate that the site in question has been used for the above purposes for an uninterrupted 10-year period.

Submissions

A time line which concerns the usage of Livingstone House has been provided by the applicants. The main events are summarised below:

- 1979 – property is purchased by the trustees of the Holy Spirit Association for the Unification of World Christianity (sometimes known as the Unifation Church). This has now changes its name to the Family Federation for World Peace and Unification (FFWPU))



- continuous use from 1979 to present day as temporary residential accommodation for UK and overseas visitors working for the Unification Church and/or its sister charities
- 1979 – circa 1988. Residential workshops with participants paying fees to cover full board and lodging in dormitory style accommodation.
- 1980/1 Series of student conferences
- 1985 – circa 1993. Residential workshops
- 1988 Internal refurbishment with some landscaping and provision of additional parking area
- 1989 – present day. Permanent apartment set aside for head of church
- 1993 – present day. Continued use as workshop/seminar training centre and regular Sunday services
- 1994-8. Family accommodation
- 1996 – present day. Student accommodation. Numbers vary from 2 to 5 at any one time
- continuous use as a place of worship since 1996
- 1996 – 2001. 7 and 21 day workshops
- 1996 – 2003. International guests
- 1998 – present day. Conferences and day workshops (normally 4-5 a year). Monthly interfaith events
- 2001 – 2009. Continued use of building as a retreat centre and for seminars
- open days during the last five years

A number of documents, including supporting letters, photographs, journals, pamphlets, attendance records, and sworn affidavits have been submitted in support of this application, and to provide evidence relating to the above time line. These are included in the application file.

## **Location**

The site is located within a substantial plot within the Chislehurst Conservation Area and comprises a substantial part two/three storey Victorian dwelling (purported to have been once occupied by the explorer, David Livingstone) which has been extended in subsequent years (probably in the 1960s). These extensions have been designed in a similar style to the host building in terms of external brickwork. The building previously housed a Roman Catholic convent.

The site includes two access points off Yester Road and Beechcroft (a residential cul-de-sac) both of which include vehicular access. Off-street parking is available for approximately 25-30 vehicles. The site also includes landscaped gardens and an outdoor play area.

The building itself comprises several rooms which appear to be used for various uses. This includes a ground floor self-contained flat comprising of living area and kitchen, staff offices, a library, a larger kitchen used to cater for larger

gatherings, and a 'formal' dining room (also used for conferences). The first floor includes a family room, 3 self-contained flats with kitchens and guest rooms, 3 substantial guest rooms and 15 dormitory-type rooms, together with a chapel (also sometimes used for martial arts training). Further accommodation is located at second floor level which consists of rooms which can either be used as self-contained flats or as guest rooms for multiple occupation, including a kitchenette.

### **Comments from Local Residents**

As a courtesy the Local Planning Authority notifies locally that a Certificate application has been submitted. Members will be aware that in this type of application the fundamental consideration relates to the balance of probability that the use has existed for at least 10 years, and not its planning merits. It is not possible to take into account comments or other considerations related to the normal planning merits of the case.

Representations were received from a number of local residents. These are summarised as below:

- name of organisation has been changed since it moved on to the site
- only the 'new' name of the organisation is 10 years old
- this application would seem to be linked to an earlier application (ref. 08/03547) to erect a sign for the premises
- the premises have been used as a training centre and boarding for members' children since this organisation first occupied Livingstone House. Now it seems they want a more permanent residential situation
- Livingstone House could be used as a conference centre, judging from the nature of the application
- objections to any significant increase in activities or expansion of Livingstone House which could lead to additional traffic
- unclear why Yester Road entrance cannot be used exclusively (without coming through Beechcroft). Beechcroft is a quiet cul-de-sac and it should be kept that way
- at no time during the last 27 years has Livingstone House been anything other than a private dwelling. On Sunday mornings a group of people have gathered together to sing hymns
- concern at the motives of the current residents. This application may lead to a material and inappropriate change of use of Livingstone House to a commercial enterprise
- over the last 10 years the property has been used for the purpose described in the proposal having previously been a Convent. The applicants might also have rented or continue to rent accommodation to non "members"
- Livingstone House is occupied by the caretaker and the gardener. The place is used for worship mainly on Sundays. No other activities have

- been noticed. Not aware of the existing use/development as described in the application as having been operated at all
- when permission for a sign was sought it was considered that there was no need for it unless the place was used for a commercial use
  - no sign of children playing in garden regularly. On rare occasion a couple of children play in the garden in summer
  - Livingstone House has not been used as a training centre over the last 12 years, although it has been used as a dwellinghouse and place of worship
  - Roman Catholic Convent vacated the building in the 1970s and was subsequently occupied by Far Eastern group (“the Moonies”). Throughout the 1980s and 1990s the property was closed to the local community and parties of Far Eastern groups visited the house. Recently there have been notices for a peace movement and a garden fete. Yoga classes are also held
  - the gardens are well maintained. Groups of Asian visitors visit the place without causing apparent disruption
  - place has never need used as a commercial enterprise, but a website advertisement advertised Livingstone House as a premises for parties, conferences, weddings and new ventures

A petition opposing this application has also been submitted and signed by a number of local residents. This is quoted, in detail, below:

"Livingstone House is located in a quiet residential conservation area and must maintain residential status. Most of the 9 evidences presented do not substantiate the claim by giving exact dates, numbers attending and whether the people attending are within the organisation only.

Residents living in the neighbourhood since 1979 when the current ownership of Livingstone House began, complained to the Police when coaches were parked in Beechcroft. After several complaints a sign was put at the entrance of Beechcroft restricting 5T Lorries and Coaches from m'night - 8.am, 6.30 p.m. - m'night.

The claim of change of use in the last 10 years is feeble and again not substantiated with details of events, date, nature of meeting, where advertised, who attended, number attending and more importantly, money collected and taxes declared... Livingstone House seems to use Yester Road and Beechcroft as their official address... this certainly needs clarification.

The only activity the neighbours have seen over the period of usage is Sunday worship) and the loud noise associated with it. This is disturbing on occasions, together with recently a noticeable increase in traffic entering and leaving Livingstone House often at high speeds.

If Livingstone House has broken its covenant in the past with reference to its usage, we feel that by obtaining an Established Use Certificate (EUR) as C1, C2, C3 this could give them the authority to hold larger activities of a commercial nature.

We emphasise that this quiet residential conservation area should be kept that way only."

Any further comments will be reported verbally at the meeting.

### **Comments from Consultees**

The submitted information was sent to The Director of Legal Democratic and Customer Services for his comments. The response is summarised below:

- on balance, there is probably enough evidence to support the application;
- there does appear to be a suggestion that there was a break in the use whilst renovation was taking place between 1988/9 and 1993 but the resumed mixed use started before the 10 year period and seems to have been consistent since then;
- a certificate should not be granted in terms of blanket use classes, rather any description should be a tightly worded description of the use;
- the correct description for the use should be sui generis mixed use comprising living accommodation for staff, training centre, boarding for members' children and place of worship

No comments were made by the Environmental Health division

### **Planning Considerations**

Since this application is for a legal determination concerning a Certificate of Lawfulness for an Existing Use, this will be assessed in accordance with the terms of the Town and Country Planning Act, 1990 (as amended). Under the terms of the 1990 Act, should a use continue, consistently, over a 10-year period and not be challenged in that time, it will become lawful. The applicants seek to demonstrate that the noted uses have taken place for at least a 10-year period.

### **Planning History**

Under application ref. 08/03547, consent was granted for the installation of one non-illuminated freestanding entrance sign fronting Yester Road to serve Livingstone House.

### **Conclusions**

Having examined the evidence provided in support of the application, and in the light of representations submitted by The Director of Legal Democratic and Customer Services, it would seem that on the balance of probabilities, sufficient evidence has been provided to justify the grant of a Certificate of Lawfulness in respect of the existing use of the buildings only. It is not considered that local representations provide substantiated grounds to dispute the use of Livingstone House for purposes relating to living accommodation for staff, a training centre, boarding for members' children and place of worship.

As regards the description of this application, the view has been taken that this comprises a sui generis use which does not constitute a specific use-class, as defined by the Use Classes Order. In this type of application, the Council is entitled to amend the description so as to permit the use claimed for in respect of the buildings, pursuant to section 191(4) of the Town and Country Planning Act, 1990 (as amended). The description of the use of Livingstone House will therefore be amended.

Background papers referred to during production of this report comprise all correspondence on files refs. refs 08/03547 and 09/00591, excluding exempt information.

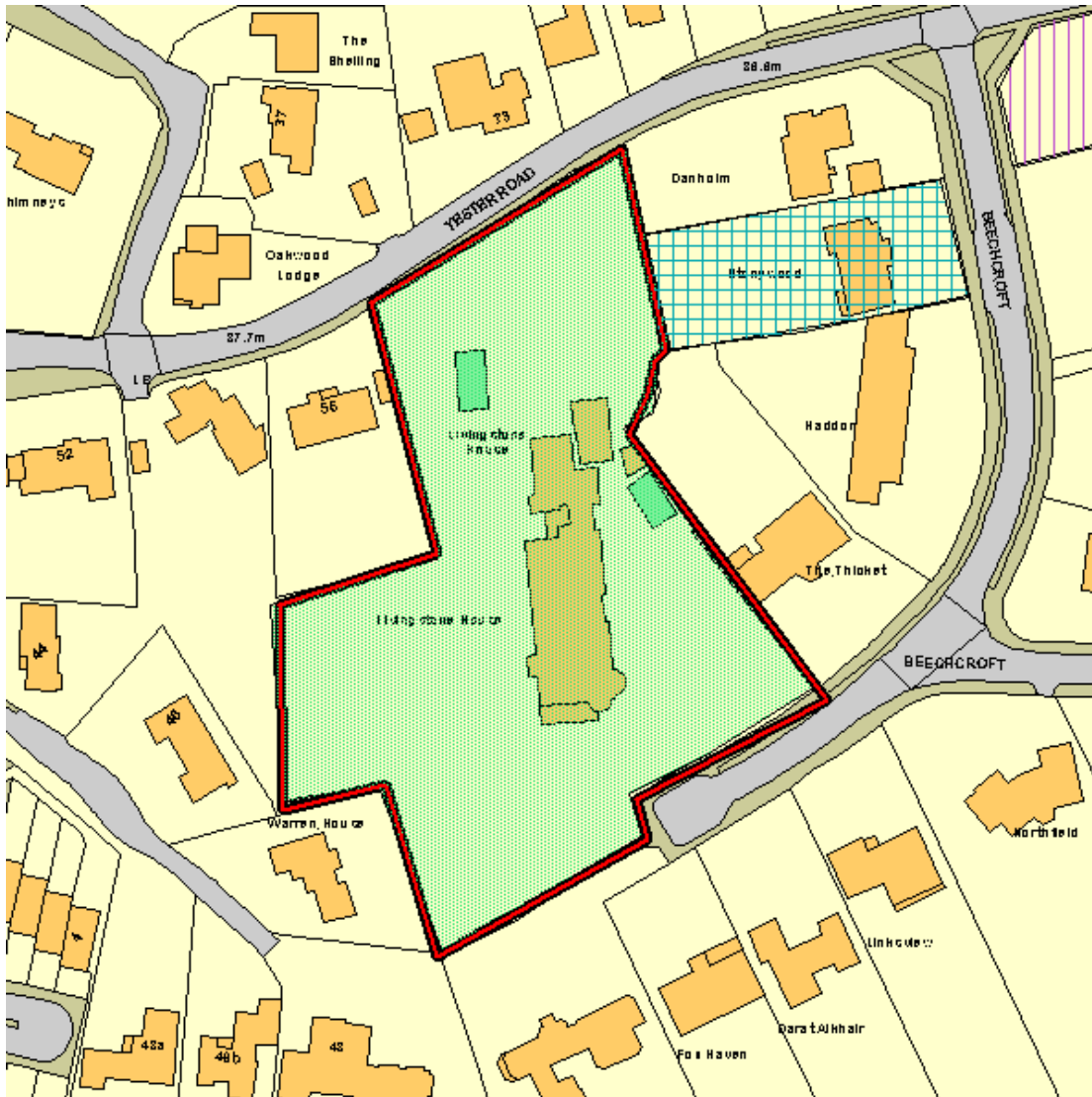
**RECOMMENDATION: EXISTING USE/DEVELOPMENT IS LAWFUL**

- 1 On the balance of probability the uses have existed for at least 10 years.

Reference: 09/00591/ELUD

Address: Livingstone House 13 Beechcroft Chislehurst Kent BR7 5DB

Proposal: Sui Generis mixed use comprising living accommodation for staff, training centre, boarding for members' children and place of worship  
CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE



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**14. Application No : 09/00711/FULL6 Ward : Hayes And Coney Hall**

**Address : 45 Hartfield Crescent West Wickham Conservation Area:NO  
Kent BR4 9DW**

**OS Grid E: 540459 N: 164957**

**Ref:**

**Applicant : Mr Richard Cienciala Objections : YES**

**Description of Development:**

Single storey front and side extensions with decking at front/formation of first floor front balcony/flat roof over existing entrance porch

Members will recall that this application was deferred from committee on 25th June 2009 so that members could carry out a site visit.

**Proposal**

Single storey front extension measuring approximately 5.4m deep, as scaled from the front building line of the existing house with timber decking to the side fronting the full width of the house.

First floor front balcony extending from the existing front dormer.

Flat roof over the existing entrance porch.

Existing store and pantry to be removed and existing front shed to be re-located to the rear (this will be permitted development).

**Location**

The site is located on the north eastern side of Hartfield Crescent, set back approximately 44m from the highway up a steep incline.

The surrounding area is residential comprising detached dwellings of various styles on spacious plots.

## **Comments from Local Residents**

Objections were received as follows:

- the bungalows have tree preservation orders, back onto the common and it is a natural setting.
- wildlife is abundant.
- No. 41 is a listed building.
- the proposed front development would adversely affect my property and my happiness (No. 43).
- overdevelopment from previous second floor extension to bungalow.
- already overlooked by what has become a large, high, two storey house.
- the application shows a high impact on neighbours and does not ensure privacy to adjoining properties.
- due to the slope of the land the proposed extension will be extremely high on my side (No. 43).
- will make it appear as though people are standing on the fence.
- the tree adjacent tot the southwest corner will have to be removed exposing a large expanse of white rendering detrimental to the visual impact from No. 43.
- concerned about proposed side windows and invasion of privacy.
- balconies will invade the privacy of No. 43 and noise generated from them would be intrusive.
- it is considered that the plans show only indicative layouts of the existing properties and boundaries, which are not accepted as defining either the correct property boundaries or the true existing property layouts.
- no consideration given to any right of light, overlooking or views that may currently exist or that may be affected by or impact on the present layouts.
- No. 45 is set higher than No. 43 and the extension would therefore appear much higher in relation to the neighbouring building.

Letters of support were received as follows:

- many properties in the road have been extended and many have balconies
- future developments at the property would be careful of the environment
- applicants have improved building and grounds since living there
- applicants have been involved in communal work involving road improvement

## **Comments from Consultees**

From a trees perspective the TPO is at the front of the site and would not be affected by the proposal. The tree to be removed is Laburnum and is not a significant tree within the site.



## **Planning Considerations**

Policies BE1 and H8 of the Unitary Development Plan apply to the development and should be given due consideration. These policies seek to ensure a satisfactory standard of design and safeguard the amenities of neighbouring properties and the visual amenities of the area. Policy NE7 seeks to protect trees of environmental importance and visual amenity from potential harm from development.

## **Planning History**

N/A

## **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. In terms of residential amenity, the main impact to consider would be on Nos. 43 and 47 and, in particular, the impact of the proposed front extension and proposed front balcony.

There is a 10m (approx) separation between the flank walls of Nos. 43 and 45 Hartfield Crescent. Furthermore, No. 43 is set forward of No. 45 by just under 5m. It is noted that No. 45 is set at a higher ground level than No. 43 and the effect of the front extension would therefore be increased. However, it is considered that, given the separation between the two properties, the proposed front extension would not have a significant impact on the amenities of the occupiers of No. 43.

With regard to the proposed balcony, it is considered that any potential for overlooking into the neighbouring sites would be minimised by the extensive tree and shrub growth on the boundaries of the site. However, to ensure the protection of the amenities of any future occupiers who may decide to reduce or remove the planting and taking into account the potential reduction in green screening during the winter, a condition requiring that privacy screens be placed on either sides of the balcony is suggested.

The proposed new roof to the existing entrance porch would be a modest addition and is considered acceptable in that it would not have a significant impact on the amenities of the occupiers of No.47 nor impact detrimentally on the character on the area.

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

Background papers referred to during production of this report comprise all correspondence on file ref. 09/00711, excluding exempt information.

as amended by documents received on 23.04.2009 12.06.2009

## **RECOMMENDATION: PERMISSION**

### **Subject to the following conditions:**

- 1     ACA01        Commencement of development within 3 yrs  
      ACA01R      A01 Reason 3 years
- 2     ACC04        Matching materials  
      ACC04R      Reason C04
- 3     Before the development hereby permitted is first occupied, the proposed window(s) in the north-west flank elevation serving the kitchen and dining room shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.  
      ACI12R      I12 reason (1 insert)   BE1 and H8
- 4     ACI14        No balcony (1 insert)        the single storey front extension  
      ACI14R      I14 reason (1 insert)   BE1 and H8
- 5     The installation opaque privacy screens to the south-eastern and north-western sides of the proposed balcony shall be implemented before occupation of the extensions hereby permitted and retained permanently thereafter, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the protection of residential amenities at adjoining properties and to comply with Policy BE1 of the Unitary Development Plan.

Reasons for granting permission:

In granting permission the local planning authority had regard to the following policies of the Unitary Development Plan:

BE1   Design of New Development  
H8    Residential Extensions

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 development to adjacent property
- (c)   the impact on the amenities of the occupiers of adjacent and nearby properties
- (d)   the light and outlook of occupiers of adjacent and nearby properties

and having regard to all other matters raised including neighbours concerns.

INFORMATIVE(S)

1 RD130 Obscure Glazing

Reference: 09/00711/FULL6

Address: 45 Hartfield Crescent West Wickham Kent BR4 9DW

Proposal: Single storey front and side extensions with decking at front/formation of first floor front balcony/flat roof over existing entrance porch



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SECTION 4 – Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

NO APPLICATIONS