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THE LONDON BOROUGH
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To: Members of the
PLANS SUB-COMMITTEE NO. 2

Councillor Peter Dean (Chairman)
Councillor Russell Jackson (Vice-Chairman)
Councillors Simon Fawthrop, Peter Fookes, David McBride, Alexa Michael,
Gordon Norrie, Harry Stranger and Michael Turner

A meeting of the Plans Sub-Committee No. 2 will be held at Bromley Civic Centre on
THURSDAY 9 SEPTEMBER 2010 AT 7.00 PM

MARK BOWEN
Director of Legal, Democratic and
Customer Services.

Members of the public can speak at Plans Sub-Committee meetings on planning reports, contravention reports or tree preservation orders. To do so, you must have

- already written to the Council expressing your view on the particular matter, and
- indicated your wish to speak by contacting the Democratic Services team by no later than 10.00am on the working day before the date of the meeting.

These public contributions will be at the discretion of the Chairman. They will normally be limited to two speakers per proposal (one for and one against), each with three minutes to put their view across.

To register to speak please telephone Democratic Services on 020 8313 4745

If you have further enquiries or need further information on the content of any of the applications being considered at this meeting, please contact our Planning Division on 020 8313 4956

Information on the outline decisions taken will usually be available on our website (see below) within a day of the meeting.

Copies of the documents referred to below can be obtained from
www.bromley.gov.uk/meetings

A G E N D A

- 1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS**
- 2 DECLARATIONS OF INTEREST**
- 3 CONFIRMATION OF MINUTES OF MEETING HELD ON 15 JULY 2010**
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- 4 PLANNING APPLICATIONS**

SECTION 1 (Applications submitted by the London Borough of Bromley)

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NO REPORTS

SECTION 2 (Applications meriting special consideration)

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4.4	Copers Cope	33 - 38	(10/01127/FULL1) - Bishop Challoner School, 228 Bromley Road, Bromley.
4.5	Bromley Common and Keston Conservation Area	39 - 48	(10/01350/FULL1) - Land at Langham Close, Bromley.
4.6	Kelsey and Eden Park	49 - 54	(10/01710/EXTEND) - 63 Hayes Lane, Beckenham.
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4.11	Kelsey and Eden Park	81 - 86	(10/01908/DET) - 63 Hayes Lane, Beckenham.
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4.13	Petts Wood and Knoll Conservation Area	95 - 98	(10/02069/FULL1) - 6 Station Square, Petts Wood.
4.14	Bickley	99 - 106	(10/02076/OUT) - Wilderwood, Widmore Green, Bromley.
4.15	Crystal Palace	107 - 112	(10/02210/FULL1) - 6 Lullington Road, Penge, London, SE20.

SECTION 3 (Applications recommended for permission, approval or consent)

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4.18	Clock House	123 - 130	(10/01496/FULL1) - 162 - 164 Ravenscroft Road, Beckenham.
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4.20	Petts Wood and Knoll	141 - 144	(10/01888/FULL6) - 2 Hillview Crescent, Orpington.
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4.22	Bromley Common and Keston	155 - 160	(10/02002/FULL6) - 80 Bromley Common, Bromley.
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SECTION 4 (Applications recommended for refusal or disapproval of details)

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4.25	Darwin	173 - 180	(10/02059/FULL2) - Archies Stables, Cudham Lane North, Cudham.
4.26	Bromley Town Conservation Area	181 - 186	(10/02104/VAR) - 205 High Street, Bromley.

5 CONTRAVENTIONS AND OTHER ISSUES

Report No.	Ward	Page Ref.	Application Number and Address
5.1	Copers Cope	187 - 188	(DRR/09/00119) - Request for a Tree Preservation Order at 91 Copers Cope Road and land at rear of 91-117 Copers Cope Road, Beckenham.

6 TREE PRESERVATION ORDERS

Report No.	Ward	Page Ref.	Application Number and Address
6.1	Chelsfield and Pratts Bottom	189 - 190	Objections to Tree Preservation Order 2358 at Edgehill, Stonehouse Road, Halstead.

7 MATTERS FOR INFORMATION:- ENFORCEMENT ACTION AUTHORISED BY CHIEF PLANNER UNDER DELEGATED AUTHORITY

NO REPORTS

8 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000

The Chairman to move that the Press and public be excluded during consideration of the items of business listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

	ITEMS OF BUSINESS	SCHEDULE 12A DESCRIPTION
9	EXEMPT MINUTES OF THE MEETING HELD ON THURSDAY, 15 JULY 2010 (PAGES 191 - 192)	Information which reveals that the authority proposes - to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or to make an order or direction under any enactment,

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Agenda Item 3

PLANS SUB-COMMITTEE NO. 2

Minutes of the meeting held on 15 July 2010

Present:

Councillor Peter Dean (Chairman)
Councillor Russell Jackson (Vice-Chairman)
Councillors Simon Fawthrop, Peter Fookes,
Alexa Michael, Richard Scoates and Harry Stranger

Also Present:

Councillors Julian Benington and
Charles Rideout CVO, QPM

7 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

An apology for absence was received from Councillor David McBride. An apology for absence was also received from Councillor Gordon Norrie and Councillor Richard Scoates attended as his alternate.

8 DECLARATIONS OF INTEREST

Councillor Michael declared a Personal Interest in Item 11.3; she left the room for the duration of the item.

9 CONFIRMATION OF MINUTES OF MEETING HELD ON 20 MAY 2010

RESOLVED that the minutes of the meeting held on 20 May 2010 be confirmed.

10 PLANNING APPLICATIONS SUBMITTED BY THE LONDON BOROUGH OF BROMLEY

10.1
Bromley Town
Conservation Area

(10/01196/FULL1) - Community House, South Street, Bromley.

Description of application - Replacement high level windows.

Members having considered the report, **RESOLVED THAT PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner with a further condition:-
"3. The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.
REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the

appearance of the building and the visual amenities of the area.”

**10.2
Bromley Common and
Keston**

**(10/01278/FULL1) - Princes Plain Primary School,
Church Lane, Bromley.**

Description of application - Single storey extension to form group study room access ramp with paved pathway play ground fence enclosure and brick retaining wall. Single storey infill extension to main building to form music room, covered walkway linking kitchen and hall, entrance canopy and increase in hardstanding for playarea and fire appliance access route.

Members having considered the report, **RESOLVED THAT PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

**10.3
Mottingham and
Chislehurst North**

**(10/01310/FULL1) - Mottingham Community
Centre, Kimmeridge Road, Mottingham.**

Description of application - Hard standing to eastern side of building with sustainable urban drainage system.

Members having considered the report, **RESOLVED THAT PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

11 APPLICATIONS MERITING SPECIAL CONSIDERATION

**11.1
Petts Wood and Knoll**

**(10/00982/FULL6) - 197 Chislehurst Road,
Orpington.**

Description of application - Part one/two storey side/rear and single storey side extensions, front porch, formation of vehicular access.

Oral representations in support of the application were received at the meeting.

Members having considered the report and representations, **RESOLVED that the application be DEFERRED**, without prejudice to any future consideration, to enable Members to visit the site, and to be considered at Plans Sub-Committee 4 on 12 August 2010.

**11.2
Copers Cope**

**(10/01044/FULL1) - Rear of 80 High Street,
Beckenham.**

Description of application - Part one/two storey replacement building for continued use as light industrial (Class B1) and leisure (Class D2).

Members having considered the report, **RESOLVED THAT PERMISSION BE GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner with a further condition:-

“7. Details of a scheme of soundproofing to the replacement building hereby permitted so as to achieve a reasonable resistance to airborne sound as far as practical shall be submitted to and approved in writing by the Local Planning Authority and the works shall be implemented prior to the occupation of the building and shall be permanently retained thereafter. REASON: In order to comply with Policy BE1 of the Unitary Development Plan and to ensure a satisfactory standard of amenity for adjacent properties.”

**11.3
Bromley Common and
Keston**

**(10/01114/FULL6) - 358 Southborough Lane,
Bromley.**

Description of application - First floor side/rear extension and replacement detached garage at rear.

Oral representations in objection to the application were received at the meeting.

Members having considered the report, objections and representations, **RESOLVED THAT PERMISSION BE GRANTED** for the reasons and subject to the conditions set out in the report of the Chief Planner.

**11.4
Petts Wood and Knoll
Conservation Area**

**(10/01128/FULL6) - 253 Chislehurst Road,
Orpington.**

Description of application - Part one/two storey side and rear extension. Single storey detached garage to front/side.

Members having considered the report, **RESOLVED that the application be DEFERRED**, without prejudice to any future consideration, to enable Members to visit the site, and to be considered at Plans Sub-Committee 4 on 12 August 2010.

**11.5
Petts Wood and Knoll**

(10/01185/FULL6) - 27 Great Thrift, Petts Wood.

Description of application - Part one storey side extension, two storey side and rear extension, one storey rear extension and front dormer.

Members having considered the report, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reason set out in the report of the Chief Planner.

**11.6
Bromley Common and Keston**

(10/01228/FULL6) - 427 Southborough Lane, Bromley.

Description of application - First floor side/rear extension and single storey rear extension.

THIS REPORT WAS WITHDRAWN BY THE APPLICANT.

**11.7
Penge and Cator**

(10/01253/FULL1) - 46 Green Lane, Penge, London, SE20.

Description of application - Change of use of second floor into 3 two bedroom flats and 1 one bedroom flat, elevational alterations and 3 car parking spaces at the rear.

Members having considered the report, **RESOLVED that the application be DEFERRED**, without prejudice to any future consideration, to seek a reduction in the number of units.

**11.8
Cray Valley West**

(10/01359/FULL6) - 88 Friar Road, Orpington.

Description of application - One/two storey side and rear extension with side dormer.

Members having considered the report and objections, **RESOLVED THAT PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

**11.9
Orpington**

(10/01375/FULL1) - 136 - 140 High Street, Orpington.

Description of application - Retention of facade and demolition of remainder of building, erection of part one/part two and part three storey building comprising ground floor restaurant with ventilation ducting and 8 one bedroom flats to first and second floors with associated amenity area, access and vehicle

parking/servicing including access to Broomhill Road.

THIS REPORT WAS WITHDRAWN BY THE APPLICANT.

**11.10
Darwin**

(10/01401/FULL6) - Cedar Farm, Cudham Lane South, Cudham.

Description of application - Single storey building to provide 3 stables and hay store and 2 storey building to provide triple garage with office (ancillary to main dwelling above) RETROSPECTIVE APPLICATION.

Oral representations in support of the application were received at the meeting.

Members having considered the report, objections and representations, **RESOLVED THAT**

PERMISSION BE GRANTED for the reasons and subject to the conditions set out in the report of the Chief Planner with a further condition:-

“11. Details of external materials to ensure the buildings are in keeping with the character and appearance of the area shall be submitted to the Council for approval within 1 month of the date of this decision. The works shall be completed in accordance with the approved details within 2 months of the details being approved.

REASON: In order to comply with Policies BE1 and G1 of the Unitary Development Plan and in the interest of the visual amenities and open character of the area.”

12 APPLICATIONS RECOMMENDED FOR PERMISSION, APPROVAL OR CONSENT

**12.1
Crystal Palace
Conservation Area**

(10/00564/FULL1) - 9A Crystal Palace Park Road, Sydenham, London, SE26.

Description of application - Elevational alterations to provide new door at rear.

Oral representations in objection to the application were received at the meeting.

Members having considered the report, objections and representations, **RESOLVED THAT**

PERMISSION BE GRANTED as recommended, subject to the conditions set out in the report of the Chief Planner with two further conditions:-

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

REASON: Section 91, Town and Country Planning

Act 1990.

4. Details of the doors including materials, colour, method of opening and drawings showing sections shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The doors shall be installed in accordance with the approved details and permanently retained thereafter.

REASON: In order to comply with Policy BE1 and in the interest of the appearance of the building and the visual amenities of the area.”

12.2 Biggin Hill

(10/00909/FULL1) - 49 Sunningvale Avenue, Biggin Hill.

Description of application - Erection of terrace of six 3 bedroom houses and terrace of three 2 bedroom houses, ancillary car parking, bin storage and new access road from Sunningvale Close.

Oral representations in support of the application were received. Oral representations from Ward Member, Councillor Julian Benington, in objection to the application were received at the meeting. It was noted that Councillor Julian Benington had no objection to the principle of development on this site. It was reported that an email from Ward Member, Councillor Gordon Norrie, in objection to the application had been received.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** for the following reasons:-

1. The proposal would constitute an overdevelopment of the site at an excessive residential density by reason of the amount of site coverage by buildings and hard surfaces and would be out of character with the area contrary to Policies H7 and BE1 of the Unitary Development Plan.
2. The proposal represents a cramped form of development with an inappropriate amount of residential amenity space resulting in unacceptable garden sizes and a lack of space around the proposed units, contrary to Policies H7 and BE1 of the Unitary Development Plan.
3. The proposed development would lack adequate on-site car parking provision to accord with the Council's standards and would be likely to result in increased parking pressures on the surrounding roads contrary to Policy T3 of the Unitary Development Plan.

13 APPLICATIONS RECOMMENDED FOR REFUSAL OR DISAPPROVAL OF DETAILS

13.1 Darwin (10/00649/FULL1) - Land North East of Summer Shaw, Cudham Lane North, Cudham.

Description of application - Single storey building for accommodation of sheep, cattle and horses, and use of land for agriculture and grazing of horses.

Oral representations in support of the application were received at the meeting.

It was reported that further objections to the application had been received together with an objection from St Peters and St Paul's Church. Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reasons set out in the report of the Chief Planner.

13.2 Mottingham and Chislehurst North (10/01016/FULL1) - The Elms and Land adjacent, Mottingham Lane, Mottingham.

Description of application - Detached two storey 5 bedroom dwelling with rear balcony integral double garage, vehicular access and front boundary wall, fence and gates.

Oral representations in objection to and in support of the application were received. Oral representations from Ward Member, Councillor Charles Rideout, in objection to the application were received at the meeting.

It was reported that further objections to the application from Mottingham Residents' Association had been received.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reasons set out in the report of the Chief Planner.

14 CONTRAVENTIONS AND OTHER ISSUES

**14.1
Shortlands**

**(DRR10/00075) - Alterations to Approved Driveway
Layout and Planting Pursuant to Landscaping
Scheme at 15 Durham Avenue, Bromley.**

Members having considered the report **RESOLVED** that **NO FURTHER ACTION BE TAKEN** with regard to the alteration to the width of the approved driveway, and **IT WAS FURTHER RESOLVED** that **NO FURTHER ACTION BE TAKEN** with regard to the planting pursuant to the landscaping scheme.

**14.2
Bickley**

**(DRR/10/00076) - Non-Compliance with
Enforcement Notice, 10 Homefield Road, Bromley.**

Members having considered the report **RESOLVED** to **APPROVE TO PROCEED WITH THE PREVIOUSLY AUTHORISED DIRECT ACTION** and, **IT WAS FURTHER RESOLVED TO APPROVE THEREAFTER COSTS** (including any abortive costs) to be recovered from the owner, and if necessary, a charge to be placed on the land.

15 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000

The Chairman moved that the Press and public be excluded during consideration of the item of business listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

**16
Darwin**

Archies Stables, Cudham Lane North, Cudham.

Members having considered the report **RESOLVED** that **ENFORCEMENT ACTION AND THE ISSUE OF INJUNCTION PROCEEDINGS BE AUTHORISED** as recommended, in the report of the Chief Planner.

The Meeting ended at 8.35 pm

Chairman

SECTION '2' – Applications meriting special consideration

Application No : 08/03188/FULL6

Ward:
Farnborough And Crofton

Address : Lulworth Elm Walk Orpington Kent BR6
8LX

OS Grid Ref: E: 542912 N: 165302

Applicant : Mr M Harris

Objections : YES

Description of Development:

Single storey side extension RETROSPECTIVE APPLICATION

Key designations:

Conservation Area: Farnborough Park

Locally Listed Building

Proposal

This application seeks retrospective permission for a single storey side extension to house equipment related to a swimming pool at the site.

Comments from Local Residents

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

- plant room has been illegally constructed
- noise disturbance
- odour generated by the plant room machinery
- plant room should have been planned at the same time as the swimming pool
- breach of condition

No objections are raised from a conservation perspective

Comments from Consultees

Following a number of site visits and some improvement works to the sound insulation of the extension, the Environmental Health Officer has now taken overnight readings from inside the neighbouring property the garden of which is adjacent to the

extension, and the result of the monitoring is that it is considered that the noise level in at least one of the bedrooms is unacceptable, particularly with the window open. Although work has been carried out in order to reduce noise break-out from the doors of the extension, which was considered likely to be the main source of the noise issue, due to the close proximity of the equipment housing to the neighbouring house, noise must also be breaking out through the roof and the vents in the flank wall.

The situation therefore is that due to the noise break-out, the operation of the water treatment plant results in a loss of amenity to the neighbouring property if operating 24 hrs per day. It is therefore suggested that a condition is imposed restricting operation of the equipment to say 0900-2100 hrs, or the extension may otherwise be considered unacceptable in terms of noise and disturbance and refusal would in that case be suggested. This is mentioned as the owner of Lulworth had previously indicated verbally that he was not prepared to accept a restriction on the hours of operation of the equipment. Any further representations in this regard 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:

BE1 Design of New Development
BE11 Conservation Areas
H8 Residential Extensions
4A.20 (London Plan) Reducing noise and enhancing soundscapes

PPS24 Planning and Noise

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, in particular with regard to any noise generated from within the extension, given that its primary purpose is to house the swimming pool equipment.

This application follows the approval of planning permission being granted for an enclosed swimming pool. Under application ref. 06/02300, permission was granted for two storey side and rear extensions, and a single storey side and rear extension to form existing pool enclosure, together with a double garage extension at front. Under subsequent application ref. 06/03615, permission was granted for amendments to that scheme. Both applications included a condition requiring all pool/filtration plant/heating equipment to be submitted to and approved by the Local Planning Authority before the pool use commences.

This retrospective application is for a single storey side extension which will contain the plant room for the swimming pool. A Breach of Condition Notice issued dated 1st September 2008 requires the cessation of the pool and pool equipment until details of all pool/ filtration plant/heating equipment have been submitted to the Local Planning Authority for approval. Details of the technical specification of the equipment has been submitted to the Council.

In terms of its external design, the structure is considered to be relatively small in relation to the main dwelling, somewhat obscured and therefore unlikely to undermine the character and appearance of the main dwelling or surrounding Conservation Area.

The main issue for consideration is therefore considered to relate to the environmental impact of the plant room, with particular regard for noise pollution. No noise survey has been submitted with the application. Some insulation works, including double glazed doors and ceiling insulation have been carried out following offers from the applicant at recent site meetings. However, there are strong objections on behalf of the neighbour regarding the noise being emitted from the equipment and the recent measurements taken by the Environmental Health Officer indicate that there remains an issue with noise escaping from the extension which causes demonstrable harm to the amenities of the neighbouring property during the night.

Having had regard to the above, and in particular the comments of the Environmental Health Officer, Members may wish to consider the imposition of a condition restricting hours of operation of the equipment to after 9.00am and before 21.00pm. Members should bear in mind that it is anticipated that the applicant may not agree with the terms of such a condition and it may also be appropriate to consider refusal on the basis of the noise disturbance caused and the potential resource implication and / or difficulty in ensuring enforcement of such a condition if the applicant is not in agreement with it.

RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED

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

1 The equipment within the extension which serves the swimming pool including any pumping, heating or filtration equipment including that related to any other garden features shall not be operated between 21:00pm and 09:00am and any noise resulting from the use of the equipment should not result in an increase of the LAeq (5 minute) when measured at any point on the boundary of the application site.

Reason: To protect the amenities of adjacent properties, in accordance with Policy 4A.20 of the London Plan and Planning Policy Statement 24.

2 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

BE1 Design of New Development
BE11 Conservation Area
H8 Residential Extensions

Policy (London Plan)
4A.20 Reducing Noise and Enhancing Soundscapes

PPS24 Planning and Noise

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

- 1 The extension and swimming pool equipment housed within it give rise to unacceptable noise and disturbance to the adjacent property 'Cranford' in particular at night time and the proposal is therefore contrary to Policy BE1 of the UDP, Policy 4A.20 of the London Plan and PPS24 - Planning and Noise.

Reference: 08/03188/FULL6
Address: Lulworth Elm Walk Orpington BR6 8LX
Proposal: Single storey side extension RETROSPECTIVE APPLICATION



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SECTION '2' – Applications meriting special consideration

Application No : 09/03152/FULL1

Ward:
Penge And Cator

Address : 6 Padua Road Penge London SE20 8HF

OS Grid Ref: E: 535212 N: 169905

Applicant : Mr David Berger

Objections : YES

Description of Development:

Roof alterations incorporating front and rear dormer extensions / three storey side/rear extension and conversion to form 1 three bedroom dwelling, 1 studio flat and 1 one bedroom and 2 two bedroom flats with 3 car parking spaces and cycle/refuse stores.

This application was originally reported to Members of the Plans Sub-Committee at the meeting held on 18th February 2010. Members deferred the application to seek a reduction in the number of units and to increase the off street parking provision from three to four spaces. The Applicant has recently advised verbally that they would like the application to be presented back to Members, and has declined to amend the plans as requested.

The original report is repeated below, updated as necessary.

Proposal

Planning permission is sought for the extension of the existing dwelling at No. 6 Padua Road and its conversion to form a total of 5 self-contained residential units. These works will comprise the following:

- roof alterations to existing dwelling to form gable ends, incorporating front and rear dormer extensions
- three storey side/rear extension to dwelling (approx. 8.3m in width; 9.6m in depth)
- conversion to form 1 three bedroom dwelling and 1 studio flat within existing building, and 1 one bedroom and 2 two bedroom flats within extension

Three off-street car parking spaces are proposed, together with cycle and refuse stores.

The application is accompanied by a design and access statement and a tree survey.

Location

The application site is located on the north-western side of Padua Road, Penge, and currently comprises a detached two storey dwelling with a larger than average plot, extending generously to the side. The site is approx. 0.056ha in area. The immediate surrounding area comprises a mix of semi-detached and terraced dwellings and flats, including a new residential block of 8 flats currently under construction at the opposite end of Padua Road, adjacent to No. 32.

Comments from Local Residents

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

- concerns regarding pressure to on-street parking demand and cumulative effect of similar developments in the vicinity
- concerns over provision of adequate amenities for future occupiers and size of top floor flat in view of reduction in size of dormers
- loss of mid-sized family dwelling
- increase in density
- gross overdevelopment
- parking provision inadequate
- cannot see how development addresses previous concerns
- disruption caused during construction
- parking issue even more relevant in view of recent development at No. 32 Padua Road

Comments from Consultees

From the technical Highways perspective, no objections are raised to the proposed development, subject to the imposition of standard conditions.

Highways Drainage advise that there is no public surface water sewer in Padua Road.

The Council's Waste Advisors raise no objection to the proposal.

Thames Water was notified of the application and raised no objection with regard to waste and water infrastructure.

Environmental Health (housing) raise no objection to the proposal.

Planning Considerations

The main planning policies of relevance to this application are as follows:

BE1 Design of New Development

- H7 Housing Density and Design
- H9 Side Space
- H11 Residential Conversions
- T18 Road Safety
- NE7 Development and Trees

The application has been called-in to Committee by a local ward Member.

Planning History

There is extensive planning history at the site. Of most recent relevance are application refs. 07/03581 and 08/00425 which sought permission for a hip to gable rear dormer roof extension, together with a three storey side/rear extension and the conversion of the extended property to form 4 and 5 flats respectively. Planning permission was refused for both schemes, and appeals against both decisions dismissed, with a joint decision being issued by the Inspectorate given the similarities between the two cases.

The reasons for refusal in both cases were as follows:

The proposed development, by reason of its design and bulk, will result in a cramped overdevelopment of the site, out of character with the surrounding development and detrimental to the appearance of the street scene generally, contrary to Policies BE1 and H7 of the Unitary Development Plan.

The proposal lacks adequate on-site car parking and access arrangements and as such would be likely to interfere with the free flow of traffic and conditions of pedestrian and vehicular road safety, contrary to Policies T3, T6 and T18 of the Unitary Development Plan.

At appeal, the Inspector found that the “top-heavy mass” of the rear dormers would result in “harm to the character and appearance of the street scene”, compounded by the “flat roofed dormers in the front elevation which would be aesthetically displeasing and at variance with the pitched roof dormers found elsewhere along the road”. With regard to parking, the Inspector found that both proposals would be likely to result in “more pressure upon available kerbside spaces in the road”, but nevertheless based on the information in from of him that neither proposal would “result in undue highway dangers nor increase parking stress in the road to an unacceptable level”.

Conclusions

The scheme currently under consideration here is very similar in principle to that dismissed at appeal under ref. 08/00425, and specifically seeks to address the concerns raised by the Inspector with regard to the bulk of the rear dormers and the appearance of the dormers to the front roofslopes. Members will note that the Inspector did not appear to raise any objections to the principle of the proposed

extension and conversion of the host property, nor indeed with regard to the parking and access arrangements.

The proposal now incorporates dormers with pitched roofs to the front roofslope, which may be considered more in keeping with those that exist to other properties in the vicinity of the application site. To the rear, the rear dormers have been significantly reduced in size and bulk and would no longer appear 'top-heavy', with both being set away from the flank walls therefore reducing the likelihood of the dormers harming the character and appearance of the street scene. On balance, Members may find that the proposal has addressed the concerns raised by the Inspector at appeal, and that on balance permission should now be granted.

Background papers referred to during production of this report comprise all correspondence on files refs. 09/03152, 08/00425 and 07/03581, excluding exempt information.

RECOMMENDATION: PERMISSION

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 | ACA07 | Boundary enclosure - no detail submitted |
| | ACA07R | Reason A07 |
| 4 | ACC04 | Matching materials |
| | ACC04R | Reason C04 |
| 5 | ACB19 | Trees - App'ment of Arboricultural Super |
| | ACB19R | Reason B19 |
| 6 | ACH03 | Satisfactory parking - full application |
| | ACH03R | Reason H03 |
| 7 | ACH22 | Bicycle Parking |
| | ACH22R | Reason H22 |
| 8 | ACH19 | Refuse storage - implementation |
| | ACH19R | Reason H19 |

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
- H7 Housing Density and Design
- H9 Side Space
- H11 Residential Conversions

T18 Road Safety
NE7 Development and Trees

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

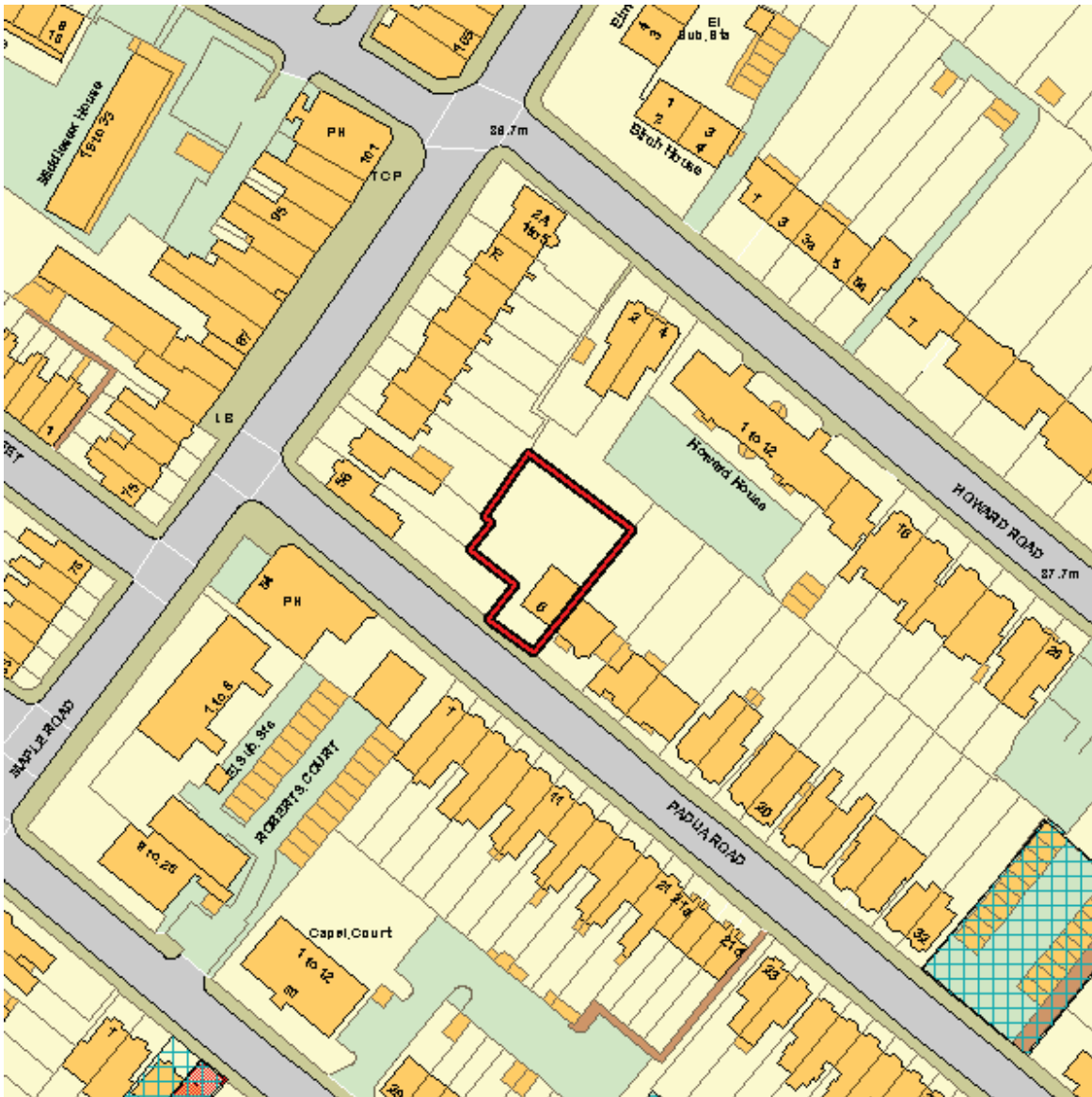
- (a) the density of the proposed development and the provision of additional housing on a previously developed site
- (b) the relationship of the development to adjacent properties
- (c) the character of the development in the surrounding area
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties
- (e) the high quality design and layout of the proposed development
- (f) the proposed parking provision and the impact to conditions of road safety
- (g) the impact of the proposed development to trees within the site
- (h) the reduction in the size and bulk of the rear dormers proposed together with the introduction of pitched roofs to the front dormers in addressing the concerns raised previously at appeal
- (i) the housing policies of the Unitary Development Plan
- (j) the transport policies of the Unitary Development Plan
- (k) the conservation policies of the Unitary Development Plan

and having regard to all other matters raised.

INFORMATIVE(S)

- 1 RDI10 Consult Land Charges/Street Numbering
- 2 RDI16 Contact Highways re. crossover
- 3 You should seek engineering advice from the Environmental Services Department at the Civic Centre with regards to the reinstatement of any damage to the highway. Please contact Street Services on 020 8313 4924.
- 4 You are advised that there is no surface water sewer in Padua Road. Thames Water should be contacted to determine how the drainage should be dealt with.
- 5 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: 09/03152/FULL1
Address: 6 Padua Road Penge London SE20 8HF
Proposal: Roof alterations incorporating front and rear dormer extensions / three storey side/rear extension and conversion to form 1 three bedroom dwelling, 1 studio flat and 1 one bedroom and 2 two bedroom flats with 3 car parking spaces and cycle/refuse stores.



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SECTION '2' – Applications meriting special consideration

Application No : 10/00750/OUT

Ward:
Orpington

Address : Garage Compound Adjacent 111 Eldred Drive Orpington

OS Grid Ref: E: 547664 N: 165994

Applicant : Ms Lorna Buchan

Objections : NO

Description of Development:

Erection of 3 two storey three bedroom terraced properties with roofspace accommodation.

OUTLINE APPLICATION

Proposal

This outline application relates to layout, scale and access of the proposed development. The proposed terrace would occupy a terrace measuring approximately 15m (w) x 12m (d) and align with the neighbouring dwelling at No 111 at the front. The indicative front elevation shows that the terrace would maintain a similar height and roof design as the neighbouring dwelling at No 111.

The proposal would result in the loss of a maple tree located to the front of the site within the south western corner of the site. The submitted plans indicated that a replacement tree would be planted within the opposite corner. During recent discussions the applicant has also offered to contribute toward new trees to be planted within the vicinity of the site given the loss of the maple tree. This offer would need to be subject to a legal agreement as it would relate to works outside the site.

Location

The site fronts Eldred Drive and is occupied by a garage block of 15 units. The block is in a semi-derelict state with the site now being cordoned off from Eldred Drive by close boarded fencing. The surrounding area is predominantly residential in character.

Comments from Local Residents

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

Comments from Consultees

No technical Highways or Drainage objections have been raised, subject to conditions.

Planning Considerations

Unitary Development Plan Policies are BE1 (Design of New Development), H7 (Housing), NE7 (Development and Trees) and T3 (Parking).

Objections have been raised by the Trees Officer relating to the loss of a purple leafed maple leaf tree which is situated to the front of the site within a grass verge. This is considered to maintain a prominent location in the streetscene and in view of its local prominence has been made the subject of a tree preservation order (No 2371).

Planning History

Under application ref. 08/03875, outline planning permission for a terrace of five two storey houses which would have been built toward the western boundary of the site was refused on the following grounds:

The proposal constitutes a cramped overdevelopment of the site, out of character with the area and lacking in adequate amenity area for future occupants, and if permitted would set a precedent for similar overdevelopment within the area, resulting in a retrograde lowering of the spatial standards to which the area is at present developed, contrary to Policies BE1 and H7 of the Unitary Development Plan.

The proposal would be detrimental to the amenities of the occupiers of the adjacent residential properties by reason of loss of prospect, visual impact and an unacceptable degree of noise and disturbance due to the siting, design and scale of the proposal, thereby contrary to Policy BE1 and H7 of the Unitary Development Plan.

The application was subsequently dismissed at appeal, the Appeal Inspector considering that the development would result in “an uncomfortable relationship with the rear garden to No. 111 Eldred Drive” and that “the relationship of the proposed houses to the western boundary would be obvious in rear views from a number of the neighbouring properties... the houses would appear as though they had been squeezed into the site. This would be in direct contrast to their more spacious surroundings and would be seen as being out of character.”

The Inspector also considered that given their proximity to the patios serving the proposed houses “the occupants of No. 111 Eldred Drive are likely to suffer from noise and disturbance and, because the patio areas abut virtually the full length of their garden, this is likely to cause material harm to their living conditions.”

Furthermore, the Inspector noted that:

“The indicative drawings show that it should be possible to design the houses in such a way that, despite their proximity to the western boundary, there would be no overlooking of the rear garden of No. 111 Eldred Drive. However, I find it unlikely that two storey houses could be satisfactorily designed such that there was also no overlooking of the rear gardens of the properties on Rye Field.”

In his conclusions, the Inspector considered that “the proposed development would appear cramped and would fail to complement the more spacious qualities of the surrounding area.”

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area, the impact that it would have on the amenities of the occupants of surrounding residential properties, and whether the loss of the maple tree subject of a TPO is acceptable.

In comparison to the 2008 application the number of units proposed has been reduced from five to three and the proposed houses would front Eldred Drive. Consequently, it is considered that concerns relating to neighbouring amenity, in particular overlooking, visual impact, loss of prospect and noise and disturbance have been overcome since the rear of the application site will mainly comprise garden areas. With regard to their appearance within the streetscene the indicative elevations show that the proposed houses would maintain similar proportions as the existing houses fronting Eldred Drive, and that their plot sizes would be commensurate with neighbouring dwellings.

Whilst it would appear that concerns previously raised by the Council and by the Appeal Inspector have been addressed, in contrast to the previous application, this proposal would result in the loss of a mature purple leafed maple tree located to the front of the site within an unenclosed grass verge. It is considered that this tree contributes to the character of the streetscene and visual amenities of the area. Whilst the proposal includes a replacement tree which would be planted within the south eastern corner of the site, and it is noted that the applicant has offered to provide contribute toward new trees within the area, these are not considered adequate given the loss of the existing tree and would take several years to mature.

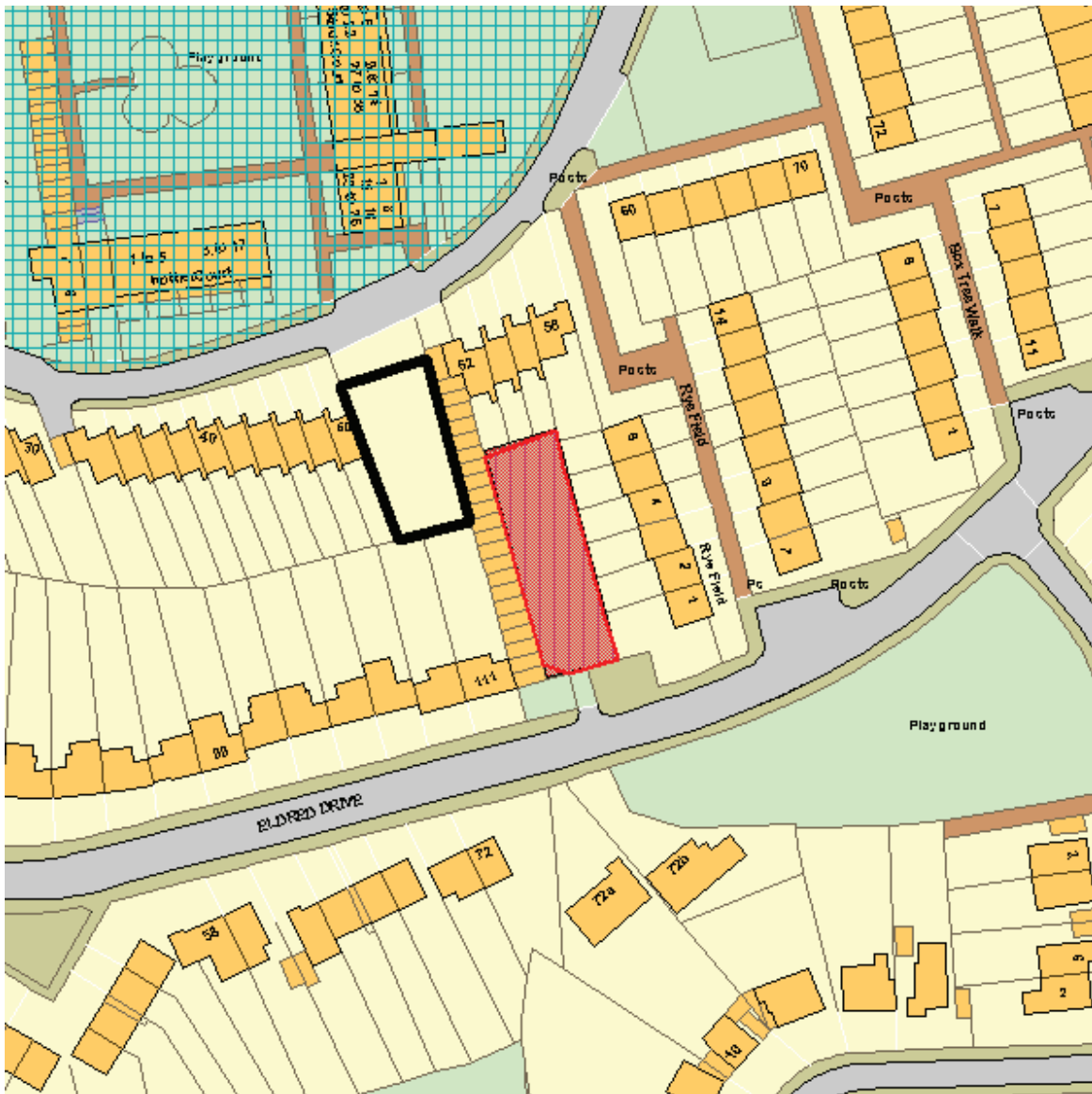
Background papers referred to during production of this report comprise all correspondence on files refs. 08/03875 and 10/00750, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The proposal would result in the loss of a mature maple tree subject to Tree Preservation Order No 2371 which contributes significantly to the visual amenities of the area and the proposal would therefore be contrary to Policies BE1 and NE7 of the Unitary Development Plan.

Reference: 10/00750/OUT
Address: Garage Compound Adjacent 111 Eldred Drive Orpington
Proposal: Erection of 3 two storey three bedroom terraced properties with roofspace accommodation.
OUTLINE APPLICATION



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SECTION '2' – Applications meriting special consideration

Application No : 10/01127/FULL1

Ward:
Copers Cope

Address : Bishop Challoner School 228 Bromley
Road Bromley BR2 0BS

OS Grid Ref: E: 538945 N: 169431

Applicant : Mr D Rolls

Objections : YES

Description of Development:

Detached portable building

Key designations:

Locally Listed Building
London Distributor Roads
Urban Open Space

Proposal

This proposal seeks planning permission for a detached single storey portable building to be sited in the grounds for use as additional teaching accommodation in connection with Bishop Challoner School.

The agent advises that the governors of the school are concerned that any consent will be tied to the time line of an existing temporary Classroom and as a consequence would give less than a years self life to the building.

Accordingly, Members need to consider whether if the proposal is acceptable, a concurrent condition is required or a separate time limited condition is required or a separate time limited condition is reasonable in this case.

Location

The proposal site is located to the south of Bromley Road at the junction with Scotts Avenue and accommodates Bishop Challoner School and grounds. The school buildings also include the original 'House' which is a statutory Listed Building.

Comments from Local Residents

A number of comments have been received in respect of this application during the consultation process. The comments are summarised as follows:

- this additional portacabin would hardly further enhance the character of the area
- during the winter months there would be little or no foliage on the trees to screen this building
- the portacabin is excessively large for its proposed location
- the existing screen along the boundary with Scotts Avenue is insufficient
- there maybe other locations on the school grounds where the building could be located
- the scout hut could be used
- the continuing loss of open space would be detrimental to the school
- enquiries should be made to ensure there is no other suitable site for this building
- there has been noise emanating from the existing building, this new building could give rise to similar problems.

Comments from Consultees

From the Heritage and Urban design point of view there are no objections as the proposal is located a sufficient distance from the Listed Building.

In terms of the impact on trees concerns have been expressed about the relationship between the Ash (No. 236) and the new building, although the building will not require foundations, the concern is that the tree will overhang the lightweight structure and could be damaged by falling branches.

Planning Considerations

The school is within designated Urban Open Space, and has Listed Building status.

The proposal requires consideration of policies BE1 (Design of New Development), BE8 (Listed Building) and G8 (Urban Open Space) of the Unitary Development Plan

Members will be aware that Policy G8 does permit development in Urban Open Space provided among other things it is related to the existing use (in this context, neither residential nor indoor sports development will normally be regarded as being related to the existing use).

However, there is also a requirement that in all cases, the scale, siting and size of the proposal should not unduly impair the open nature of the site.

Planning History

Temporary Permission was granted for a detached portable building under ref. 08/03891 until 28th February 2012.

Conclusions

The main issues relating to the application are the effect that it would have on the setting of the Listed Building, the impact it would have on the Urban Open Space and the effect on the amenities of the occupants of surrounding residential properties.

The proposed single storey portable building measures 15 metres x 8.4 metres (as stated on the application form) and is to be sited adjacent an existing portable building (granted under ref: 08/03891) this is to the eastern boundary of the site which abuts the public footpath in Scotts Avenue. The building is second hand and will be decorated to match the existing adjacent portable building. The boundary has an established planting of conifers and assorted shrubbery which will act as a natural screen to the proposed building from the adjacent highway. The building will be sited between two established Ash Trees it is proposed to remove an existing plum and elm trees. These trees are not covered by Tree Preservation Orders.

The building and its siting is temporary measure to provide additional teaching accommodation, the school is in the process of forming a future plan for the site which will then be the subject of a planning application. The proposal is not considered to have a harmful effect on the setting of the listed building or on the amenities of residents, who are reasonably separated from the development site. However, it does involve encroachment into an open part of the site.

Accordingly, Members are requested on this matter to ascertain whether the proposal is unduly harmful to the amenities of the residents of neighbouring properties by reason of overdevelopment of the site and any related visual impact, to warrant permission being refused, or whether the proposal on balance is considered acceptable taking into consideration whether the benefits of the proposal outweigh the visual harm.

Given its temporary nature, if members are minded to grant planning permission, the following conditions are recommended:

Background papers referred to during production of this report comprise all correspondence on files refs. 07/01973 and 08/03891, excluding exempt information.

As amended by documents received 12.08.2010

RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED

- | | | |
|---|--------|--|
| 0 | D00002 | If Members are minded to grant planning permission the following conditions are suggested: |
| 1 | ACE02 | Limited period - use (1 insert) 28.02.2012. |

ACE02R Reason E02

- 2 The detached single storey portable building hereby permitted shall only be used for purposes ancillary to Bishop Challoner School and for no other use.

Reason: In order to comply with Policies BE1 and G8 of the Unitary Development Plan and in the interests of the residential amenities of the area.

- 3 The rear elevation of the building facing onto Scotts Lane is to be painted green to match the existing adjacent portable building.

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

- 4 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

BE1 Design of New Development

BE8 Listed Building

G8 Urban Open Space

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

- 1 The proposed detached portable building would result in an over-intensive use of the site and would impact on the sites Urban Open Space and would be detrimental to the amenities that the occupiers of the surrounding residential properties might reasonably be able to expect to continue to enjoy therefore contrary to Policies BE1, BE8 and G8 of the Unitary Development Plan.

Reference: 10/01127/FULL1

Address: Bishop Challoner School 228 Bromley Road Bromley BR2 0BS

Proposal: Detached portable building



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SECTION '2' – Applications meriting special consideration

Application No : 10/01350/FULL1

Ward:
**Bromley Common And
Keston**

Address : Land At Langham Close Bromley

OS Grid Ref: E: 542189 N: 165987

Applicant : Heltfield Ltd

Objections : YES

Description of Development:

2 detached two storey five bedroom dwelling with integral and detached garage and access road at land at Langham Close

Key designations:

Conservation Area: Bromley, Hayes and Keston

Proposal

- Planning permission is sought for 2 detached houses (indicated as Plots 4 and 5) bringing the total up to 7 dwellings.
- Plots 1 and 2 were granted planning permission under ref. 06/04235 and have now been constructed.
- Plot 3 was allowed on appeal after being refused under planning ref. 08/00264 and is currently under construction.
- Plots 7 and 8 were granted permission under planning ref. 07/02420.
- The proposed houses are of a traditional design with facing materials being predominantly brick.
- The rear gardens are of an irregular shape but extend to between 14.5m and 18m in depth.
- Plot 4 has an integral single garage whilst plot 5 incorporates a detached double garage.

Location

The application site is situated on the north-western side of Gravel Road and comprises an irregular plot of 0.14 hectares. The surrounding area is residential in character with the area to the west of the site forming part of Bromley, Hayes

and Keston Common Conservation Area. There protected trees to the western boundary of the site.

Comments from Local Residents

There have been both letters of support and objection submitted in relation to this application which are summarised below:

Support

- proposal would complete the development of this unused land to an outstanding level
- proposal represent a good use of derelict land
- the development is excellent and an asset to the local community

Objection

- the gardens of the maisonettes at Trinity Close are not comparable with rear gardens in the vicinity
- the close proximity of plot 5 to maisonettes in Trinity Close would result in a loss of outlook and privacy
- the proposal will result in worsening natural drainage and localised flooding if the ground is unable to absorb the excessive rainfall
- the site is an important habitat for badgers who have been observed adjacent to the site
- buildings currently surrounding the site are complimentary to the established architecture, the proposed house are not

Comments from Consultees

Drainage: the views of the Head of Building Control on the use of soakaways for disposal of surface water should be obtained. If soakaways are not an acceptable method of drainage , it should be noted that this site is within the area where the Environment Agency – Thames Region requires restriction on the rate of discharge of surface water from new developments into the River Ravensbourne or its tributaries including storage if necessary.

Building Control: comments received will be reported verbally.

Environmental Health: if during any works on site suspected contamination is encountered which has not been previously identified. Environmental Health should be contacted immediately. The additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority.

Thames Water- no objections raised subject to suggested informative.

Highways: there are no objections in principle from a highways point of view. However owing to the limited length of the drive to Plot 4 and the narrowness of

the access road at this point, the required 6m manoeuvring space is not available to users of the drive, making it impractical to use. Also plot 5 having a double garage has at least 4 parking spaces. In addition however, what appears to be some form of turning area is incorporated into the plot, which appears unnecessary and could well serve for the parking of up to 3 additional cars. Whilst I consider it reasonable, where double garages are proposed, to accept that 4 parking spaces would result any further parking provision would be unacceptable and contrary to Policy T3. Further detail of the need for the "turning facility" is required in order to access the acceptability of such a layout.

Trees - A Tree Preservation Order has recently been made for the large oak tree at the front of Plot 5. The tree survey accompanying the application arrives at the following conclusions which are concurred with by the Council's own Tree Officer

- the development can proceed with the retention of all the significant trees on the site
- the removal of four category C trees will have little impact on the landscape of the area
- no irresistible post development pressures are anticipated.

Any further comments will be reported verbally.

Planning Considerations

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.”

Planning History

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.

Under planning ref. 09/01303, planning permission was refused and later dismissed at appeal for the erection of 5 detached houses with garages. In reaching his decision the Inspector focused on the 3 houses not yet built which focuses on a comparable development as the current application. With regard to the layout of the scheme the Inspector concluded:

“Notwithstanding the stepped layout, the properties would still be quite close together, with little additional spacing than between the already constructed properties or those of the permitted scheme, despite the increase in the overall numbers of properties. The sheer amount of built form extending right up to the end of the site would clearly be evident when within the development and the mass of built form towards the north-western end of the site would be seen from other surrounding properties and gardens.”

With regard to the privacy and outlook of occupiers of nearby dwellings the Inspector concluded as follows:

“...proposed plot 5 would be somewhat closer to the rears of Nos. 15 and 16 and, while angled slightly away, would be at less of an angle than would be the case with proposed plot 6 and the rears of Nos. 13 and 14...there would be a reduction of privacy compared with the permitted scheme for occupiers of Nos 15 and 16 when in their main facing rooms and remaining rear gardens. However, I consider that the loss of privacy for those occupiers would not be so serious as to be unacceptable although it would be noticeable. I am of the same opinion with respect to the change in outlook which those occupiers would experience as a consequence of the proposed scheme”.

In concluding the Inspector stated:

“I consider the determining issue in this appeal to be the harm to the character and appearance of the surrounding area which would be caused if I were to allow this appeal.”

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.

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.

Conclusions

The current application site is comparable with that previously refused and dismissed under planning ref. 09/01303 in that the site area is for the most part unchanged except for the exclusion of those parts of the site where development has long since commenced under a previous permission, also an increase of approx. 6.5m in the depth of the amenity space attached to maisonettes in Trinity Close. The main difference is the number of dwellings proposed which has been reduced from 3 to 2.

The principle issues in this case is whether 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 findings of the Inspector in dismissing the previous proposal.

Clearly the proposal represents an improvement on the previous application in that the reduced density allows for a less intensive use of the site and the spatial setting of the scheme is more spacious. In addition there has been an improvement in the depth of the amenity area of nos. 13-15 Trinity Close from 10.5m to approx. 17m. However, this has been at the expense of a significant reduction in the back to side distance of the proposed dwelling and the maisonette block in Trinity Close. Where previously there closest dwelling had been at a semi oblique angle approx. 23m away, the two buildings are now for a significant proportion opposite one another and the back to side distance has been reduced to approx. 17m . The issue of outlook is therefore of particular relevance in this instance in terms of the impact on visual amenities of occupants of 13-16 Trinity Close.

Members should carefully consider the relationship with adjoining development in particular whether the house proposed at plot 5 would be unduly harmful to occupants in Trinity Close as a result of loss of outlook and also whether the relationship between plot 4 and the house under construction at plot 3 is acceptable given the minimum distance between them reduces down to 1.5m.

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 files refs. 09/01303 and 10/01350, 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 ACA04 Landscaping Scheme - full app no details
 ACA04R Reason A04
- 3 ACA08 Boundary enclosures - implementation
 ACA08R Reason A08
- 4 ACB01 Trees to be retained during building op.
 ACB01R Reason B01
- 5 ACB02 Trees - protective fencing
 ACB02R Reason B02
- 6 ACB03 Trees - no bonfires
 ACB03R Reason B03
- 7 ACB04 Trees - no trenches, pipelines or drains
 ACB04R Reason B04
- 8 ACB16 Trees - no excavation
 ACB16R Reason B16
- 9 ACC01 Satisfactory materials (ext'nl surfaces)
 ACC01R Reason C01
- 10 ACD02 Surface water drainage - no det. submitt
 ADD02R Reason D02
- 11 ACH03 Satisfactory parking - full application
 ACH03R Reason H03
- 12 ACH16 Hardstanding for wash-down facilities
 ACH16R Reason H16
- 13 ACH23 Lighting scheme for access/parking
 ACH23R Reason H23
- 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.

20 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

- 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.
- 2 If during any works on site suspected contamination is encountered which has not been previously identified, Environmental Health should be contacted immediately. The additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.
- 3 Before the use commences, the applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990.

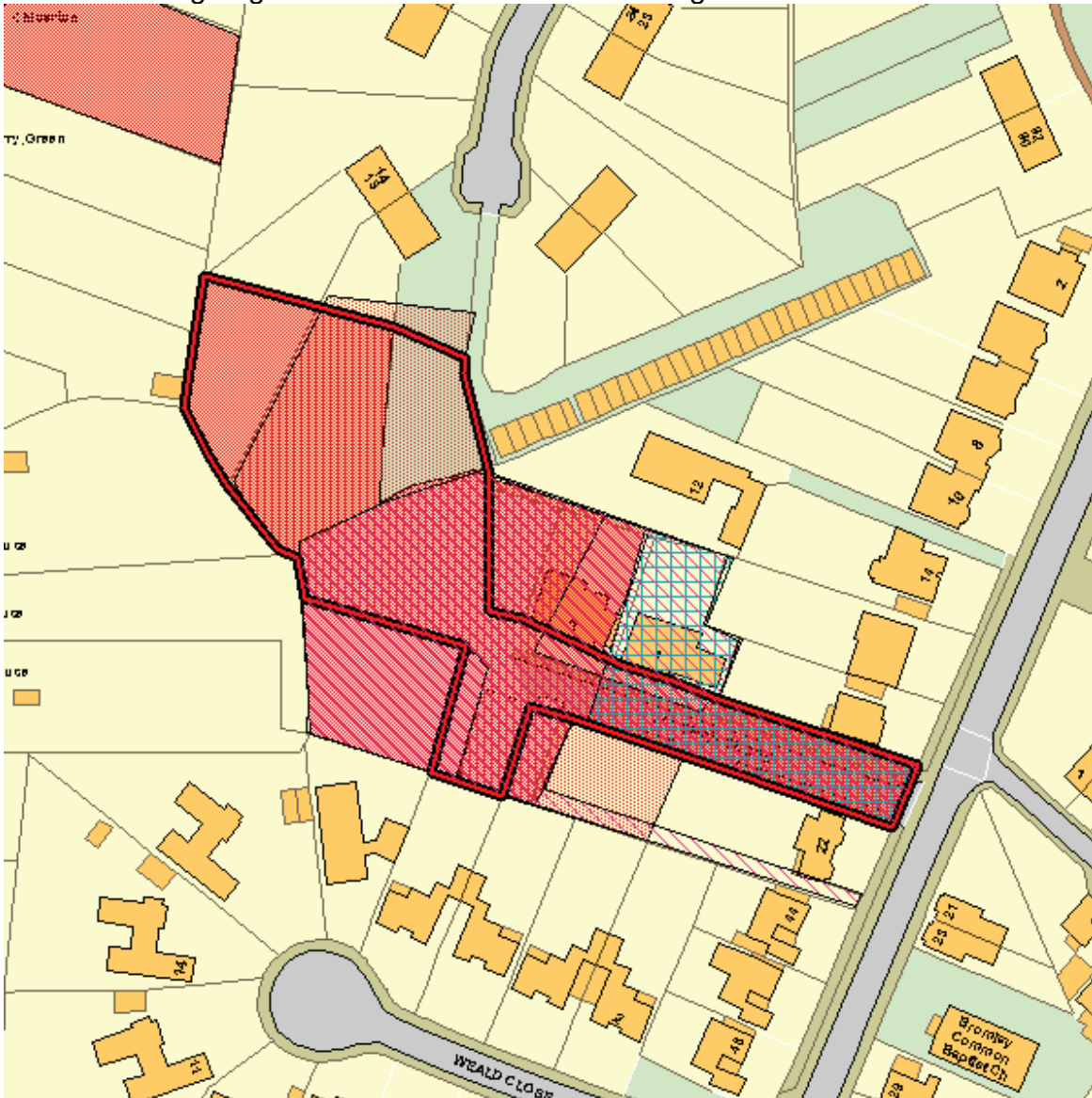
D00003 If Members are minded to refuse planning permission the following grounds are suggested:

- 1 The proposal, given the positioning and size of the proposed house on plot 5 will have an undue impact on the amenities of the neighbouring properties at Nos 13-16 Trinity Close by reason of loss of outlook, thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.
- 2 The proposal, given the positioning of the proposed house on plot 4 in relation to the approved house at plot 3 would result in an cramped and awkward relationship harmful to the spatial character of the proposed development and the "Langham Close" scheme as a whole thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.

Reference: 10/01350/FULL1

Address: Land At Langham Close Bromley

Proposal: 2 detached two storey five bedroom dwelling with integral and detached garage and access road at land at Langham Close



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SECTION '2' – Applications meriting special consideration

Application No : 10/01710/EXTEND

Ward:
Kelsey And Eden Park

Address : 63 Hayes Lane Beckenham BR3 6RE

OS Grid Ref: E: 538498 N: 168581

Applicant : Mrs W Ross

Objections : YES

Description of Development:

Extension of time limit for implementation of permission reference 06/01883 granted on appeal for a two storey dwelling fronting Quinton Close at land rear of Hayes Lane.
OUTLINE APPLICATION

Key designations:

London Distributor Roads

Proposal

This application has been called in to Committee by the local Ward Councillor in addition to application ref. 10/01908, which seeks approval for reserved matters pursuant to outline permission for a detached dwelling (under ref. 06/01883), which can also be found on this agenda.

Under planning ref. 06/01883, outline permission was granted on appeal for a two storey dwelling fronting Quinton Close on land to rear of 63 Hayes Lane.

This application seeks permission to extend the time limit for implementation of outline permission ref. 06/01883.

No change is proposed to the scheme originally permitted under ref. 06/01883, but a summary of the proposal is set out below:

- the two storey dwelling would be set within a plot measuring approx. 18 wide x 24 deep,
- a rear garden with depth of approx. 20m would be retained to No.63 and the proposed dwelling would maintain a minimum rear garden depth of approx. 10m,

- the dwelling would sit forward of Wendene immediately to the north and would be approx. 2m from the flank boundary,

Location

The site forms part of the rear garden to the existing dwelling of No.63 Hayes Lane which is located within a predominantly residential area. The area is characterised by large detached two storey properties of varying designs and external materials set within spacious plots. To the northern side of the site however, lies a detached bungalow, Wendene. The area is not located within a Conservation Area or Area of Special Residential Character.

Comments from Local Residents

Numerous letters of objection have been received in relation to the principle of residential development in the back garden of No. 63 in that it is contrary to current Government guidance contained in PPS3. In addition, concerns primarily relate to:

- the scheme represents an overdevelopment,
- loss of prospect, privacy and open space,
- the siting of the dwelling is forward of Wendene,
- Quinton Close is a narrow road, without scope for on-street parking which can lead to highway congestion and hinder visibility to other road users,
- the design of the proposed property does not complement the surrounding and local area,
- the submission of the details application is out of time and therefore invalid.

Comments from Consultees

No technical objections are raised from a highway point of view subject to conditions relating to parking and visibility splays although it is acknowledged that outline permission was granted on appeal.

Planning Considerations

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

BE1 Design of New Development
 H7 Housing Density and Design
 T3 Parking
 T18 Road Safety
 NE7 Development and Trees

The London Plan:

3A.1 Increasing London's supply of housing

3A.3 Maximising the potential of sites

PPG3 Housing

Planning History

The only relevant planning history relating to this site is the grant of outline permission on appeal for a two storey detached dwelling under ref. 06/01883 and an application for details of the reserved matters including external appearance, landscaping parking and drainage submitted under ref. 10/01908 which is pending consideration.

Conclusions

Members will be aware that outline permission was allowed on appeal under ref. 06/01883. The Inspector in concluded that the proposed development would complement the scale, form and layout of the surrounding area and would not have an unacceptable impact on the living conditions of any neighbouring property. In addition, the Inspector considered sufficient room would exist on the site to accommodate adequate car parking and as such, the proposal would not be likely to pose any unacceptable risks to the safety of road users.

Since the determination of the application under ref. 06/01883 initially by the Council and then subsequently at appeal, the second deposit draft UDP (then in place) has been revised through its formal adoption in July 2006. No significant change however, has occurred in local planning policy relating to tandem/backland residential development.

Of particular significance is the revision of PPS3 Housing which now excludes private residential gardens from the definition of previously developed land. The removal of garden land from the definition of "previously developed land" allows local authorities to manage development in residential areas by considering applications on a case by case basis, refusing inappropriate development.

National guidance on these "extensions", advises that LPA's should take a positive and constructive approach towards applications that improve the prospect of sustainable development coming forward quickly. The development proposed will by definition have been judged to be acceptable in principle at an earlier date and this is an important consideration. Guidance also indicates that LPA's should focus their attention on development plan policies and the material considerations (including national policies) which may have changed significantly since the original grant of permission.

Members will therefore need to consider the recent change in planning guidance, the terms of the appeal decision and the impact of the development locally.

Background papers referred to during production of this report comprise all correspondence on files refs. 06/01883, 10/01908 and 10/10/1710, excluding exempt information.

RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED

- 0 D00002 If Members are minded to grant planning permission the following conditions are suggested:
- 1 ACA02 Details req. pursuant outline permission appearance and landscaping
ACA02R Reason A02
- 2 The dwelling hereby permitted shall not be occupied until space has been laid out within the site for the parking of one or more motor vehicles, in accordance with the details to be submitted to and approved in writing by the local planning authority.
ACH03R Reason H03
- 3 The dwelling hereby permitted shall not be occupied until measures for the drainage of foul and surface water from the site have been submitted to and approved in writing by the local planning authority. The proposed measures shall be implements as approved.
ADD02R Reason D02
- 4 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

- BE1 Design of New Development
- H7 Housing Density and Design
- T3 Parking
- T18 Road Safety
- NE7 Development and Trees

Policies (The London Plan)

- 3A.1 Increasing London's supply of housing
- 3A.3 Maximising the potential of sites

PPG3 Housing

- D00003 If Members are minded to refuse planning permission the following grounds are suggested:
- 1 The proposal would be an overdevelopment of the site on land which is not previously developed resulting in a loss of garden land, out of character with the locality thereby detrimental to its visual amenities and character, contrary to Policies H7 and BE1 of the Unitary Development Plan and PPS 3.

Reference: 10/01710/EXTEND
Address: 63 Hayes Lane Beckenham BR3 6RE
Proposal: Extension of time limit for implementation of permission reference 06/01883 granted on appeal for a two storey dwelling fronting Quinton Close at land rear of Hayes Lane.
OUTLINE APPLICATION



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SECTION '2' – Applications meriting special consideration

Application No : 10/01762/VAR

Ward:
Cray Valley East

Address : Unit 20 Nugent Shopping Park Cray
Avenue Orpington BR5 3RP

OS Grid Ref: E: 547032 N: 168112

Applicant : Nugent Shopping Park Ltd

Objections : YES

Description of Development:

Variation of condition 1 of ref. 08/03150 to allow the sale of pharmaceutical products within Phase 2 of Nugent Shopping Park

Proposal

The application seeks to vary condition 1 of planning permission reference 08/03150, which is a variation of 06/00492, which in turn is a variation of 05/03387 granted for two retail units with servicing and car parking. The applications to vary the original permission have been concerned with conditions restricting the goods that may be sold from the units. This application seeks to lift the restriction on the sale of pharmaceutical products, cosmetics and toiletries, toys and cameras from unit 20. The application does not seek to alter the amount of retail floorspace or the number of units.

The application is accompanied by a Retail Statement which includes the following points:

- Boots has 4 formats of store as follows:
 - o High Street and community stores (2,120 stores) located in town and district centres and major locations – these carry a smaller selection of the Boots range and there is an emphasis on their role as a pharmacy
 - o Health Centre Pharmacies (208 stores)
 - o Retail Park Sites (149) – these have more circulation space, larger display areas and sell bulky goods more appropriate to a car trip
 - o Airports and Railway Stations (43)
- supermarkets have entered health and beauty market in recent years and increased their market share partly through out of town stores

- new formats allow Boots to respond to increase in out of town supermarkets and recapture market share it has lost
- it would not make commercial sense to locate a second store in Orpington town centre as both would serve the same catchment whilst increasing the size of the existing store would not enable it to compete with supermarkets or draw additional trade to the town centre
- analysis demonstrates there are no sequentially preferable sites within the catchment to accommodate the proposals even if flexibility is shown in format and scale
- Nugent Shopping Park is existing successful retail destination which significantly improves retail offer to Orpington and St. Mary Cray
- application for Phase 2 of Nugent was accompanied by a retail assessment which demonstrated that there would be sufficient capacity to support the retail floorspace within the catchment and that there would be no harm to the vitality and viability of Orpington town centre
- proposals relate to a scheme which has now been constructed and no additional floorspace is proposed
- analysis demonstrates that overall Orpington town centre appears relatively healthy – the Council are improving environmental quality of town centre whilst vacancy rates are comparable with the national average and the yield has remained stable for the past few years
- Tesco Extra has significantly strengthened the town centre
- levels of trade diversion from town centre that would result from proposal are negligible and role and function of centre would not be undermined
- most of trade diversion will be from Boots, Sainsburys and Tesco, which are strong stores and will not be threatened
- long term future of Orpington town centre is positive and based on forecast levels of impact the role and function of the centre would not be undermined as a result of the proposal and there would be no harm to its vitality and viability.

The applicants have indicated that they would be willing to enter into a Section 106 agreement with the Council to secure the retention of the town centre store. They have submitted copies of Section 106 agreements between Boots and Stevenage Borough Council and between Boots and Derby City Council committing Boots to keep their town centre stores open for 2 and 5 years respectively.

The applicant's have also submitted a letter from Boots property division emphasising the following:

- proposed store is intended to complement the existing High Street store
- High Street store returns a significant annual profit
- High Street store offers 900 sq m trading floorspace compared with 700 sq m at the Nugent unit
- Boots average market share is 25% but around Orpington it is 17% and store will claw back sales from supermarkets in surrounding towns

- proposed store will include a pharmacy open until 7pm which will provide an important local service
- Boots have demonstrated a commitment to town centres across the country through its involvement in town centre management schemes.

The applicants have submitted a note on the impact of Boots out of centre stores as follows:

- Ashford, Kent – out of centre store opened in August 2005 and town centre store remains open and has received £250,000 investment
- Cambridge – out of centre store opened in November 2000 and two town centre stores remain open and have received £2,246,000 investment
- Basildon – out of centre store opened in November 2000 and town centre store remains open and has received £460,000 investment
- Chelmsford - out of centre store opened in November 2006 and three town centre stores (including one optician) remain open and the optician store has received £650,000 investment
- Canterbury – out of centre store opened in September 2000 and new town centre store replaced three existing stores in 2004 and has received £4.6m investment
- Bexhill - out of centre store opened in April 1999 and town centre store remains open and has received £460,000 investment
- Stevenage – out of centre store opened in September 2004 and three town centre stores (including one optician) remain open and the optician store has received £530,000 investment
- Torquay – out of centre store opened in April 2006 and two town centre stores remain open and one has received £160,000 investment
- Yeovil - out of centre store opened in September 2004 and two town centre stores (one optician) remain open and one has received £1m investment
- Telford - out of centre store opened in December 2004 and two town centre stores (one optician) remain open and the main store has received £450,000 investment
- Solihull- out of centre store opened in November 2004 and two town centre stores (one optician) remain open and the main store has received £840,000 investment
- Swindon - out of centre store opened in February 2003 and three town centre stores (one optician) remain open and one store has received £790,000 investment
- Cheltenham - out of centre store opened in December 2004 and its town centre store remains open and has received £1.5m investment
- Shrewsbury - out of centre store opened in December 2004 and two town centre stores remain open and one has received £2.5m investment.

Comments from Local Residents

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

- original restrictions attached to planning permission ref. 05/03387 were intended to prevent adverse impacts on Orpington town centre and continual easing of these restrictions is undermining its vitality and viability
- prevailing economic conditions are difficult, hitting town centres, and it is incumbent on Council's to ensure that their vitality and viability is not risked
- proposal would threaten the retail strategy of the Local Plan and PPS4, in particular by allowing a proliferation of similar cases resulting in cumulative harm
- dangerous precedent
- vacant units in Walnuts Centre proving difficult to fill and Council must support town centre by directing retail development to sequentially preferable sites
- no enforceable comfort being offered that Boots would remain in Orpington Town Centre
- Council needs to demonstrate support for Orpington Town Centre and give confidence to retailers.

Any further responses to consultations will be reported verbally at the meeting

Planning Considerations

Planning permission was originally granted for the Nugent Shopping Park in September 2004 (ref. 03/01807) and for an extension to Block C in January 2006 (05/03387). Condition 24 of the original planning permission placed restrictions on the amount of unrestricted retail floorspace and on the sale of the following:

- (a) food and drink other than for consumption on the premises
- (b) men's and women's fashion clothing and footwear
- (c) fashion accessories
- (d) jewellery
- (e) cosmetics and toiletries
- (f) pharmaceutical products
- (g) pets and pet foods
- (h) toys
- (i) cameras.

This condition has been the subject of various planning applications to vary its terms, including raising the amount of unrestricted floorspace and relaxing the restriction on the sale of pets and pet foods.

Policy S7 of the Unitary Development Plan requires applicants to show that there is a need for the proposal and that a sequential assessment has been carried out. It also requires the proposal to be easily accessible, of an appropriate size and states that it

should not harm the vitality or viability of existing centres either by itself or in conjunction with other proposals.

Policy EC10 of Planning Policy Statement 4: Planning for Economic Growth (PPS4) requires local authorities to adopt a positive and constructive approach towards planning applications for economic development.

Policy EC14 & 15 of PPS4 require a sequential assessment (under EC15) for planning applications for main town centres uses that are not in an existing centre and are not in accordance with an up to date development plan.

Policy EC16.1 requires an assessment of the impact of main town centre uses which are not in a centre and not in accordance with an up to date development plan. EC16.1 a and b are particularly relevant in that they require the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal to be assessed. They also require an assessment of the impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer.

Policy EC17.1 states that planning applications for main town centre uses that are not in an existing centre and not in accordance with an up to date development plan should be refused where there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of impacts set out in policies EC10.2 and 16.1, taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments.

Conclusions

The main issues relating to the application are (i) the effect that it would have on the character of the area in terms of the retail function of Nugent Shopping Park and; (ii) whether it would harm the vitality and viability or attractiveness of Orpington Town Centre.

The variation of Condition 1 of 08/03150 will enable products such as cosmetics and toiletries, pharmaceutical products, toys and cameras which are appropriate to the town centre (and currently sold in other town centre units) to be sold at the out of centre Boots store thereby potentially impacting the vitality and viability of the town centre.

The retail statement states that the proposed store at Nugent will complement the existing store in Orpington High Street. It states that Boots are prepared to enter into a S106 agreement to confirm that the town centre store will continue to trade. Examples of such agreements from Stevenage and Derby have been submitted by the applicant. Any legal agreement would need to be very carefully drafted to ensure that its provisions are enforceable and not ineffective. The application documents and

correspondence indicate conflicting figures regarding the amount of trade that will be diverted to the Nugent store, but it is clear that there will be some diversion of trade. If the existing High Street Boots store is not able to cope without the diverted trade it may not be possible for the Council to ensure that the existing High Street store remains trading if it is no longer viable.

Boots have provided evidence that other out of centre stores have not resulted in town centre stores closing and that they have continued to invest in their town centre stores. The fact that Boots are willing to enter into a Section 106 agreement would appear to indicate that they have no current intention of closing the town centre store. However, if permission is granted it may set a precedent for the further relaxation in restrictions on goods that can be sold at the Nugent Shopping Park whilst the diversion in trade to the Nugent may impact on the vitality and viability of Orpington Town Centre. Members are requested to give careful consideration to the planning history of the site, the recent permissions to vary numerous conditions attached to the original permission and the potential impact that varying a further condition will have on Orpington Town Centre. Consideration should also need to be given to any economic benefits of the proposal in accordance with PPS4.

Background papers referred to during the production of this report comprise all correspondence on file ref. 10/01762, excluding exempt information.

RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED

- 0 D00002 If Members are minded to grant planning permission the following conditions are suggested:
- 1 The scheme hereby permitted shall comprise not more than 2,480 sq m (gross) of non-food Class A1 retail floorspace (including the mezzanine floor area) which shall be subject to the following restrictions unless agreed by the Local Planning Authority:
1. Not more than 750sq.m of retail floorspace shall be used for the sale of pets and pet food.
 2. Unit 19 shall not be used for the retailing of any of the following goods:-
 - a. Food and Drink other than for consumption on the premises
 - b. Men's and women's fashion clothing and footwear
 - c. Fashion accessories
 - d. Jewellery
 - e. Cosmetics and toiletries
 - f. Pharmaceutical products
 - g. Toys
 - h. Cameras

3. 2. Unit 20 shall not be used for the retailing of any of the following goods:-

- a. Food and Drink (excluding ancillary sales) other than for consumption on the premises
 - b. Men's and women's fashion clothing and footwear
 - c. Fashion accessories
 - d. Jewellery

Reason: In order to comply with Policy S7 of the Unitary Development Plan and in accordance with the terms of the permission granted under application Ref. 06/00492/VAR.

Reasons for permission:

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

S7 Retail and leisure outside existing centres

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

- (a) the town centres and shopping policies of the Unitary Development Plan
- (b) the policies contained within Planning Policy Statement 4: Planning for Sustainable Economic Development
- (c) the vitality and viability of Orpington town centre

and having regard to all other matters raised.

INFORMATIVE(S)

1 RDI16 Contact Highways re. crossover

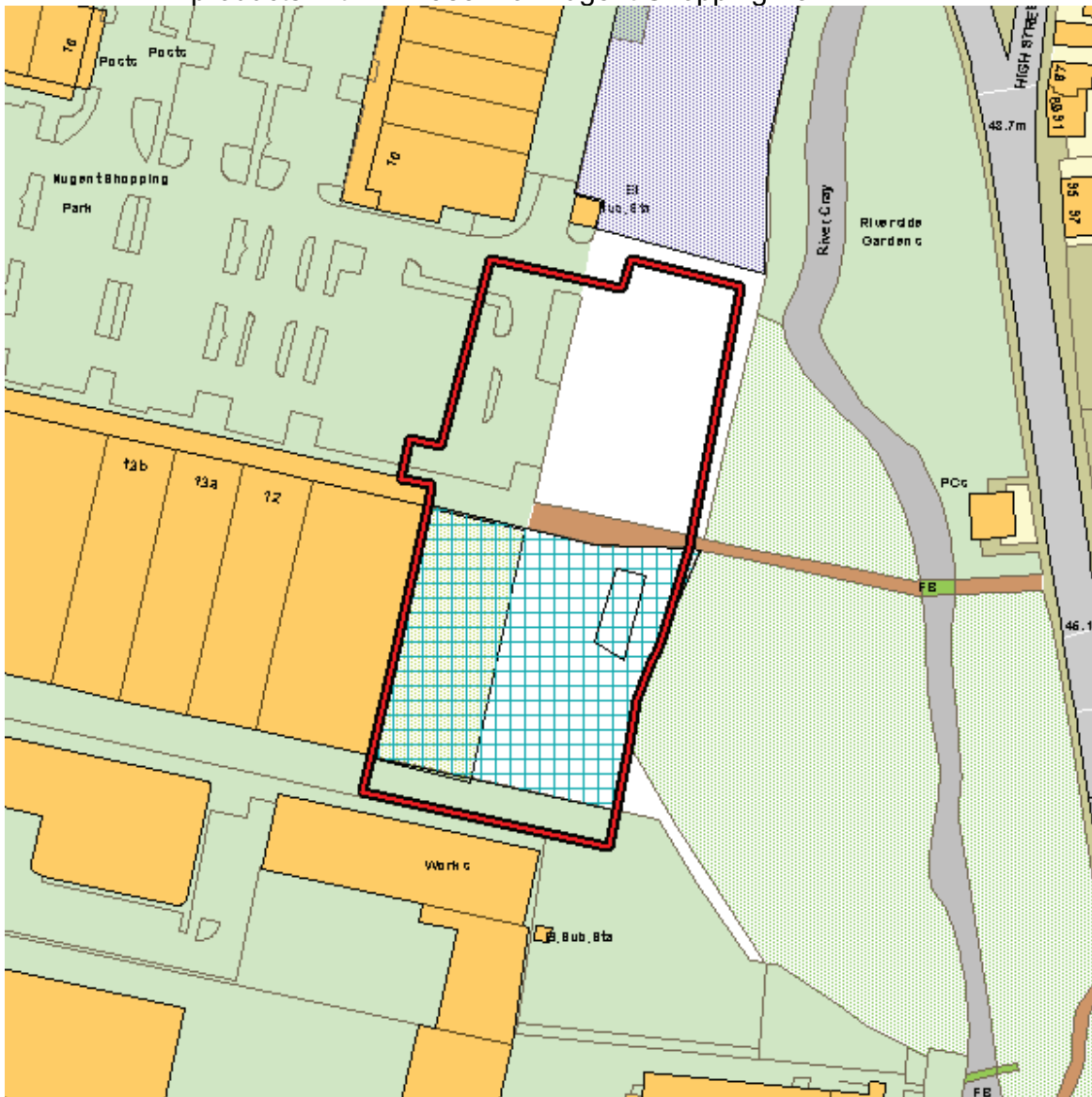
D00003 If Members are minded to refuse planning permission the following grounds are suggested:

- 1 The proposed relaxation of restrictions on goods that can be sold at the Nugent Shopping Park would be likely to undermine the vitality and viability of Orpington Town Centre contrary to Policy S7 of the Unitary Development Plan,

Reference: 10/01762/VAR

Address: Nugent Shopping Park Cray Avenue Orpington BR5 3RP

Proposal: Variation of condition 1 of ref. 08/03150 to allow the sale of pharmaceutical products within Phase 2 of Nugent Shopping Park



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SECTION '2' - Applications meriting special consideration

Application No : 10/01829/FULL6

Ward:
Shortlands

Address : 81B Elwill Way Beckenham BR3 6RY

OS Grid Ref: E: 538823 N: 168104

Applicant : Mr David Haye

Objections : YES

Description of Development:

Retention of boundary enclosure comprising gate/piers and railings at front
RETROSPECTIVE APPLICATION

Key designations:

Area of Special Residential Character
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Tree Preservation Order

Proposal

- The application is retrospective and seeks the retention of the boundary enclosure comprising gate/piers and railings along the front property boundary which have a maximum height of 2.2 metres.
- Originally there were gates and railings in place however these have been upgraded in order to provide better security for the residents of this property, as outlined within the supporting documentation within the application.
- The additional height of the structure means that the development no longer falls within 'permitted development' tolerances, hence the application being submitted.

Location

The application site is located on the eastern side of Elwill Way which is within the Park Langley Area of Special Residential Character. The site hosts a newly built two

storey detached dwellinghouse which was granted planning permission under ref. 07/02108.

Comments from Local Residents

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

- the gates are unsuitable in Park Langley;
- no other property has been allowed to erect gates of such height;
- the gates draw unwelcomed attention to the property which is the opposite of what they are intended for;
- the original gates that were replaced were perfectly adequate for the job intended and the application should not be allowed just because of the person living there being a sporting celebrity;
- why has the height of the front railings not been increased to match the gates if they have been raised to prevent people from climbing over them;
- the addition of mesh to the gates has overstepped the mark;
- if the mesh was removed this would make the scheme more aesthetically pleasing this would be more acceptable.

Full text of the comments received can be seen on the file.

Comments from Consultees

From the point of view of the Highways Engineers, no objection was raised to the proposal. Although the height of the enclosure is above 1 metre and this impedes pedestrian visibility, when the gates are fully open the vehicular access frontage has a width of 5.0 metres which facilitates the pedestrian visibility. In addition to this, the pedestrian flow along Elwill Way is low, therefore reducing the risk of pedestrian / vehicular conflict.

Planning Considerations

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

- BE1 Design of New Development
- BE7 Railing, Boundary Walls and Other Means of Enclosure
- H10 Areas of Special Residential Character

No objection was raised in terms of the trees and hedges.

Planning History

In terms of relevant history, planning permission was granted under ref. 07/02108 for a replacement detached two storey dwelling at 24 Brabourne Rise and a new detached two storey dwelling with roof dormers fronting Elwill Way (which now forms 81B Elwill Way, the application site).

Conclusions

Members may consider that the main issues relating to the scheme is the impact it has upon the character of the area and the amenities of the occupants of surrounding properties.

Prior to the installation of the existing gates and railings, there were gates and railings that measured approximately 1.25 metres in height and spanned the width of the property frontage. Due to the circumstances of the applicant, these were not able to provide the occupiers with the required level of security therefore higher gates and railings were installed.

The Highways Engineers have raised no objection to the scheme on balance. Although it has been stated that any form of boundary enclosure above 1 metre in height can impede pedestrian visibility, when these particular gates are fully open the 5 metre width facilitates the pedestrian visibility, which reduces the possibility of pedestrian conflict.

On this basis, the impact of the gates upon the character of the area and streetscene is therefore the remaining issue to consider. Whilst the height of the gates is higher than boundary treatments can be built under 'permitted development' tolerances, hence the need for the planning application, the gates and railings are no higher than the adjacent fencing which adjoins the gates and forms the flank property boundary for 24 Brabourne Rise. As the gates are directly adjacent to the fencing, Members may consider that they appear as a continuation of the existing fencing albeit in a different material.

The gates themselves have railings that are spaced apart to allow for visibility through, and there is perforated aluminium sheet directly behind and attached to the railings. This aluminium sheet prevents direct and open views through the railings, however still allows general visibility through due to the perforated shapes.

When looking at the gates from directly next to them as well as from the opposite side of the road, it is possible to see through the perforated aluminium sheet, therefore it could be suggested that the gates and railings, along with the aluminium sheet, does not totally block the view of the host dwellinghouse.

In terms of the impact of the gates and railings upon the character of the area, the site is located within the Park Langley Area of Special Residential Character (ASRC). As such, any form of new development is expected to respect and complement the established and individual qualities of the individual areas. The general area is noted

as having the character of a garden estate given by the quality and appearance of the hedges, walls, fences and front gardens. The host dwellinghouse itself is a newly built property which is modern in character, with a front balcony with glass balustrade.

Members' Views are therefore requested in the determination of the application.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/01829, excluding exempt information.

RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED

0 D00002 If Members are minded to grant planning permission, no conditions are suggested as the development is already in place.

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
BE7 Railings, Boundary Walls and Other Means of Enclosure
H10 Areas of Special Residential Character

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

- (a) the appearance of the development in the street scene;
- (b) the appearance of the development in relation to the character of the area of special residential character;
- (c) the relationship of the development to the adjacent properties;
- (d) the character of development in the surrounding area;
- (e) the impact on the visual amenities of the occupiers of adjacent and nearby properties;
- (f) the transport policies of the development plan;
- (g) and having regard to all other matters raised including concerns from neighbours.

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

- 1 The gates and railings are detrimental to the character and appearance of the streetscene and the Area of Special Residential Character that the site is located within, contrary to Policies BE1, BE7 and H10 of the Unitary Development Plan.

Reference: 10/01829/FULL6

Address: 81B Elwill Way Beckenham BR3 6RY

Proposal: Retention of boundary enclosure comprising gate/piers and railings at front

RETROSPECTIVE APPLICATION



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SECTION '2' – Applications meriting special consideration

Application No : 10/01847/PLUD

Ward:
Bromley Common And
Keston

Address : 25 Keston Gardens Keston BR2 6BL

OS Grid Ref: E: 541430 N: 164575

Applicant : Mr And Mrs Hillman

Objections : YES

Description of Development:

Single storey rear extension and conversion of garage to habitable room.
CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT

Proposal

The application seeks a certificate of lawful development for a proposed single storey rear extension and conversion of garage to habitable room.

Location

- The application site is a two storey detached dwelling located on the eastern side of Keston Gardens.
- The road is fronted by similar properties on similar sized plots, with the majority of the properties built along a staggered building line along the road.

Comments from Local Residents

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

- distance between 24 and 25 Keston Gardens will be less than 1 metre;
- eaves of roof of 25 Keston Gardens cause distance between 24 and 25 to decrease further;
- bedroom extension has a bow window which will protrude beyond 3 metres;
- original roof has a flue and soil and vent pipes which will have to be altered when the new roof is installed;

- the roof and eaves of the extension extends beyond the dwellinghouse by more than 4 metres;
- the proposed single storey rear extension is within 2m of the boundary and exceeds 3 metres in height;
- applications do not comply with the General Permitted Development order 2008 and therefore are not considered lawful development.

The full texts of the correspondence received relating to this application are available to view on file.

Planning Considerations

The application firstly requires the Council to consider whether the extension would be classified as permitted development under Class A, Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (as amended) and, secondly, whether the proposed garage conversion would constitute development under section 55, part III of the Town and Country Planning Act 1990, as amended or whether it would result in a material change of use.

Members will appreciate that Lawful Development Certificates are a legal determination based upon factual information. It is therefore not possible to take into account comments or other considerations related to the normal planning merits of the case.

Planning History

A single storey rear extension was granted permission and built in 1971 in order to extend the dining room.

Under ref. 08/00766, an application was submitted for a part one/two storey front and rear extensions, however, this was later withdrawn.

A part two storey/first floor front extension was then refused under ref. 09/00966 and subsequently dismissed at Appeal.

Under ref. 09/03185, an application for a part one/two storey rear extension was submitted and later withdrawn.

Conclusions

With regard to the proposed single storey rear extension;

- The total area of ground covered by the proposed extension would not exceed 50% of the total area of the curtilage, nor would the extension exceed the eaves or roof height of the existing dwelling.

- The enlarged part of the dwellinghouse would not extend beyond a wall which fronts a highway and forms either the principal elevation or a side elevation of the original dwellinghouse.
- The enlarged part of the dwellinghouse would have a single storey and would extend beyond the rear wall of the original dwellinghouse by no more than 4 metres.
- N.B. This measurement is taken from the base of the rear wall of the original house to the outer edge of the wall of the extension.
- It would also be less than 4 metres in height.
- The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would not exceed 3 metres.
- The enlarged part of the dwellinghouse would not extend beyond a wall forming a side elevation of the original dwellinghouse.

The development proposed does not consist of or include any of the following:

- a veranda, balcony or raised platform;
- a microwave antenna;
- a chimney, flue or soil and vent pipe;
- an alteration to any part of the roof of the dwellinghouse.

Furthermore, the applicants have stated that the facing bricks, doors and windows will match the existing.

Having regard to the above, the proposed single storey rear extension would fall under permitted development.

With regard to the proposed conversion of the garage into a habitable room, the proposal would not involve any external alterations and there would be no material change of use.

The proposal would therefore not constitute development under section 55, part III of the Town and Country Planning Act 1990, as amended.

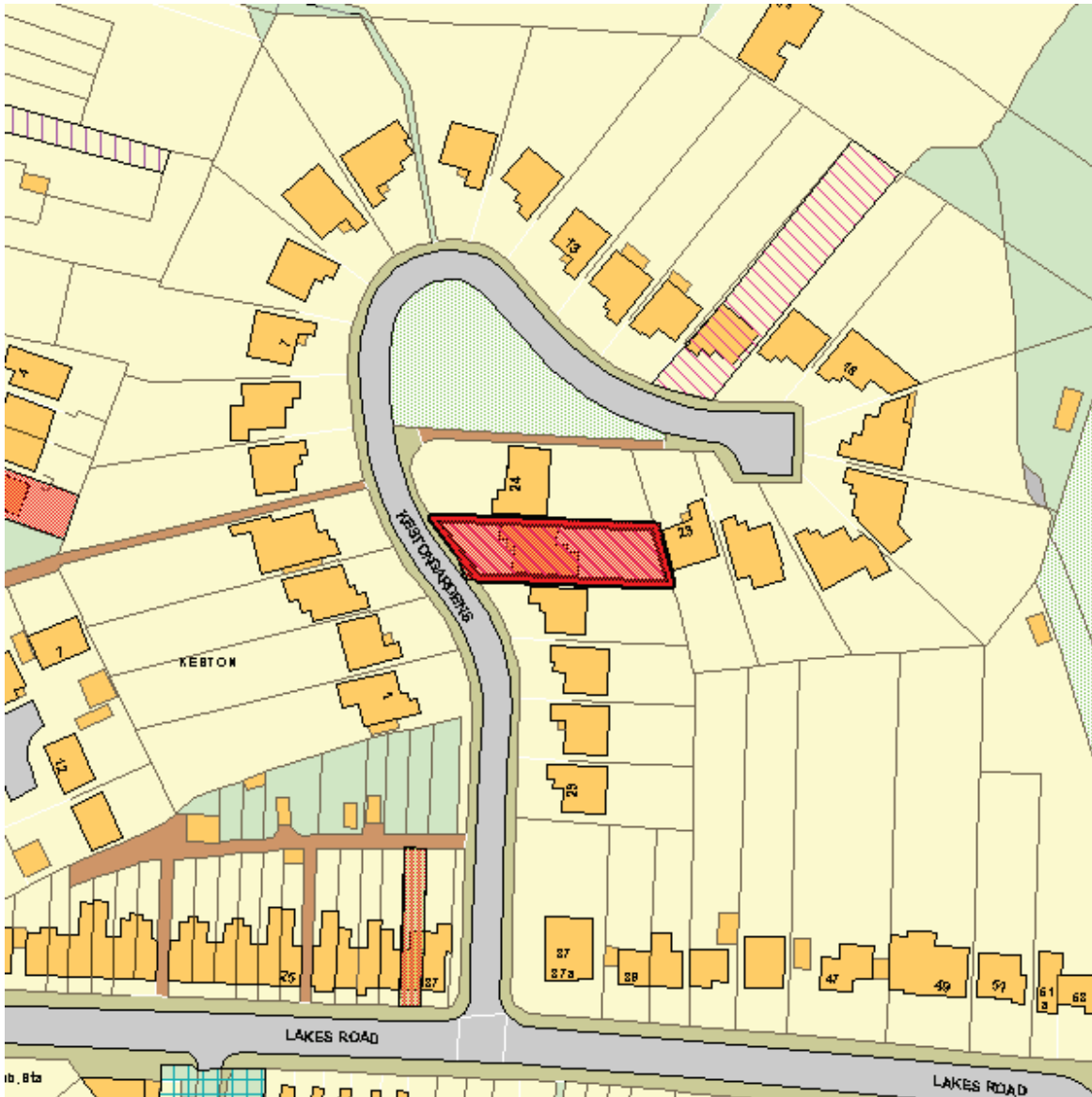
The development, as proposed, would be permitted by virtue of Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (as amended) and the certificate should be granted.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/01847, excluding exempt information.

RECOMMENDATION: CERTIFICATE BE GRANTED

- 1 The proposed development is permitted by virtue of Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (as amended).

Reference: 10/01847/PLUD
Address: 25 Keston Gardens Keston BR2 6BL
Proposal: Single storey rear extension and conversion of garage to habitable room.
CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT



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SECTION '2' – Applications meriting special consideration

Application No : 10/01849/PLUD

Ward:
Bromley Common And
Keston

Address : 25 Keston Gardens Keston BR2 6BL

OS Grid Ref: E: 541430 N: 164575

Applicant : Mr And Mrs Hillman

Objections : YES

Description of Development:

Two storey rear extension and conversion of garage to habitable room.
CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT.

Proposal

The application seeks a certificate of lawful development for a proposed two storey rear extension and the conversion of the garage into a habitable room.

Location

- The application site is a two storey detached dwelling located on the eastern side of Keston Gardens.
- The road is fronted by similar properties on similar sized plots, with the majority of the properties built along a staggered building line along the road.

Comments from Local Residents

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

- distance between 24 and 25 Keston Gardens will be less than 1 metre;
- eaves of roof of 25 Keston Gardens casue distance between 24 and 25 to decrease further;
- bedroom extension has a bow window which will protrude beyond 3 metres;
- original roof has a flue and soil and vent pipes which will have to be altered when the new rood is installed;
- extension is within 2 metres of the boundary and exceeds 3 metres in height;

- proposed two storey rear extension is more than one storey and extends beyond the rear wall of the original dwellinghouse by more than 3 metres.
- applications do not comply with the General Permitted Development order 2008 and therefore are not considered lawful development.

The full texts of the correspondence received relating to this application are available to view on file.

Planning Considerations

The application firstly requires the Council to consider whether the extension would be classified as permitted development under Class A, Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (as amended) and, secondly, whether the proposed garage conversion would constitute development under section 55, part III of the Town and Country Planning Act 1990, as amended or whether it would result in a material change of use.

Members will appreciate that Lawful Development Certificates are a legal determination based upon factual information. It is therefore not possible to take into account comments or other considerations related to the normal planning merits of the case.

Planning History

A single storey rear extension was granted permission and built in 1971 in order to extend the dining room.

Under ref. 08/00766, an application was submitted for a part one/two storey front and rear extensions, however, this was later withdrawn.

A part two storey/first floor front extension was then refused under ref. 09/00966 and subsequently dismissed at Appeal.

Under ref. 09/03185, an application for a part one/two storey rear extension was submitted and later withdrawn.

Conclusions

Assessment

With regard to the proposed two storey rear extension;

- The total area of ground covered by the proposed extension would not exceed 50% of the total area of the curtilage, nor would the extension exceed the eaves or roof height of the existing dwelling.

- The enlarged part of the dwellinghouse would not extend beyond a wall which fronts a highway and forms either the principal elevation or a side elevation of the original dwellinghouse.
- The enlarged part of the dwellinghouse would have more than one storey and would extend beyond the rear wall of the original dwellinghouse by more than 3 metres. It would not be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse.
- The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres.
- The enlarged part of the dwellinghouse would not extend beyond a wall forming a side elevation of the original dwellinghouse.

The development proposed does not consist of or include any of the following:

- a veranda, balcony or raised platform;
- a microwave antenna;
- a chimney, flue or soil and vent pipe;
- an alteration to any part of the roof of the dwellinghouse.

Furthermore, the applicants have stated that the roof tiles, facing bricks, doors and windows will all match the existing.

Having regard to the above, the proposed two storey rear extension would not fall under permitted development as:

- (1) The enlarged part of the dwellinghouse would have more than one storey and would extend beyond the rear wall of the original dwellinghouse by more than 3 metres; and
- (2) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres.

With regard to the proposed conversion of the garage into a habitable room, the proposal would not involve any external alterations and there would be no material change of use.

The proposal would therefore not constitute development under section 55, part III of the Town and Country Planning Act 1990, as amended.

The two storey rear extension, as proposed, would not be permitted by virtue of Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (as amended) and the certificate should therefore be refused.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/01849, excluding exempt information.

RECOMMENDATION: CERTIFICATE BE REFUSED

The proposed development is not permitted by virtue of Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (as amended) because:

- (1) The enlarged part of the dwellinghouse would have more than one storey and would extend beyond the rear wall of the original dwellinghouse by more than 3 metres; and
- (2) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres.

Reference: 10/01849/PLUD

Address: 25 Keston Gardens Keston BR2 6BL

Proposal: Two storey rear extension and conversion of garage to habitable room.
CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT.



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SECTION '2' – Applications meriting special consideration

Application No : 10/01908/DET

Ward:
Kelsey And Eden Park

Address : 63 Hayes Lane Beckenham BR3 6RE

OS Grid Ref: E: 538498 N: 168581

Applicant : Mrs Ross

Objections : YES

Description of Development:

Details of design, external appearance, landscaping, parking, foul and surface water drainage pursuant to conditions 1,2 4 and 5 of outline permission ref 06/00360 granted on appeal for two storey dwelling fronting Quinton Close at land rear of 63 Hayes Lane.

Key designations:

London Distributor Roads

Proposal

This application has been called to committee by the local ward councillor in addition to application ref. 10/01710 which seeks permission for the extension of time limit to implement outline permission for a detached dwelling (under ref. 06/01883), which can also be found on this agenda.

Under planning ref. 06/01883 outline permission was granted on appeal for a two storey dwelling fronting Quinton Close on land to rear of 63 Hayes Lane.

This application seeks approval of the reserved matters including external appearance of the building and the landscaping of the site. Approval is also sought in respect of conditions 4 and 5 of the appeal decision notice which relate to parking and foul/surface water drainage.

The details submitted are summarised as follows:

- the siting and footprint of the building, remains as per the outline approval,
- the two storey dwelling would maintain a traditional hipped roof design with a

maximum height of approx. 9.1m, however the height of the roof of the building adjacent to Wendene to the north, will be stepped down,

- all primary windows to rooms are located to the front and rear elevation of the house. There is only one flank window proposed at first floor level on the southern elevation (facing rear garden of No.63) which would provide obscure glazing to a secondary bedroom window,
- the external finish of the building comprises a mix of facing brickwork (Ibstock Coleridge yellow multi and Caveridge Kilnwood Multi stock bricks) and white render at first floor. Windows and rear patio doors to be double glazed white PVC, roof tiles comprise Marley Eternit clay plain tile in Farmhouse Brown Sand
- landscaping details include making good existing boundary fencing and retaining existing privet hedging. Whilst additional planting is proposed to the Quinton Close frontage, some areas of the privet hedge will be removed to allow for the creation of separate pedestrian and vehicular accesses which would be enclosed by timber farm style gates and posts, approx. 0.9 - 1.1m in height respectively.
- within the site, areas will be laid to lawn, with the front path and parking area to comprise brindle and charcoal colour pavers, flag paving to the rear patio and gravel path around the northern side of the building,
- a bin enclosure will be provided on the south side of the site entrance on Quinton Close,
- car parking for two cars is provided on site,
- surface and rainwater is proposed to run to a soakaway in the rear garden of the building and from the front drive into porous areas along the flank boundary, foul water will be connected to existing public drainage system.

Location

The site forms part of the rear garden to the existing dwelling of No.63 Hayes Lane which is located within a predominantly residential area. The area is characterised by large detached two storey properties of varying designs and external materials set within spacious plots. To the northern side of the site however, lies a detached bungalow, Wendene. The area is not located within a Conservation Area or Area of Special Residential Character.

Comments from Local Residents

Numerous letters of objection have been received in relation to the principle of residential development in the back garden of No.63 in that it is contrary to current Government guidance contained in PPS3. In addition, concerns primarily relate to:

- the scheme represents an overdevelopment,
- loss of prospect, privacy and open space,
- the siting of the dwelling is forward of Wendene,

- Quinton Close is a narrow road, without scope for on-street parking which can lead to highway congestion and hinder visibility to other road users,
- the design of the proposed property does not complement the surrounding and local area,
- the submission of the application is out of time and therefore invalid.

Comments from Consultees

No technical objections raised from Thames Water or from a technical Highway or Trees point of view.

With regard to drainage matters, no objections to the principle of a soakaway are raised from Building Control or Drainage, however further information has been requested from the architect regarding soakage test results. At the time of writing this report the requested information had not been received, and therefore any additional comments/information will be reported at the meeting.

Planning Considerations

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

- BE1 Design of New Development
- H7 Housing Density and Design
- T3 Parking
- T18 Road Safety
- NE7 Development and Trees

The London Plan:

- 3A.1 Increasing London's supply of housing
- 3A.3 Maximising the potential of sites

PPS3 Housing

Members will note the concerns raised by residents questioning the validity of this application. Condition 2 attached to the Inspectors decision notice states:

'Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.'

The date of the Inspectors decision notice is 25th June 2007. The application form accompanying this application is dated and was received by the Council on 25th June 2010.

Written correspondence from local residents suggests that the reserved matter details should have been received by the Council, no later than midnight on 24th June 2010 in order to comply with the wording of condition 2. However, for the purposes of the Town and Country Planning Act a year is not defined. The Council must therefore rely on the general rules of construction. Case Law has established that the general rule in cases in which a period is fixed within which a person must act or take consequences, is that day of the act or event from which the period runs should not be counted against him. The date of the permission itself is therefore excluded from the calculation of the year. As such, it is considered that the application for the approval of reserved matters is made in time.

Planning History

The only relevant planning history relating to this site is the grant of outline permission on appeal for a two storey detached dwelling under ref. 06/01883 and an application to extend the time limit for implementation of this permission under ref. 10/01710 which is pending consideration.

Conclusions

The main issue in this case is the acceptability of the details submitted in respect of the external appearance of the building, landscaping, parking and foul/surface water drainage.

Whilst the concerns of local residents are acknowledged, the outline permission granted on appeal under ref. 06/01883 remains extant and it is therefore necessary to consider the appropriateness or otherwise of the submitted details. Members will note that the proposed dwelling respects the siting, layout and scale of the permitted outline application. The Inspectors decision acknowledged that the development would comprise a two storey dwelling and the design as now proposed is traditional in appearance. In respect of landscaping, this is shown to include the retention of existing hedges and fencing with internal hardsurfacing and grassed areas which reflect a standard garden layout.

Adequate, car parking provision for 2 cars will be provided on site to accord with the Inspectors requirements and no technical highway objections are raised to the layout.

Subject to the acceptability of the soakage test results, (to be reported verbally at the meeting) the use of a soakaway on site would be a satisfactory form of drainage for the site.

On balance, and given the terms of the outline permission granted at appeal, the reserved matters and details of parking pursuant to conditions 1, 2, 4 and 5 are considered acceptable to follow the Inspector's reasoning in this case.

Background papers referred to during production of this report comprise all correspondence on files refs. 06/01883, 10/01710 and 10/01908, excluding exempt information.

RECOMMENDATION: APPROVAL

subject to the following conditions:

- 1 The landscaping scheme as shown on the submitted drawings (to include the retention of existing hedges and fencing on site) shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development whichever is the sooner. Any trees, hedging or plants which within a period of 5 years from the substantial completion of the development die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

Reason: To accord with the details in the application and to comply with Policy BE1 of the Unitary Development Plan to secure a visually satisfactory setting for the development.

- 2 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

BE1 Design of New Development
H7 Housing Density and Design
T3 Parking
T18 Road Safety
NE7 Development and Trees

Policies (The London Plan)

3A.1 Increasing London's supply of housing
3A.3 Maximising the potential of sites

Reference: 10/01908/DET

Address: 63 Hayes Lane Beckenham BR3 6RE

Proposal: Details of design, external appearance, landscaping, parking, foul and surface water drainage pursuant to conditions 1,2 4 and 5 of outline permission ref 06/00360 granted on appeal for two storey dwelling fronting Quinton Close at land rear of 63 Hayes Lane.



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SECTION '2' – Applications meriting special consideration

Application No : 10/01989/FULL2

Ward:
Cray Valley East

Address : Crouch Farm Crockenhill Road Swanley
BR8 8EP

OS Grid Ref: E: 549392 N: 167211

Applicant : A.W. Batchelor And Sons

Objections : YES

Description of Development:

Change of use of agricultural building (Building A) from agricultural use to Class B1 business use with associated parking.

RETROSPECTIVE APPLICATION

Key designations:

Green Belt
Locally Listed Building

Proposal

Retrospective permission is sought to convert a single agricultural building (identified as Building A) within this farm to B1 business use with ancillary van parking. According to the Design & Access Statement the building is used for B1 light industrial purposes (repair of agricultural machinery). Various elevational alterations will be undertaken to accommodate the new uses, including new doors and windows although no major structural rebuilding is proposed. 1 van parking space would be provided in connection with the use.

A Desk Study and report relating to bat and owl activity within the application buildings have been submitted in support of the application and are included within the file.

Location

The application site is located within the Metropolitan Green Belt and adjoins the B258 Crockenhill Road connecting St Mary Cray and Crockenhill Village. The site is located approximately half way between these two areas. The site comprises 200 acres of

land used for arable farming, and the main buildings associated with the farm form a cluster located within a 20 metre proximity north of Crockenhill Road.

Agricultural activity has historically existed at the application site known as Crouch Farm. The application site adjoins Crouch Farm House, a Grade II listed farmhouse of early traditional framed construction which is considered to date back in parts to the Fourteenth Century and which has a shared history with the farmyard, although it is now under separate ownership.

Comments from Local Residents

A number of representations have been received both in support of and objecting to the application. These are summarised below.

Objections

Objections to the proposal have been received which may be summarised as follows:

- activity has continued to take place within the application building despite an earlier refusal and led to disturbance and pollution
- attempt to gain piecemeal permission for the refused development
- any permission could have a negative effect on the appeal made for the previous application
- application submission is misleading
- application does not address harm caused to the Green Belt, residential amenity or neighbouring listed building
- application makes no reference to the adjoining Grade II listed building, Crouch Farm House, including the desirability of preserving the setting
- development would undermine neighbouring amenity by reason of noise and disturbance and would harm the tranquil environment of the surrounding area
- Building A is not fit for purpose for the industrial work in this application and any condition to work within the building would be unreasonable and unenforceable
- scope and results of a noise survey concerning the site are not a true representation of the noise and disturbance created
- work likely to take place outside Building A
- work constitutes a huge intensification of use of Building A from its original status as grain storage
- site likely to be used for general motor work
- scheme does not preserve the visual amenity or openness of the Green Belt or the streetscene
- proposal does not provide wider benefits to the community
- character of the listed building may suffer
- proposal could have a negative impact on traffic safety

Statements have been received from the applicant and agent in response to the above objections which are enclosed within the application file.

Support

Letters of support were received which may be summarised as follows:

- farm yard has historically been a scene of high activity and at no time did the accompanying noise impinge on the privacy of the neighbouring house and garden
- uses sought in the application will be of benefit to local businesses and community
- use would be particularly beneficial for agricultural and horticultural services in the area
- applicant is a committed member of the local community and will ensure that good use is made of the buildings with regard to the interests of neighbouring residents

A letter of support was also received from the National Farmers' Union which may be summarised as follows:

- the applicant will renovate buildings that have become redundant in terms of their original agricultural use
- the proposal will generate a stream of income that will support the core business of farming and help preserve the agricultural character of the area
- this proposal will help protect and maintain the openness of the area

Comments from Consultees

No technical objections have been raised by the Council's Highway Development Engineer or with regard to refuse collection.

No technical objections are raised from an Environmental Health perspective.

Objections have been raised by Crockenhill Parish Council on the basis that the use proposed within Building A would constitute a more intensive B2 (general industrial use) which would undermine neighbouring amenity. Further objections are raised on the basis that the proposed use would be inappropriate within the Green Belt and would not form an acceptable form of diversification and that it would be difficult to stop future expansion of the site. Concerns are also raised in relation to the impact of the development on neighbouring amenity and that the applicant may attempt to secure development of the wider site on a piecemeal basis.

Any further consultations will be reported verbally at committee.

Planning Considerations

Relevant policies in the Unitary Development Plan are G1 (Green Belts), BE1 (Design of New Development), BE8 (Statutory Listed Buildings), ER7 (Contaminated Land),

T3 (Parking) and T18 (Road Safety). At a national policy level, PPG2 (Green Belts), PPS7 (Sustainable Development in Rural Areas) and PPG15 (Planning and the Historic Environment) are relevant.

From a heritage and conservation perspective, it is not considered that the proposal will impact on the setting of the neighbouring listed building and no objection is raised in this regard.

Policy G1 of the Bromley Unitary Development seeks to protect and maintain the openness of the Metropolitan Green Belt. In general, activities which support the open character of the Green Belt such as agriculture and outdoor recreation are considered appropriate. With regard to the re-use of existing buildings this will be considered inappropriate unless it will not have a materially greater impact than the present use on the open character of the land; it will not harm the openness of the land or conflict with the purposes of including land in the Green Belt; the building is of permanent construction and capable of conversion or re-use without extensive or complete reconstruction; the form, bulk and design of the building are in keeping with its surroundings; the proposed use does not entail external storage of materials, plant or machinery; and the proposed use has no adverse effect on the recreational enjoyment or appearance of the countryside.

Planning History

Several planning applications have been submitted in relation to this site. Under application ref. 05/01095 planning permission was granted for the creation of new farm access further to the west, together with an associated driveway and replacement field entrance. Under ref. 07/01466 planning permission was granted for a replacement agricultural building approximately 40 metres to the west of Building C.

More recently, under ref. 10/00211 an application concerning the change of use of agricultural buildings to Class B1/B8 commercial use at Buildings A, B and C was refused on the following grounds:

The intensity of the use of the site by virtue of the number of different activities involved unrelated to agriculture would be contrary to Policy G1 of the Unitary Development Plan.

The proposal would have a detrimental impact on the setting of Crouch Farm and the amenities which the occupiers of that property might reasonably expect to continue to enjoy by reason of disturbance and visual impact.

The above refusal is currently being contested at appeal.

Conclusions

As with the earlier 2010 application, it is considered that the key issues in this case relate to the appropriateness of this development within the Green Belt; its impact on residential amenity; and its impact on the setting of the listed building at Crouch Farm House.

It is considered that the proposed scheme will, in general, adhere to the objectives of Policy G1, particularly in view of the re-use of an existing building which will engender little change in the visual amenities of the area. The activities will be confined to a relatively small area with the majority of the farm area remaining unaffected. Whilst concerns are raised in regard to the nature of the proposed use, the applicant has indicated that the use is agricultural-related which will serve local agricultural needs.

Furthermore, PPS7 lends support for the reuse of existing buildings for economic development purposes, and goes on to promote farm diversification, as proposed in this case, to help sustain an agricultural enterprise. In particular, Paragraph 30 (iii) states that LPAs should give favourable consideration to proposals for diversification in the Green Belt where development preserves its openness, and even for purposes where this is not the case, farm diversification can contribute to very special circumstances.

With regard to residential amenities of nearby properties, B1 uses by their nature should not cause undue disturbance. Conditions can be imposed to assist in controlling any potential disturbance in accordance with the specific proposal. No technical objection has been raised from an Environmental Health perspective. Furthermore, Building A is located approximately 30 metres from the boundary with Crouch Farm House and approximately 60 metres away from the dwelling itself.

In terms of the impact of this scheme on the setting of the neighbouring listed building, given the proposed utilisation of an existing structure, it is not considered that there will be a significant change in its setting. Whilst new activities will occur within the application site, the nature of these activities is not considered significant enough to warrant refusal with regard to the setting of the listed building or in terms of its amenity.

In summary, there is strong policy support for legitimate farm diversification and this proposal would appear to fall within this category with only limited increase in activity at the site, therefore according with established policy.

Background papers referred to during production of this report comprise all correspondence on files refs. 05/01095, 07/01466, 10/00211 and 10/01989, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
ACA01R A01 Reason 3 years
- 2 ACH03 Satisfactory parking - full application
ACH03R Reason H03
- 3 ACA04 Landscaping Scheme - full app no details
ACA04R Reason A04
- 4 ACJ03 No outside storage

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

- 5 Building A shall be used for the purposes of agricultural vehicle and machinery repair and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

- 6 The proposed agricultural vehicle and machinery repair use and workshop use shall not operate before 7.00am and after 6.00pm Monday to Friday, nor before 8.00am and after 1.00pm on Saturdays and not at all on any Sunday, Bank Holiday Xmas Day or Good Friday.

Reason: In order to comply with Policies BE1 and G1 of the Unitary Development Plan and in the interest of the amenities of the area.

- 7 ACK09 Soil survey - contaminated land
ACK09R K09 reason

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting this Order) no building, structure alteration or excavation permitted by Parts 6 and 7 of Schedule 2 of the 1995 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

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

Reasons for permission:

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

- G1 Green Belts
- BE1 Design of New Development
- BE8 Statutory Listed Buildings
- ER7 Contaminated Land
- T3 Parking

T18 Road Safety

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 impact of the development on the visual amenities of the Green Belt;
- (f) the impact of the development on the setting of the adjacent listed building;
- (g) the privacy of occupiers of adjacent and nearby properties;

and having regard to all other matters raised.

Reference: 10/01989/FULL2
Address: Crouch Farm Crockenhill Road Swanley BR8 8EP
Proposal: Change of use of agricultural building (Building A) from agricultural use to Class B1 business use with associated parking.
RETROSPECTIVE APPLICATION



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SECTION '2' – Applications meriting special consideration

Application No : 10/02069/FULL1

Ward:
Petts Wood And Knoll

Address : 6 Station Square Petts Wood Orpington
BR5 1NA

OS Grid Ref: E: 544448 N: 167701

Applicant : Mr And Mrs Ketenci

Objections : YES

Description of Development:

Shopfront (RETROSPECTIVE APPLICATION)

Key designations:

Conservation Area: Station Square Petts Wood
Primary Shopping Frontage

Proposal

The application seeks retrospective planning permission for a new shopfront associated with the recently permitted change of use to A3.

Location

The application site comprises an A3 unit (currently being fitted out) on the western side of Station Square with separate residential accommodation above.

The site falls within Station Square Petts Wood Conservation Area. 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.

Comments from Local Residents

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

- the shopfront is not in keeping with the conservation area; and
- with the bi-folding windows open, residents will be disturbed by the noise from the restaurant.

Comments from Consultees

The Advisory Panel for Conservation Areas did not inspect the application.

Planning Considerations

The application falls to be determined in accordance with Policies BE1 (Design of New Development), BE11 (Conservation Areas) and BE19 (Shopfronts) of the Unitary Development Plan.

SPG Station Square Petts Wood

Planning History

July 2009: Planning application (09/00849/FULL3) refused permission for change of use from retail (Class A1) to cafe and juice bar (Class A3), shopfront and ventilation extraction system. This was subsequently allowed on appeal (APP/G5180/A/09/2112627NW).

July 2010: Advertisement application (10/01527/ADV) granted consent for externally illuminated fascia sign and signage to retractable awning.

Conclusions

The main issue in this case is whether the shopfront is harmful to the appearance of the host building and the character of the Station Square Petts Wood Conservation Area within which the property lies.

The change of shopfront proposed in the previously refused application (09/00849/FULL3) was not at issue with the committee report stating that 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.

Furthermore, with regard to the proposed shopfront, in her decision to allow the subsequent appeal (APP/G5180/A/09/2112627NW), the Inspector concluded that the shopfront would preserve the character and appearance of the Conservation Area.

The current shopfront is largely similar to that previously allowed and having regard to the above, is considered of a sympathetic design, which complements the existing building and preserves the character of the Station Square Petts Wood Conservation Area.

Whilst the objection to potential noise is noted, this issue was dealt with by the Inspector in the change of use application through the imposition of an operating hour

condition. Furthermore, other legislation enforced by the Environment Health section of Council aims to ensure such activities do not result in statutory nuisances.

It is noted that subsequent to the current application being lodged, a raised forecourt with railings has been partially constructed to the front of the property. This structure does not have planning permission and is not included in the current application. Therefore, the owner of the restaurant has been advised in writing that the structure requires planning permission and that all work on the unauthorised structure should cease immediately.

Background papers referred to during production of this report comprise all correspondence on files refs. 09/00849, 10/01527 and 10/02069, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

1 ACK01 Compliance with submitted plan

Reason: In order to comply with Policies BE1, BE11 and BE19 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the Station Square Pets Wood Conservation Area.

Reasons for granting permission:

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

BE1 Design of New Development

BE11 Conservation Areas

BE19 Shopfronts

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

- (a) the appearance of the development in the street scene;
- (b) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (c) the urban conservation policies of the development plan

and having regard to all other matters raised.

INFORMATIVE(S)

1 The planning permission is for the shopfront only and not for the raised forecourt with railings structure adjacent to it.

Reference: 10/02069/FULL1

Address: 6 Station Square Petts Wood Orpington BR5 1NA

Proposal: Shopfront (RETROSPECTIVE APPLICATION)



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SECTION '2' – Applications meriting special consideration

Application No : 10/02076/OUT

Ward:
Bickley

Address : Wilderwood Widmore Green Bromley
BR1 3BB

OS Grid Ref: E: 541513 N: 169460

Applicant : Mr Greg Lawrence

Objections : YES

Description of Development:

Erection of two storey building comprising of 6 two bedroom flats with undercroft parking
(OUTLINE APPLICATION)

Key designations:

London Distributor Roads

Proposal

It is proposed to construct a two storey building on the site to comprise 6 two bedroom flats, with covered parking underneath at ground/basement level. Permission is sought on an outline basis, with access, appearance, layout and scale as the reserved matters for which approval is being sought. Landscaping will be the only matter reserved for consideration at a later stage.

The full details of the proposal are as follows:

- two storey construction with parking underneath at basement/ground level (total 9 parking spaces)
- traditional design with bay windows, hipped roofs and to be finished in facing brickwork and render with timber framed windows
- central section of roof set down from main hipped sections
- maximum height approx. 12m from lowest ground level
- width of block approx. 18.2m, depth approx. 20m
- proposed block to be set back approx. 5.8m from front site boundary

- minimum side space of approx. 4.6m to south-western flank boundary and approx. 2.4m to north-eastern flank boundary (approx. 11.5m to edge of highway verge on Plaistow Lane)
- approx. 18m separation from rear of block to rear site boundary (adjacent to 112 Plaistow Lane)
- access from existing parking/turning area to Widmore Green
- new yellow box junction proposed between Plaistow Lane and Sundridge Avenue outside of the application site

The application is accompanied by a Design and Access Statement, a Transportation Assessment and a Tree Appraisal report.

Location

The application site is located to the north-west of Widmore Green, and currently comprises a vacant plot which had formerly been in residential use. The site rises towards the rear away from Widmore Green and is bounded by Highway verge to the north-east and by the adjacent residential property at 112 Plaistow Lane to the north-west. To the south-west, the site is bounded by the rear of commercial properties fronting Widmore Road.

The surrounding area is mixed in character with some shops on Widmore Road adjacent to the site and further to the east. Widmore Green itself is a small but well kept open space in front of the site with a limited parking/turning area within.

Comments from Local Residents

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

- development not appropriate on prime site facing onto Widmore Green
- site should be taken into public ownership as small park and village green
- gross overdevelopment
- increase in traffic will compromise highway and pedestrian safety
- garden grabbing
- concerns regarding flooding
- loss of privacy to adjoining houses
- proposed box junction would complicate the situation for pedestrians
- site should be occupied by an appropriate building given 'gateway' location
- development out of character
- height of block now more appropriate but still greater than anything else surrounding
- little opportunity for open space to the front of the site
- little change has been made since previous applications

- outline application leaves details unclear (i.e. without full facts to be considered)
- concerns regarding emergency access
- communal garden will impact on amenity of neighbouring property
- concerns regarding overlooking
- cramped overdevelopment
- drawings lacking in detail
- overshadowing and loss of light
- building of excessive bulk and mass
- will appear incongruous
- concern regarding precedent
- 1 or 2 well designed properties may be acceptable
- impact to adjacent conservation area

In addition to the above, a 33 signature petition in objection to the application and 3 letters of support were received.

Comments from Consultees

From the technical Highways perspective no objections are raised.

The Council's Waste Advisors raise no objection to the proposal.

Thames Water was notified of the application and raised no objection to the proposal.

Planning Considerations

The main policies against which this application should be considered are as follows:

BE1 Design of New Development
 H7 Housing Density and Design
 H9 Side Space
 T3 Parking
 T18 Road Safety
 NE7 Development and Trees

Also of relevance is the recently revised Planning Policy Statement 3: Housing.

With regard to Trees no objections are raised.

Planning History

Under ref. 08/01390, an application was submitted for a three storey block comprising 2 three bedroom and 7 two bedroom flats including front and rear balconies with lower ground floor parking comprising 7 car parking spaces and 3 surface parking spaces at front with bin store. This application was withdrawn prior to consideration.

Under ref. 08/02958 an application was submitted seeking permission for a part 2/3 storey block comprising 8 two bedroom apartments and 1 three bedroom penthouse with undercroft parking and associated landscaping. This was refused for the following reason:

The proposed development, by reason of its size and bulk and amount of building and hard surfaces would constitute an overdevelopment of the site and would result in an overbearing and detrimental feature within the streetscene, contrary to Policies BE1 and H7 of the Unitary Development Plan.

An appeal against this decision was subsequently dismissed. At appeal, the Inspector found that the main issues were the effect of the proposal on the character and appearance of the area and its effect on the living conditions of nearby residents as regards overlooking. With regard to the first matter, the Inspector concluded that as a result of its height and bulk the block would not respect the more small-scale character of the buildings in the area around the junction. In addition, the Inspector found that the walled car parking area to the front of the block would create an unacceptably harsh backdrop to Widmore Green, while there would in view of the small proportion of non-developed land within the plot be little space about the building to create an attractive setting that would reflect the character of the area. Consequently, the Inspector found that the proposal would be an overdevelopment of the site that would unacceptably detract from the character and appearance of the area.

With regard to the impact on the living conditions of nearby residents, the Inspector found that the block would, by virtue of the siting of a large floor-to-ceiling window to the main living area to one of the first floor flats approx. 9.5m from the boundary with No. 112 Plaistow Lane which would have afforded view towards the usable rear amenity area of this property, unacceptably diminish the level of privacy that the occupiers of that property enjoy. Accordingly the Inspector concluded that the appeal proposal would result in an unacceptable loss of privacy for the occupiers of No. 112 Plaistow Lane.

More recently, an application was submitted under ref. 10/00642 seeking permission for a two/three storey building comprising 7 two bedroom flats. This application was withdrawn prior to consideration.

Conclusions

The main issues for consideration in this case will be the effect of the proposed development to the character and appearance of the area and the effect on the living conditions of nearby residents, having particular regard to the comments made by the Inspector in dismissing the appeal concerning application ref. 08/02958 for a two/three story 9 flat development on the site. Members will be aware that no principle objections have been raised during the consideration of previous applications

regarding the redevelopment of the site for residential purposes or to the principle of a flatted development in this location.

Members will be aware of the recent changes to PPS 3 comprising the removal of the minimum density figure for housing and the removal of 'garden land' from the definition of 'previously developed land'. Nevertheless, the suitability of sites for residential development must continue to be assessed on a case by case basis having regard to individual planning merits, adopted development plan policy and any other material planning considerations. This proposal would involve the redevelopment of the site for residential purposes and would not specifically result in the loss of garden land.

The proposed block is primarily of two storeys in appearance, with a relatively modest height overall when compared to the scheme that was dismissed at appeal, while the total number of residential units proposed has been reduced from 9 to 6 flats. The block is of a traditional design, with hipped roofs and a lower central section which serves to break up the bulk of the front elevation, presenting the appearance of two semi-detached properties rather than one large block. The materials proposed to be used for the external surfaces would appear consistent with the nearby residential development opposite the site at No. 2 Sundridge Avenue. The building would be set a good distance back within the site while adequate separation would appear to be retained to the flank boundaries, presenting the opportunity for soft landscaping to the front and side to provide an attractive setting, in keeping with the character of the surrounding area. Accordingly, Members may agree that the proposed block would not appear unduly prominent within the street scene or wider area, and would respect the established character and appearance of the area generally.

With regard to the effect of the proposed development to the living conditions of nearby residential properties, as with previous schemes the property most likely to be affected would be the adjacent dwelling to the north-west at 112 Plaistow Lane. The proposed block would now be situated approx. 17m from the rear site boundary (common with 112 Plaistow Lane) which would represent a significant increase when compared to the 9.5m separation proposed as part of the scheme dismissed at appeal. While windows are proposed to the rear elevation of the block which would serve habitable rooms, Members may agree that the separation now proposed would mitigate any impact in terms of overlooking towards the rear garden of No. 112 Plaistow Lane. Concerns have been raised regarding the use of the communal garden proposed and the potential for noise and disturbance, however any such impact may be limited in view of the number of units proposed and has not been considered a significant concern with regard to previous applications on the site.

Adequate off street parking would appear to be provided, and no technical objections have been raised from the Highways perspective. Members will be aware that a new yellow box junction on Plaistow Lane has been put forward by the Applicant as part of this proposal; however this is not a requirement of the Highway Engineer. Any such highway improvements would require the Applicant to enter into a legal agreement

with the Council, and Members will need to carefully consider whether this would be reasonable and necessary in the circumstances, with regard to guidance in Circular 05/05 which states that such legal agreements are intended to make acceptable development which would otherwise be unacceptable in planning terms.

Having regard to the above, Members may agree that the concerns raised at appeal regarding the scheme previously considered under ref. 08/02958 have been addressed and that the proposed development would provide a satisfactory quality of accommodation for future occupiers without harming the character and appearance of the area or the amenities of neighbouring residents.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/02076, 10/00642, 08/02958 and 08/01390, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | | |
|----|--------|--|-------------|
| 1 | ACA02 | Details req. pursuant outline permission | landscaping |
| | ACA02R | Reason A02 | |
| 2 | ACC01 | Satisfactory materials (ext'nl surfaces) | |
| | ACC01R | Reason C01 | |
| 3 | ACC03 | Details of windows | |
| | ACC03R | Reason C03 | |
| 4 | ACB10 | Trees - details of protective fencing | |
| | ACB10R | Reason B10 | |
| 5 | ACB11 | Trees - Details of trenches etc. | |
| | ACB11R | Reason B11 | |
| 6 | ACB19 | Trees - App'ment of Arboricultural Super | |
| | ACB19R | Reason B19 | |
| 7 | ACH02 | Satisfactory parking - no details submit | |
| | ACH02R | Reason H02 | |
| 8 | ACH04 | Size of parking bays/garages | |
| | ACH04R | Reason H04 | |
| 9 | ACH13 | Gradient of access drives (1 in) | 1:10 |
| | ACH13R | Reason H13 | |
| 10 | ACH16 | Hardstanding for wash-down facilities | |
| | ACH16R | Reason H16 | |
| 11 | ACH18 | Refuse storage - no details submitted | |
| | ACH18R | Reason H18 | |
| 12 | ACH22 | Bicycle Parking | |
| | ACH22R | Reason H22 | |
| 13 | ACH29 | Construction Management Plan | |
| | ACH29R | Reason H29 | |
| 14 | ACH32 | Highway Drainage | |

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
- H7 Housing Density and Design
- H9 Side Space
- T3 Parking
- T18 Road Safety
- NE7 Development and Trees

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 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 privacy of occupiers of adjacent and nearby properties
- (g) the safety of pedestrians and motorists on the adjacent highway
- (h) the accessibility to the building
- (i) the housing policies of the Unitary Development Plan
- (j) the urban design policies of the Unitary Development Plan
- (k) the high quality design and layout of the proposed development

and having regard to all other matters raised.

INFORMATIVE(S)

- 1 RDI10 Consult Land Charges/Street Numbering
- 2 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: 10/02076/OUT

Address: Wilderwood Widmore Green Bromley BR1 3BB

Proposal: Erection of two storey building comprising of 6 two bedroom flats with undercroft parking (OUTLINE APPLICATION)



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SECTION '2' – Applications meriting special consideration

Application No : 10/02210/FULL1

Ward:
Crystal Palace

Address : 6 Lullington Road Penge London SE20
8DF

OS Grid Ref: E: 534393 N: 170353

Applicant : Westminster Wealth Management

Objections : NO

Description of Development:

Two storey side extension and conversion of property into 1 one bedroom and 1 two bedroom flats.

Proposal

- The proposal seeks permission for a two storey side extension and conversion of the property into 1 one bedroom and 1 two bedroom flats.
- The side extension will be built up to the property boundary that is adjacent to the public footpath.

Location

The application site is located on the north-eastern side of Lullington Road, and hosts a two storey semi-detached dwellinghouse which is currently in single occupancy.

The property is located directly adjacent to a public footpath which provides permanent separation between the application site and the adjoining site.

Comments from Local Residents

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

Comments from Consultees

Waste Services were consulted on the application and it was stated that all refuse and recycling should be left at edge of curbside.

From the point of view of the Highways Engineers, it was considered that the site is located within an area of moderate PTAL (level 4). No additional parking would be provided and it was considered that this may be justified on the basis that the site is considered accessible to public transport links.

By not providing car parking facilities for the resident, cleaner travel choices will be promoted and as such it was the opinion of the Highways Engineers that the development would not have an adverse impact upon parking or traffic within the local road network. However, one cycle parking space per unit should be encouraged.

From an Environmental Health point of view, it was considered that the measurements provided on the plans are deemed to be adequate in terms of room sizes. The question of a means of escape window has been raised with the applicant, and this will need to be addressed under Building Regulations at a later stage. As a result no objection has been raised.

Planning Considerations

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

- BE1 Design of New Development
- H8 Residential Extensions
- H9 Side Space
- H11 Residential Conversions

Planning History

A planning application for the same proposal was refused under ref. 10/01384 for the following reasons:

The proposal does not comply with the Council's requirement for a minimum 1 metre side space to be maintained to the flank boundary in respect of two-storey development in the absence of which the extension would constitute a cramped form of development, out of character with the street scene, conducive to a retrograde lowering of spatial standards to which the area is at present developed and contrary to Policy H9 of the Unitary Development Plan; and

The proposal results in an unsatisfactory sub-division of the property in that there is insufficient space to provide a two bedroom unit in the manner proposed, contrary to Policies BE1 and H11 of the Unitary Development Plan.

The applicant has provided information regarding the public footpath and the proposal in relation to overcoming the first refusal ground, and the second refusal ground has also been addressed through the submitted plans.

Conclusions

Members may considered that 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, along with whether the resulting accommodation will provide a satisfactory living environment for the intended occupiers.

The two storey side extension will be located adjacent to an existing two storey rear appendage and will be effectively built up to the north-western property boundary. Whilst this in effect is contrary to Policy H9 of the Unitary Development Plan, which seeks for a minimum of 1 metre separation between the flank elevation and property boundary of any two storey development, the property boundary in question is actually adjacent to a footpath. Therefore Members may consider that despite the absence of a 1 metre separation, unrelated terracing would not occur due to the location of the footpath, and the spatial standards of the area will not be detrimentally affected as the footpath will retain the open nature of this area.

In respect of single occupancy dwellinghouses being converted into two or more self-contained residential units, this accommodation will be acceptable according to Policy H11 of the Unitary Development Plan provided that the amenities of the occupiers of neighbouring properties will not be harmed by loss of privacy, daylight or sunlight, or noise and disturbance; the resulting accommodation will provide a satisfactory living environment for the intended occupiers; on street or off-street parking will not cause unsafe or inconvenient highway conditions nor affect the character or appearance of the area; and the proposal will not lead to the shortage of medium or small sized family dwellings in the area.

In this instance, the Highways Engineers considered that the lack of parking provision within the proposal would not lead to a prejudicial impact upon the area or the future occupiers of the area due to the moderate PTAL level in the area and the accessibility to public transport in the area.

The separation between the proposed two storey side extension, the remainder of the application property and the adjacent properties should not be further detrimental to the daylight, sunlight, or amenities of the residents of the neighbouring properties than exists at present. The proposed two storey side extension is to be located to the north-east of the existing two storey rear appendage, therefore this element should not further impact upon the amenities or outlook of the residents of Number 4. However whilst the lack of minimum separation between the flank property boundary and the flank elevation of the two storey side extension will create an additional bulk up to the property boundary which will be visible from the roadside, it may be considered that this element should not adversely affect the character of the streetscene or the area in general.

Whilst objection was raised to the previously refused application from an Environmental Health point of view, this was due to the plans not being drawn out to the correct scale, leading to the room sizes appearing too small to provide acceptable standards of living accommodation. This has now been addressed by the applicant and the objections have been withdrawn by the Environmental Health team.

As such, Members may consider that the conversion of this property into 1 one bedroom and 1 two bedroom flats is acceptable as whilst the proposed two storey side extension will be built up to the property boundary, the spatial standards of the area will not be detrimentally affected as the footpath will remain between the flank property boundary and the adjacent property. In addition, no technical objections are raised from an Environmental Health or Highways point of view, and on balance the scheme is acceptable.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/01384 and 10/02210, 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 | | |
| 3 | ACI17 | No additional windows (2 inserts) | flank | extension |
| | ACI17R | I17 reason (1 insert) | BE1 and H8 | |

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
- H11 Residential Conversions

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

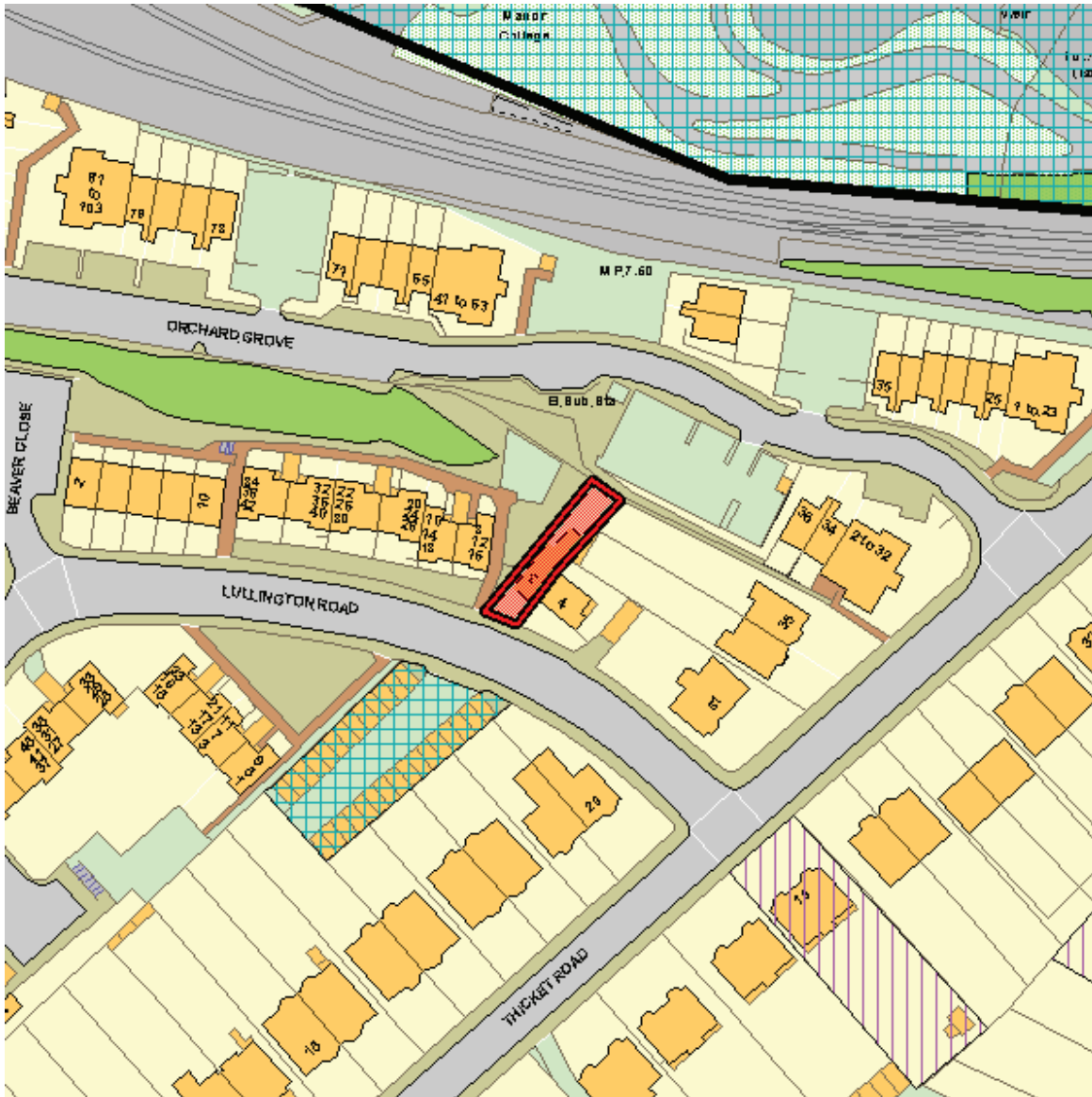
- (a) the appearance of the development in the street scene;
- (b) the spatial standards of the area;
- (c) the relationship of the development to the adjacent properties;
- (d) the character of development in the surrounding area;
- (e) the impact on the amenities of the occupiers of adjacent and nearby properties;

- (f) the light and outlook of occupiers of adjacent and nearby properties;
- (g) the privacy of occupiers of adjacent and nearby properties;
- (h) the housing policies of the development plan;
- (i) and having regard to all other matters raised including concerns from neighbours.

Reference: 10/02210/FULL1

Address: 6 Lullington Road Penge London SE20 8DF

Proposal: Two storey side extension and conversion of property into 1 one bedroom and 1 two bedroom flats.



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SECTION '3' – Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 10/01253/FULL1

Ward:
Penge And Cator

Address : 46 Green Lane Penge London SE20 7JX

OS Grid Ref: E: 535626 N: 170124

Applicant : Mr Edginton

Objections : NO

Description of Development:

Change of use of second floor into 3 two bedroom flats and 1 one bedroom flat, elevational alterations and 3 car parking spaces at the rear.

Key designations:

London Distributor Roads
Secondary Shopping Frontage

Proposal

Members will recall that this application was considered on the 15th July 2010 for 4 flats. It was deferred in order to obtain a reduction in the number of residential units. Revised plans have been received that indicate the following:

- conversion of the second floor of a commercial building into 3 two bedroom flats.
- alterations to front elevation to provide an entrance to the proposed flats and new windows in the flank elevation
- provision of 3 car parking spaces at rear

Location

The application site is situated northern side of Green Lane at the junction with High Street Penge, the property comprises of a three storey commercial building previously used as retail premises and has access at the rear from Cottingham Road.

Comments from Local Residents

No representations were received from nearby owners/occupiers regarding this application.

Comments from Consultees

From a Planning Highways perspective, the site is located in an area with high PTAL rate of 5 (on a scale of 1 - 6, where 6 is the most accessible).

Three car parking is offered for the development, accessed from Cottingham Road via an existing access arrangement. As the transport accessibility is good a reduction in the parking requirement may be justified as the site is considered accessible to public transport links, being within walking distance of bus routes and a Rail Station. Therefore on balance I raise no objection to the proposal.

Planning Considerations

When considering the application the main policies are BE1 Design of new development, H7 Housing Density and Design, of the Unitary Development Plan 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; Policies T3 and T18 deal with parking provision and road safety.

Policy H12 Conversion of non-residential buildings to residential use Para 4.56 states: Where such a conversion is proposed the applicant must be able to demonstrate that the premises are genuinely redundant. Conversions are not likely to be acceptable where there continues to be a viable commercial use or demand for such uses.

Policy S11 concerns the provision of residential accommodation within shopping areas and includes a number of provisions, amongst them that the proposal would result in accommodation suitable for residential use and that there has been a long term vacancy and no demand for a commercial or a community use. Changes of use of upper floors to residential will be welcomed as it can contribute to the stock of affordable accommodation and the presence of residents can help as a deterrent to crime.

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.

Planning History

Planning permission was granted for a shopfront under ref. 88/03094.

Application for the change of use of the first and second floors from retail to residential ref. 09/01696 was withdrawn by the applicant.

Application ref. 09/03091 for Change of use of first and second floors from retail into 6 two-bedroom flats and 2 studio flats, with elevational alterations and 3 car parking spaces at rear was refused on the following grounds:

The proposal constitutes an over intensive use of the property contrary to Policy BE1 of the Unitary Development Plan, resulting in an under-provision of 2-3 on-site parking spaces leading to increased demand for on-street parking in the vicinity of the application site, contrary to Policy T18 of the Unitary Development Plan. .

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 and design of the proposed scheme.

This application is for the conversion of the second floor of a previous retail unit into 3 two bedroom flats with the provision of 3 car parking spaces with access from Cottingham Road at the rear.

This application has been resubmitted to committee following deferral from 15 July to reduce the number of proposed flats from four to three. The proposal now retains the 1st floor for retail use and proposes to convert the second floor into 3 two bedroom flats. From a highways point of view there are no objections to the three car parking spaces offered for the development,

The agent has stated that “the owners of the property have been trying for three years to let the whole three floors as a retail shop. They have tried letting floor by floor or as a whole without success. As a result of this and as a compromise it was decided to convert the top floor into flats. This makes two floors for retail a better commercial proposition. This still leaves approximately 800 sq m of shop out of a total floor area of 1200sm. It is also considered that having flats above the shop helps an area to be populated especially at weekends and evenings”.

The Highways officer has no objection to the number of spaces provided for the proposed flats, the site is considered accessible to numerous public transport links. The proposal would also provide additional housing in this part of the town centre.

It could be considered that the proposed use of the 2nd floor as residential flats in this location could benefit the local community in accordance with Policy S11.

Having had regard to the above it was considered that the proposed change of use 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 shopping frontage.

Background papers referred to during production of this report comprise all correspondence on files refs. 09/01696, 09/03091 and 10/01253, excluding exempt information.

as amended by documents received on 17.06.2010 10.08.2010

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | |
|---|--------|--|
| 1 | ACA01 | Commencement of development within 3 yrs |
| | ACA01R | A01 Reason 3 years |
| 2 | ACC01 | Satisfactory materials (ext'nl surfaces) |
| | ACC01R | Reason C01 |
| 3 | ACH03 | Satisfactory parking - full application |
| | ACH03R | Reason H03 |
| 4 | ACH18 | Refuse storage - no details submitted |
| | ACH18R | Reason H18 |
| 5 | ACH22 | Bicycle Parking |
| | ACH22R | Reason H22 |
| 6 | ACH23 | Lighting scheme for access/parking |
| | ACH23R | Reason H23 |
| 7 | ACH25 | Satisfactory servicing facilities |
| | ACH25R | Reason H25 |
| 8 | AJ02B | Justification UNIQUE reason OTHER apps |

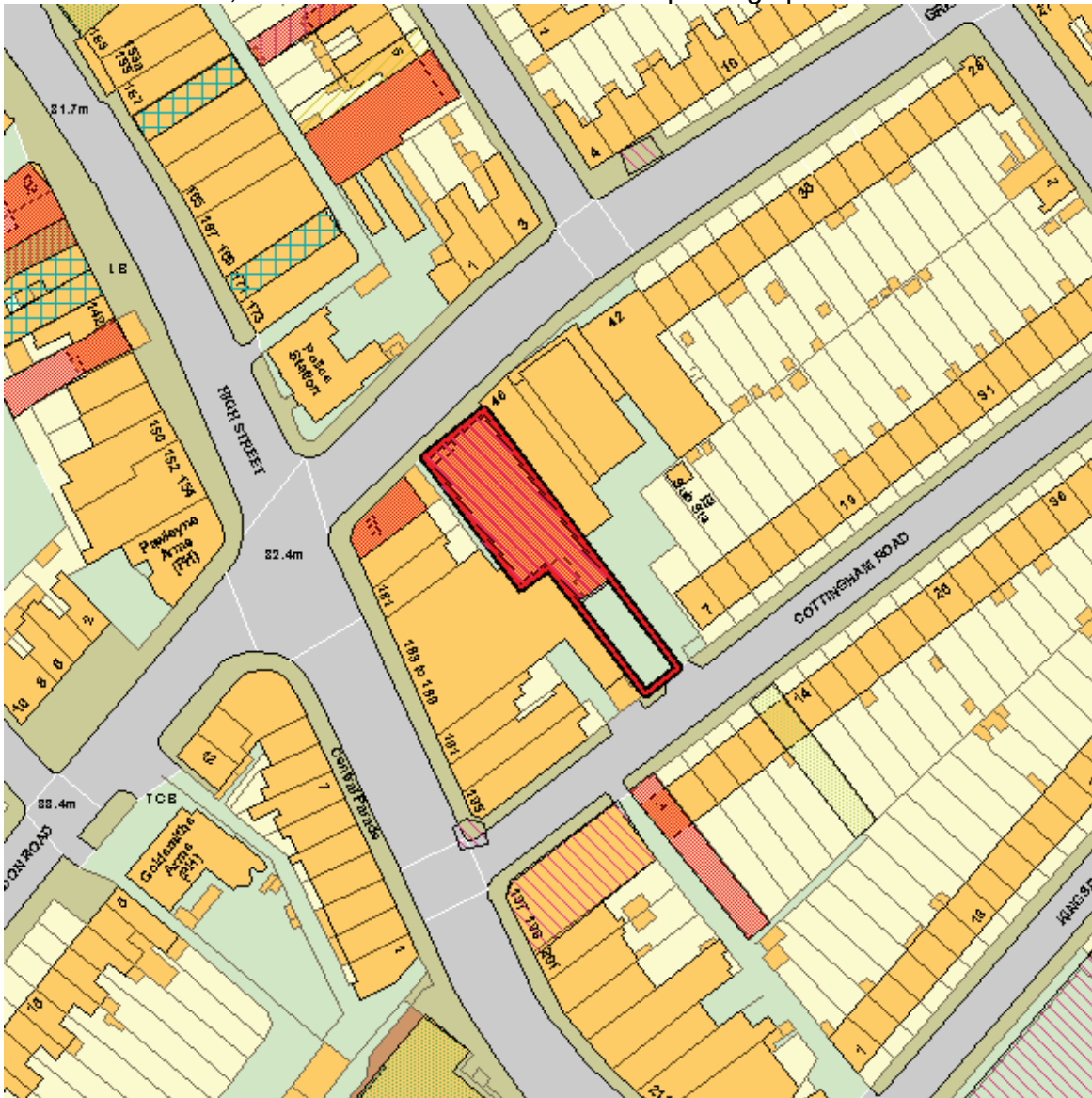
Policies (UDP)

- | | |
|-----|------------------------------------|
| BE1 | Design of New Development |
| H7 | Housing Density and Design |
| T3 | Parking |
| T18 | Road Safety |
| H12 | Conversion of Non-Residential Uses |
| S11 | Residential Accommodation |

Reference: 10/01253/FULL1

Address: Ground Floor 46 Green Lane Penge London SE20 7JX

Proposal: Change of use of second floor into 3 two bedroom flats and 1 one bedroom flat, elevational alterations and 3 car parking spaces at the rear.



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SECTION '3' – Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 10/01454/FULL6

Ward:
Penge And Cator

Address : 1 Lucas Road Penge London SE20 7EE

OS Grid Ref: E: 535439 N: 170611

Applicant : Mr A Thorogood

Objections : NO

Description of Development:

First floor rear and two storey side extension

Key designations:

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

Proposal

It is proposed to construct a two storey side extension and first floor rear extension to this end of terrace property. The two storey side element would extend 3.1m in length up to the flank boundary and set back approx. 4.25m from the main front wall. The first floor rear element would be attached to the two storey side extension above an existing dining room together both forming an L-shaped footprint. This element of the proposal would be set back some 3.8m from the main rear wall of the house.

Location

The application property is located at the western end of Lucas Road close to the junction with St John's Road. Lucas Road is a small cul-de-sac made up of modestly sized attractive Victorian terraced houses many of which have been extended to the rear. The application property occupies a corner position its western flank elevation where the extensions are proposed abuts the rear gardens of properties 24-34 (even) which front St John's Road.

Comments from Local Residents

Representations have been received from the occupant of the neighbouring house at No. 3. The issues raised do not relate to the current application, but rather an outstanding enforcement matter regarding the storeroom to the rear.

Planning Considerations

In considering the application the main policies are H9 and BE1 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 BE1 requires a high standard of design in new development generally, and seeks to protect the amenities of the occupants of neighbouring properties.

Policy H9 requires proposals for two or more storey's in height to retain a minimum 1 metre side space for the full height and length of the flank wall of the building.

Planning History

Under planning ref. 03/00083, planning permission was granted for a part one / two storey side / rear extension, this proposal formed part of a joint application with No. 3 for a two storey rear extension.

Conclusions

The two storey side extension extends up to the side boundary and as such this proposal is technically contrary to Policy H9 of the Unitary Development Plan. The principal objective of Policy H9 is to prevent a cramped appearance and unrelated terracing occurring. However, the end of terrace subject property flanks onto the rear garden of properties in St John's Road this prevents unrelated terracing occurring and providing a visual break in keeping with the spatial characteristics of the area. Furthermore the two storey side extension is set back some 4.25m from the main front wall which also lessens its visual impact. In both respect the proposal meets with the objectives of Policy H9.

Accordingly, members may agree that taking into account the specific locations of the property in relation to its neighbours that the application is acceptable and the adequate separation between buildings is retained and that the policies of the Unitary Development Plan and amenity of adjoining neighbours is safeguarded

Background papers referred to during production of this report comprise all correspondence on files refs. 10/01454 and 09/02298, excluding exempt information.

as amended by documents received on 24.06.2010

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 | ACI17 | No additional windows (2 inserts) western extensions |
| | ACI17R | I17 reason (1 insert) H8 |
| 4 | AJ01B | Justification GENERIC reason FULL6 apps |

Reference: 10/01454/FULL6
Address: 1 Lucas Road Penge London SE20 7EE
Proposal: First floor rear and two storey side extension



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SECTION '3' – Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 10/01496/FULL1

Ward:
Clock House

Address : 162 - 164 Ravenscroft Road Beckenham
BR3 4TP

OS Grid Ref: E: 535474 N: 169399

Applicant : Mr R Hannent

Objections : YES

Description of Development:

Demolition of existing light industrial unit and erection of two storey building comprising one 1 bedroom, two 2 bedroom and one studio flat (including use of roof space). Provision of associated parking and amenity area.

Key designations:

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

Proposal

The proposal seeks to demolish the existing light industrial unit on site, and replace this with a two storey building comprising one 1 bedroom, two 2 bedroom and one studio flat (including use of roof space), and the provision of associated parking and amenity area.

Location

The application site is located on the northern side of Ravenscroft Road, and currently hosts a light industrial commercial unit.

Comments from Local Residents

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

- how would the site be secured;
- the proposal constitutes a change of use, the road used to be a mix of light industrial and residential, this mix is being inexorably eroded;
- the road is already overpopulated;
- not enough car parking on site;
- has the impact of the development on the slow worms in the allotments been considered;
- demolition and building works will lead to noise and dust, how will this be minimised;
- overlooking;
- noise pollution from neighbours rather than light industrial unit;
- there are flats in the wider area which are empty and unsold – does the area need more flats;
- understand that the applicant would like to develop the site, but do not believe the current plans are the right ones for the area;
- the character of the road is being lost by the proposal;
- it will not be acceptable for driveways to be blocked during construction.

Comments from Consultees

No objections were raised from the point of view of Environmental Health, Environment Agency, Highways Drainage, Crime Prevention Officer, Highways Engineers, Cleansing and Thames Water, subject to conditions where appropriate.

Planning Considerations

In terms of the Policies that the application will be assessed against, they are as follows:

Unitary Development Plan

- BE1 Design of New Development
- H1 Housing Supply
- H7 Housing Design
- H9 Side Space
- T3 Parking
- T18 Road Safety

London Plan

- 4B.1 Design principles for a compact city
- 4A.3 Sustainable design and construction
- 4B.8 Respect local context and communities
- 3A.3 Maximising the potential of sites

There are a number of National policy documents that are relevant to the consideration of this application. These include PPS1 Delivering Sustainable Development and PPS 3 Housing.

All other material considerations shall also be taken into account and the main issues in this case are considered to be the principle of the redevelopment of the site, and the impact of the proposal on the amenities of nearby residents and the character of the surrounding area.

Planning History

In terms of relevant planning history on the site, permission was granted for the replacement single storey light industrial building (Class B1) under ref. 06/03950.

Conclusions

The site is located in an area of mixed residential development, and is considered to be of an adequate size to satisfactorily accommodate the proposed development.

The overall footprint of the proposed scheme when compared with the footprint of the existing building will be reduced, from 215 m to 152 m², and there will be a limited private garden area to each of the ground floor units and a shared courtyard area.

The position of the proposed buildings will be similar to that of the existing light industrial units, therefore it may be considered that the proposed development would not be likely to have any significant impact upon the amenities, outlook or prospect or the residents adjacent to the site in comparison to the layout of the buildings on the site at present.

The proposed development has not been designed to entirely match the adjacent properties, however the materials, form and mass of the proposed development should allow for the development to blend in the area. The development has been stepped away from the properties to the rear, with a 2.2 metre separation between the front elevations and a 1.8 metre high fence along the garden boundary.

The two windows on the first floor that would overlook the rear garden of Number 166 are high-level to avoid direct overlooking, and the roof towards the rear will sit lower than the main pitch, which will follow the pitch of Number 166.

As the properties are to be located away from the boundaries shared with all adjoining sites, and the property boundaries of the site adjoin the rear gardens of every site as opposed to being located directly adjacent to the residential properties, it may be considered that sufficient separation is provided between the proposed buildings and the adjacent residential properties in order to prevent undue loss of light, privacy or excessive overlooking.

Members are therefore requested to consider whether on balance the proposal is acceptable and worthy of permission being granted based upon the details provided.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/01496, excluding exempt information.

as amended by documents received on 13.07.2010

RECOMMENDATION: PERMISSION

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 | ACA07 | Boundary enclosure - no detail submitted | |
| | ACA07R | Reason A07 | |
| 4 | ACC01 | Satisfactory materials (ext'nl surfaces) | |
| | ACC01R | Reason C01 | |
| 5 | ACD06 | Sustainable drainage system (SuDS) | |
| | ADD06R | Reason D06 | |
| 6 | ACH03 | Satisfactory parking - full application | |
| | ACH03R | Reason H03 | |
| 7 | ACH12 | Vis. splays (vehicular access) (2 in) | 3,3m x 2.4m x 3.3m |
| | | 1m | |
| | ACH12R | Reason H12 | |
| 8 | ACH18 | Refuse storage - no details submitted | |
| | ACH18R | Reason H18 | |
| 9 | ACH22 | Bicycle Parking | |
| | ACH22R | Reason H22 | |
| 10 | ACH32 | Highway Drainage | |
| | ADH32R | Reason H32 | |
| 11 | ACI21 | Secured By Design | |
| | ACI21R | I21 reason | |
| 12 | ACK09 | Soil survey - contaminated land | |
| | ACK09R | K09 reason | |

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
- H1 Housing Supply
- H7 Housing Design

H9 Side Space
T3 Parking
T18 Road Safety

London Plan

4B.1 Design principles for a compact city
4A.3 Sustainable design and construction
4B.8 Respect local context and communities
3A.3 Maximising the potential of sites

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 privacy of occupiers of adjacent and nearby properties
- (g) the safety of pedestrians and motorists on the adjacent highway
- (h) the housing policies of the development plan
- (i) the transport policies of the development plan
- (j) the urban design policies of the development plan
- (k) the provision of satisfactory living accommodation for future residents of the flats
- (l) the neighbours concerns raised during the consultation process

and having regard to all other matter raised.

INFORMATIVE(S)

- 1 RDI16 Contact highways re. crossover
- 2 Any repositioning, alteration and / or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the forming of vehicular crossovers hereby permitted, shall be undertaken at the cost of the applicant.
- 3 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: 10/01496/FULL1

Address: 162 - 164 Ravenscroft Road Beckenham BR3 4TP

Proposal: Demolition of existing light industrial unit and erection of two storey building comprising one 1 bedroom, two 2 bedroom and one studio flat (including use of roof space). Provision of associated parking and amenity area.



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SECTION '3' – Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 10/01573/FULL1

Ward:
Copers Cope

Address : 68 Park Road Beckenham BR3 1QH

OS Grid Ref: E: 536947 N: 170364

Applicant : Logen Holding Limited

Objections : YES

Description of Development:

Construction of three storey block to provide 7 two bedroom flats with underground and forecourt parking for 8 cars and associated cycle and refuse stores.

Proposal

- The application is for full planning permission for the construction of a three storey block to provide 7 two bedroom flats with underground and forecourt parking for 8 cars and associated cycle and refuse stores.
- There is a separate outline application currently under consideration for the construction of a three storey block to provide 6 two bedroom flats with underground and forecourt parking for 7 cars and associated cycle and refuse stores, under ref. 10/01916.

Location

- The application site is currently vacant, with the residential dwellinghouse and associated outbuildings previously located on the site having been demolished.
- The site is located on the northern side of Park Road, Beckenham, relatively close to the junctions with Lawn Road and Copers Cope Road.
- The surrounding area is characterised by a mix of terraced and detached houses, mostly with long rear gardens. St Paul's Church and its Vicarage are situated to the rear of the application site. There are a number of flatted developments within the area, although these are not within the direct vicinity of the application site.

Comments from Local Residents

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

- already approved plans for six town houses at 66 and 68 result in a serious loss of amenity to in relation to No.70, in terms of light and privacy;
- completely out of character;
- over-development;
- balance between flats and houses in this area is barely acceptable at present;
- further flats will detract from environment;
- three new houses is only form of development which will reduce the negative effect of new development on road;
- three houses more likely to provide a lifetime home for a family;
- effects of destroying existing balance of flats and house will be very serious for the business and social community of Beckenham;
- height, rearward projection and bulk will result in an overbearing construction and feeling of being hemmed in;
- object to balconies at rear;
- rear garden overlooked;
- underground car park out off keeping with Park Road and excavation would cause noise and disruption;
- applicants have answered 'no' to there being trees on or adjacent to the site;
- Park Road does not need more flats;
- added noise, pollution and strain on drains, parking and infrastructure would not be in the best interest of residents;
- two bedroom flats are unlikely to attract families into area;
- already a lack of affordable homes in Copers cope.
- will decrease number of children attending local schools;
- both proposals for 66 and 68 should be dealt with together by the Council;
- comments with regard to the land ownership declared on the application form;
- a decision for one address will create a precedent for the second address;
- three town houses will be consistent with a new development approved and built several years ago;
- Parochial Church Council of St Paul's Church have preference for individual dwellings as opposed to flats as multiple dwellings make it harder to engage with local community;
- intensive development means there is a need for more Doctors and Dentists;
- lack of affordable family accommodation in area;

Full copies of the comments received can be seen on file.

Comments from Consultees

The Council's Crime Prevention Advisor has recommended that a Secure by Design condition be attached to any permission granted.

The Council's Highways Development Engineers have raised no major concerns in relation to the application but have recommended a number of conditions be applied to any permission granted.

The Council's Drainage Planner has requested details of the proposed sustainable drainage system.

The Council's Waste Advisors have raised no objections to the proposal.

The Council's Environmental Health (Housing) officer has raised issues relating to matters which would be dealt with under the Building Regulations.

The Council's Environmental Health (Pollution) officer has recommended a condition relating to land contamination, should permission be granted.

External Consultees

In the previous application, Thames Water advised 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. With regard to sewerage infrastructure Thames Water raised no objections. They also advised that with regard to water infrastructure they had no objections to the above planning application.

Planning Considerations

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

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- H1 Housing Supply
- H7 Housing Density and design
- H9 Side Space
- NE7 Development and Trees
- T3 Parking
- T5 Access for people with restricted mobility
- T6 Pedestrians
- T7 Cyclists
- T15 Traffic management
- T18 Road Safety

In strategic terms the most relevant London Plan policies are:

- 3A.1 Housing
- 3A.3 Maximising the Potential of Sites
- 32.23 Parking Strategy and Standards

4A.13 Sustainable drainage

There are a number of relevant national policy documents that are relevant to the consideration of this application. These include:

PPS1 Delivering Sustainable Development
PPS3 Housing

The Mayors waste strategy and DEFRA waste strategy 2007 also apply to this development in terms of provision of waste and recycling facilities.

Planning History

4 four storey four bedroom terraced houses with integral basement garages under ref. 05/01550/FULL1 was refused in June 2005.

An outline planning application was refused under ref. 05/03103/OUT in October 2005 for 6 three storey four bedroom terraced houses with 12 car park spaces at 66 and 68 Park Road.

An outline planning application was then permitted at 66 and 68 Park Road under ref. 06/00186 for 6 three storey terraced houses with 12 car parking spaces and vehicular access. This application was considered in respect of all details except for landscaping.

A full planning application was then submitted for the demolition of the existing buildings and erection of 6 three storey terraced houses with 12 car parking spaces at front and vehicular access at 66 and 68 Park Road. This was granted planning permission under ref. 07/02520.

This application proposed a change to the granted 2006 application in terms of the external design, the introduction of 6 individual gardens and the inclusion of basements to all dwellings. The footprint of the buildings were to remain the same as previously permitted under ref. 06/00186. The 2007 design, however, incorporated a fully hipped roof which had a height of 10.5m. Units 1 and 6 are designed with a lower hip with a height of 9.6m, which appeared to match that of the previous permitted scheme in terms of the impact on neighbouring properties. In addition, the large flank windows serving the stairwells were omitted from the proposal.

Most recently, planning permission was refused for a three storey block comprising 3 one bedroom and 6 two bedroom flats/maisonettes with accommodation in roof space, 9 car parking spaces, refuse and cycle store at No.68 Park Road under ref 09/01432. A similar scheme was also refused at the adjacent site, No.66, under ref.09/03453. In these two schemes, the height and bulk of the roofs of the blocks was higher and greater, respectively, than the 2007 terraced housing scheme. The

number of units proposed on the site had also intensified from 6 to a total of 18 units set over the two sites.

Conclusions

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

The current proposal is for a reduction in the number of units that were proposed in the previous application (nine). However, the planning permission which was previously granted on this site only allowed for 3 terraced houses on this plot (with an overall development for 6 terraced properties set over the two plots of No's 66 and 68 Park Road). Therefore, the current proposal would still result an intensification of the number of units on the site by the way of a flatted development of 7 units. The size of the site is approximately 0.0927 hectares; therefore the density of the proposed development is approximately 75 units per hectare, and 151 habitable rooms per hectare.

The site is considered to be close to a town centre but not within 10 minutes walking distance, the area is suburban, and the general character of this part of Park Road is considered to consist of mainly of detached and linked houses. Therefore the recommended level of units / hectare specified within policy H7 of the Unitary Development Plan (UDP) is between 30 – 65 units/ha, and the recommended level of habitable rooms / hectare is 150 – 200 hr/ha. Therefore whilst the development is therefore above the density levels recommended by the Council for such a site as this, the level of habitable rooms per hectare does fall within the recommended levels and is in fact at the lower end of the recommended level.

It is the Council's view that the individual characteristics and qualities of an area should be adequately protected and new development should respect and complement this in order to ensure a high standard of residential environment. There are various flatted developments in the wider vicinity of the site as well as modern terraced townhouses and older detached dwellinghouses. On this basis, it is not considered that the character of the area would be significantly altered by the proposed development.

The siting of the three storey block has been amended slightly since the previous application and the footprint is similar to the approved 2007 scheme of terraced houses. The amended siting now allows a minimum 1.5 metre side space to the western flank boundary of the site. As the previous approval for the townhouses at this site allowed development to be built right up to the boundary, on balance, this is considered acceptable in terms of visual impact.

In addition, the height of the development has been reduced from what was previously proposed and is now the same as that of the previously approved terraced properties.

The roof design also matches the approved scheme. It is therefore considered that the reduced height and bulk is now acceptable in terms of the impact on the daylighting and amenities currently enjoyed by the residents of No. 70 Park Road.

There are windows proposed at first and second floor levels of the flank elevation facing No.70, however given their size it does not appear that the windows are intended as a means of outlook, therefore a condition requiring that all these windows be obscured glass would be prudent to protect this neighbouring property from being overlooked.

Having had regard to the above, Members may consider that the proposal is acceptable in that it would not result in a significant loss of amenity to local residents, nor would it impact detrimentally on the character of the area. There are already a number of flatted developments in the area and the scheme is in line with a development proposal that has already been granted permission in principle, albeit the current scheme has a higher density.

Furthermore, Members will note the recent appeal decision to refuse application (09/01432) will be a material Consideration to the decision made in relation to this case.

Background papers referred to during production of this report comprise all correspondence on files refs. 05/01550, 05/03103, 06/00186, 07/02520, 09/01432, and 10/01517, excluding exempt information.

RECOMMENDATION: PERMISSION

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 | ACA07 | Boundary enclosure - no detail submitted |
| | ACA07R | Reason A07 |
| 4 | ACC01 | Satisfactory materials (ext'nl surfaces) |
| | ACC01R | Reason C01 |
| 5 | ACC03 | Details of windows |
| | ACC03R | Reason C03 |
| 6 | ACD02 | Surface water drainage - no det. submitt |
| | ADD02R | Reason D02 |
| 7 | ACH03 | Satisfactory parking - full application |
| | ACH03R | Reason H03 |
| 8 | ACH04 | Size of parking bays/garages |
| | ACH04R | Reason H04 |

9	ACH15	Grad of parking area or space(s) (2 in 5% (1 in 20)	ramp for the first 5.0m
	ACH15R	Reason H15	
10	ACH22	Bicycle Parking	
	ACH22R	Reason H22	
11	ACH23	Lighting scheme for access/parking	
	ACH23R	Reason H23	
12	ACH32	Highway Drainage	
	ADH32R	Reason H32	

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
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- H1 Housing Supply
- H7 Housing Density and design
- H9 Side Space
- NE7 Development and Trees
- T3 Parking
- T5 Access for people with restricted mobility
- T6 Pedestrians
- T7 Cyclists
- T15 Traffic management
- T18 Road Safety

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 privacy of occupiers of adjacent and nearby properties
- (g) the safety of pedestrians and motorists on the adjacent highway
- (h) the housing policies of the development plan
- (i) the transport policies of the development plan
- (j) the urban design policies of the development plan
- (k) the provision of satisfactory living accommodation for future residents of the flats
- (l) the neighbours concerns raised during the consultation process

and having regard to all other matter raised.

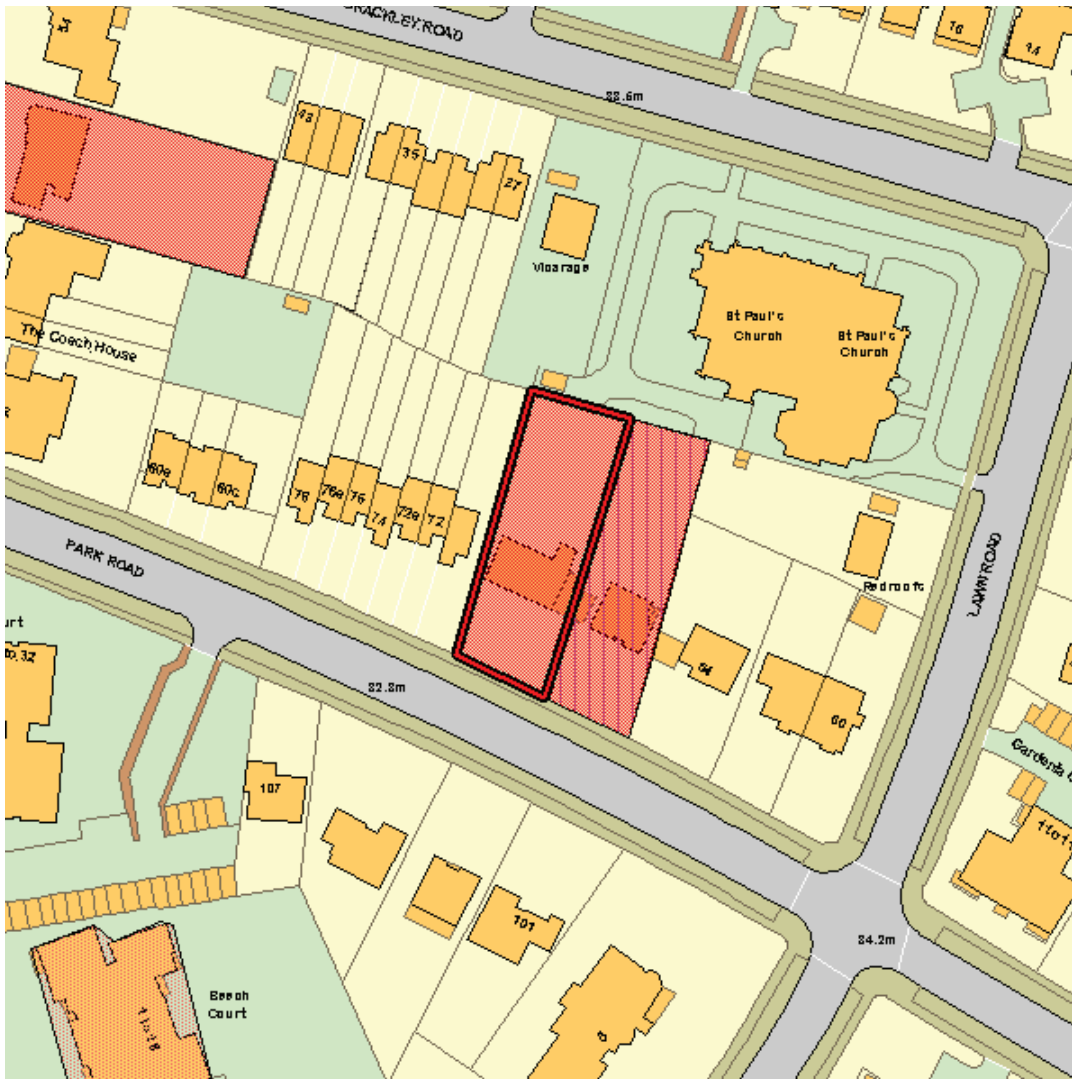
INFORMATIVE(S)

- 1 RDI03 Seek engineering advice
- 2 RDI07 1 metre side space (general)
- 3 RDI10 Consult Land Charges/Street Numbering
- 4 RDI21 Seek Building Control advice
- 5 RD130 Obscure Glazing
- 6 RD129 EH0 – Contact Pollution Team
- 7 If during any works on site suspected contamination is encountered which has not been previously identified, Environmental Health should be contacted immediately. The additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.
- 8 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.
- 9 Any repositioning, alteration and / or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the forming of vehicular crossovers hereby permitted, shall be undertaken at the cost of the applicant.

Reference: 10/01573/FULL1

Address: 68 Park Road Beckenham BR3 1QH

Proposal: Construction of three storey block to provide 7 two bedroom flats with underground and forecourt parking for 8 cars and associated cycle and refuse stores.



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SECTION '3' – Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 10/01888/FULL6

Ward:
Petts Wood And Knoll

Address : 2 Hillview Crescent Orpington BR6 0SL

OS Grid Ref: E: 545527 N: 166069

Applicant : Mr And Mrs Barnes

Objections : YES

Description of Development:

Two storey side and single storey rear extension

Key designations:

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

Proposal

The application seeks planning permission for single storey side and rear extensions.

Location

The application site comprises a detached, two-storey dwelling located on the western side of Hillview Crescent.

Comments from Local Residents

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

- an extension has already been built directly on the boundary with No. 3 that has had a negative impact as the two properties are much closer than others in the Crescent and surrounding area and the proposed extension will only worsen the situation;
- the extensions will give the appearance of being bulky and cramped in relation to No. 3 and not in keeping with the surrounding area;

- the proposal would mean No. 3 has restricted own right to extend to the boundary if chosen to do so;
- the size of current extension together with the scale and bulk of the proposed extension is overdevelopment of the property;
- the proposal would result in loss of light in to the living room of No. 3; and
- the new extension will protrude further to the rear of the property and therefore, reduce the privacy currently enjoyed by No. 3.

Planning Considerations

The application falls to be determined in accordance with Policies BE1 (Design of New Development), H8 (Residential Extensions) and H9 (Side Space) of the Unitary Development Plan.

Planning History

September 2004: Planning application (ref. 04/02877) granted permission for single storey side/rear extension.

June 2006: Planning application (ref. 06/01309) refused permission for first floor side extension. Subsequently allowed on appeal (APP/G5180/A/06/2027777).

Conclusions

The current application is a re-submission of the same proposal that was granted upon appeal (APP/G5180/A/06/2027777). The original application 06/01309/FULL6 was refused for the reason that:

The proposed extension would, by reason of its close proximity to No. 3 Hillview Crescent, have a seriously detrimental effect on the daylighting to the ground floor flank windows of this adjoining house which the occupants of that dwelling might reasonably expect to be able to continue to enjoy, contrary to Policies E.1 and H.3 of the adopted Unitary Development Plan and Policies BE1 and H8 of the second deposit draft Unitary Development Plan (September 2002).

In his appeal decision, the Inspector held that there was no conflict with the relevant policies of the UDP or the supplementary planning guidance to which he had been referred, all of which sought to ensure a satisfactory relationship between buildings and to protect neighbour amenity.

With regard to the potential loss of light to the living room of No. 3, the Inspector stated that this room was not reliant on these side windows as its principle source of light was derived from the much larger front bay window and therefore, the proposed extension would cause no significant loss of light to the living room.

The Inspector added that neither did he consider that the character of the appeal property or its relationship with No. 3 would be altered to any appreciable degree as the proposed extension would be confined to the rear and would not alter the appearance of the property as a detached house.

It is therefore considered that as the proposal is the same as that previously allowed upon appeal and the material planning considerations have not changed since, then it would be unreasonable to refuse planning permission and it should therefore, be granted permission.

Background papers referred to during production of this report comprise all correspondence on files refs. 04/02877, 06/01309 and 10/01888, 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
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be inserted in the north-west facing flank elevation of the extension hereby permitted without the prior written approval of the Local Planning Authority.
 ACI03R Reason I03

Reasons for granting permission:

In granting planning 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

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

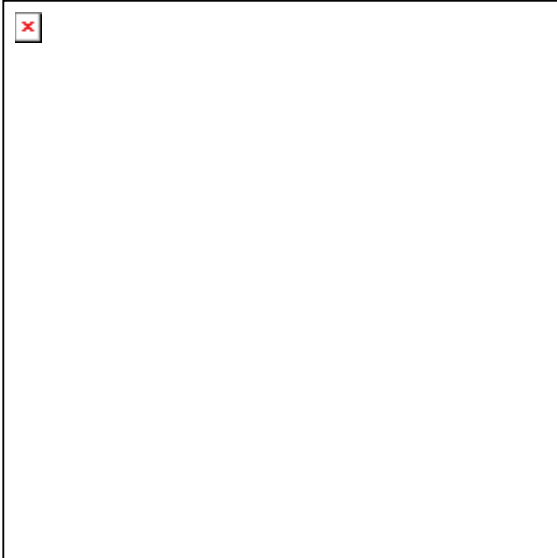
- (a) the relationship of the development to adjacent property;
- (b) the character of the development in the surrounding area; and
- (c) the impact on the amenities of the occupiers of adjacent and nearby properties, including light, prospect and privacy

and having regard to all other matters raised.

Reference: 10/01888/FULL6

Address: 2 Hillview Crescent Orpington BR6 0SL

Proposal: Two storey side and single storey rear extension



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SECTION '3' – Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 10/01916/OUT

Ward:
Copers Cope

Address : 66 Park Road Beckenham BR3 1QH

OS Grid Ref: E: 536964 N: 170355

Applicant : Mr Kapadia

Objections : YES

Description of Development:

Construction of three storey block to provide 6 two bedroom flats with underground and forecourt parking for 7 cars and associated cycle and refuse stores.

Proposal

- The application is for outline planning permission for the construction of a three storey block to provide 6 two bedroom flats with underground and forecourt parking for 7 cars and associated cycle and refuse stores.
- There is a separate application currently under consideration at No.68 Park Road for a three storey block to provide 7 two bedroom flats with underground and forecourt parking for 8 cars, under ref.10/01573.
- The application is to be determined by Committee as it is outside delegated powers. It is noted that only landscaping has been left as a reserved matter.

Location

- The application site is currently vacant, with the residential dwellinghouse and associated outbuildings previously located on the site having been demolished.
- The site is located on the northern side of Park Road, Beckenham, relatively close to the junctions with Lawn Road and Copers Cope Road.
- The surrounding area is characterised by a mix of terraced and detached houses, mostly with long rear gardens. St Paul's Church and its Vicarage are situated to the rear of the application site. There are a number of flatted developments within the area, although these are not within the direct vicinity of the application site.

Comments from Local Residents

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

- already approved plans for six town houses at 66 and 68 result in a serious loss of amenity to in relation to No.70, in terms of light and privacy;
- completely out of character;
- over-development;
- balance between flats and houses in this area is barely acceptable at present;
- further flats will detract from environment;
- three new houses is only form of development which will reduce the negative effect of new development on road;
- three houses more likely to provide a lifetime home for a family;
- effects of destroying existing balance of flats and house will be very serious for the business and social community of Beckenham;
- height, rearward projection and bulk will result in an overbearing construction and feeling of being hemmed in;
- object to balconies at rear;
- rear garden overlooked;
- underground car park out off keeping with Park Road and excavation would cause noise and disruption;
- applicants have answered 'no' to there being trees on or adjacent to the site;
- Park Road does not need more flats;
- added noise, pollution and strain on drains, parking and infrastructure would not be in the best interest of residents;
- two bedroom flats are unlikely to attract families into area;
- already a lack of affordable homes in Copers cope.
- will decrease number of children attending local schools;
- both proposals for 66 and 68 should be dealt with together by the Council;
- comments with regard to the land ownership declared on the application form;
- a decision for one address will create a precedent for the second address;
- three town houses will be consistent with a new development approved and built several years ago;
- Parochial Church Council of St Paul's Church have preference for individual dwellings as opposed to flats as multiple dwellings make it harder to engage with local community;
- intensive development means there is a need for more Doctors and Dentists;
- lack of affordable family accommodation in area;

Comments from Consultees

The Council's Crime Prevention Advisor has recommended that a Secure by Design condition be attached to any permission granted.

The Council's Highways Development Engineers have raised no major concerns in relation to the application but have recommended a number of conditions be applied to any permission granted.

The Council's Drainage Planner has requested details of the proposed sustainable drainage system.

The Council's Waste Advisors have raised no objections to the proposal.

The Council's Environmental Health (Housing) officer has raised issues relating to matters which would be dealt with under the Building Regulations.

The Council's Environmental Health (Pollution) officer has recommended a condition relating to land contamination, should permission be granted.

External Consultees

In the previous application, Thames Water advised 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. With regard to sewerage infrastructure Thames Water raised no objections. They also advised that with regard to water infrastructure they had no objections to the above planning application.

Planning Considerations

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

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- H1 Housing Supply
- H7 Housing Density and design
- H9 Side Space
- NE7 Development and Trees
- T3 Parking
- T5 Access for people with restricted mobility
- T6 Pedestrians
- T7 Cyclists
- T15 Traffic management
- T18 Road Safety

In strategic terms the most relevant London Plan policies are:

- 3A.1 Housing
- 3A.3 Maximising the Potential of Sites
- 32.23 Parking Strategy and Standards

4A.13 Sustainable drainage

There are a number of relevant national policy documents that are relevant to the consideration of this application. These include:

PPS1 Delivering Sustainable Development
PPS3 Housing

The Mayors waste strategy and DEFRA waste strategy 2007 also apply to this development in terms of provision of waste and recycling facilities.

Planning History

Outline planning permission was refused under ref. 05/03103 for 6 three storey four bedroom terraced houses with 12 car parks spaces at 66 and 68 Park Road.

Outline permission was granted under ref. 06/00186 for 6 three storey terraced houses with 12 car parking spaces and vehicular access at 66 and 68 Park Road.

Permission was granted under ref. 07/02520 for the erection of 6 three storey terraced houses with 12 car parking spaces at front and vehicular access at 66 and 68 Park Road. This proposed a change to the 2006 application in terms of the height, external design; the introduction of 6 individual gardens and the inclusion of basements to all dwellings. The footprint of the buildings was to remain the same as previously permitted under ref. 06/00186. The 2007 design, however, incorporated a fully hipped roof which had a height of 10.5m. Units 1 and 6 were designed with a lower hip with a height of 9.6m, which appeared to match that of the previous permitted scheme in terms of the impact on neighbouring properties. In addition, the large flank windows serving the stairwells were omitted from the proposal.

Most recently, planning permission was refused for a three storey block comprising 3 one bedroom and 6 two bedroom flats/maisonettes with accommodation in roof space, 9 car parking spaces, refuse and cycle store at No.66, under ref. 09/03453. A similar scheme was also refused at the adjacent site, No.68 Park Road under ref 09/01432. In these two schemes, the height and bulk of the roofs of the blocks was higher and greater, respectively, than the 2007 terraced housing scheme. The number of units proposed on the site had also intensified from 6 to a total of 18 units set over the two sites.

Conclusions

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

The current proposal is for a reduction in the number of units that were proposed in the previous application (nine). However, the planning permission which was previously granted on this site only allowed for 3 terraced houses on this plot (with an overall development for 6 terraced properties set over the two plots of No's 66 and 68 Park Road). Therefore, the current proposal would still result an intensification of the number of units on the site by the way of a flatted development of 6 units. The size of the site is approximately 0.0927 hectares; therefore the density of the proposed development is approximately 65 units per hectare.

The site is considered to be close to a town centre but not within 10 minutes walking distance, the area is suburban, and the general character of this part of Park Road is considered to consist of mainly of detached and linked houses. Therefore the recommended level of units / hectare specified within policy H7 of the Unitary Development Plan (UDP) is between 30 – 65 units/ha. The development is therefore within the maximum density levels recommended by the Council for such a site as this.

It is the Council's view that the individual characteristics and qualities of an area should be adequately protected and new development should respect and complement this in order to ensure a high standard of residential environment. There are various flatted developments in the vicinity of the site as well as modern terraced townhouses and older detached dwellinghouses. On this basis, it is not considered that the character of the area would be significantly altered by the proposed development.

The siting of the three storey block has been amended slightly since the previous application and the footprint is similar to the approved 2007 scheme of terraced houses. The amended siting now allows a minimum 1 metre side space to the western flank boundary of the site. As the previous approval for the townhouses at this site allowed development to be built right up to the boundary, on balance, this is considered acceptable in terms of visual impact.

In addition, the height of the development has been reduced from what was previously proposed and is now the same as that of the previously approved terraced properties. The roof design also matches the approved scheme with a shallow pitched roof and a lower flat/partly pitched roof adjacent to the boundary with No.64 Park Road. It is therefore considered that the reduced height and bulk is now acceptable in terms of the impact on the daylighting and amenities currently enjoyed by the residents of Number 64 Park Road.

There are high level side windows proposed at first and second floor levels facing No.64, serving kitchens and shower rooms. Given their size it does not appear that the kitchen windows are intended as a means of outlook, therefore a condition requiring that all these windows be obscured glass would be prudent to protect this neighbouring property from being overlooked.

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

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

Background papers referred to during production of this report comprise all correspondence on files refs. 10/01916 and 09/03453, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA02 Details req. pursuant outline permission landscaping
 ACA02R Reason A02
- 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 ACC03 Details of windows
 ACC03R Reason C03
- 6 ACD02 Surface water drainage - no det. submitt
 ADD02R Reason D02
- 7 ACH02 Satisfactory parking - no details submit
 ACH02R Reason H02
- 8 ACH04 Size of parking bays/garages
 ACH04R Reason H04
- 9 ACH15 Grad of parking area or space(s) (2 in) ramp for the first 5.0m
 5% (1 in 20)
 ACH15R Reason H15
- 10 ACH22 Bicycle Parking
 ACH22R Reason H22
- 11 ACH32 Highway Drainage
 ADH32R Reason H32
- 12 ACI12 Obscure glazing (1 insert) in the first and second floor eastern
 elevation
 ACI12R I12 reason (1 insert) BE1 and H7
- 13 ACI21 Secured By Design
 ACI21R I21 reason
- 14 A minimum side space of 1 metre shall be provided between the western flank
 wall of the building hereby permitted and the flank boundary of the site.

ACI09R Reason I09

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
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- H1 Housing Supply
- H7 Housing Density and design
- H9 Side Space
- NE7 Development and Trees
- T3 Parking
- T5 Access for people with restricted mobility
- T6 Pedestrians
- T7 Cyclists
- T15 Traffic management
- T18 Road Safety

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 privacy of occupiers of adjacent and nearby properties
- (g) the safety of pedestrians and motorists on the adjacent highway
- (h) the housing policies of the development plan
- (i) the transport policies of the development plan
- (j) the urban design policies of the development plan
- (k) the provision of satisfactory living accommodation for future residents of the flats
- (l) the neighbours concerns raised during the consultation process

and having regard to all other matter raised.

INFORMATIVE(S)

- | | | |
|---|-------|---|
| 1 | RDI03 | Seek engineering advice |
| 2 | RDI07 | 1 metre side space (general) |
| 3 | RDI10 | Consult Land Charges/Street Numbering |
| 4 | RDI21 | Seek Building Control advice re. demolition |
| 5 | RDI30 | Obscure Glazing |

6 RD129 EHO – Contact Pollution Team

7 If during any works on site suspected contamination is encountered which has not been previously identified, Environmental Health should be contacted immediately. The additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.

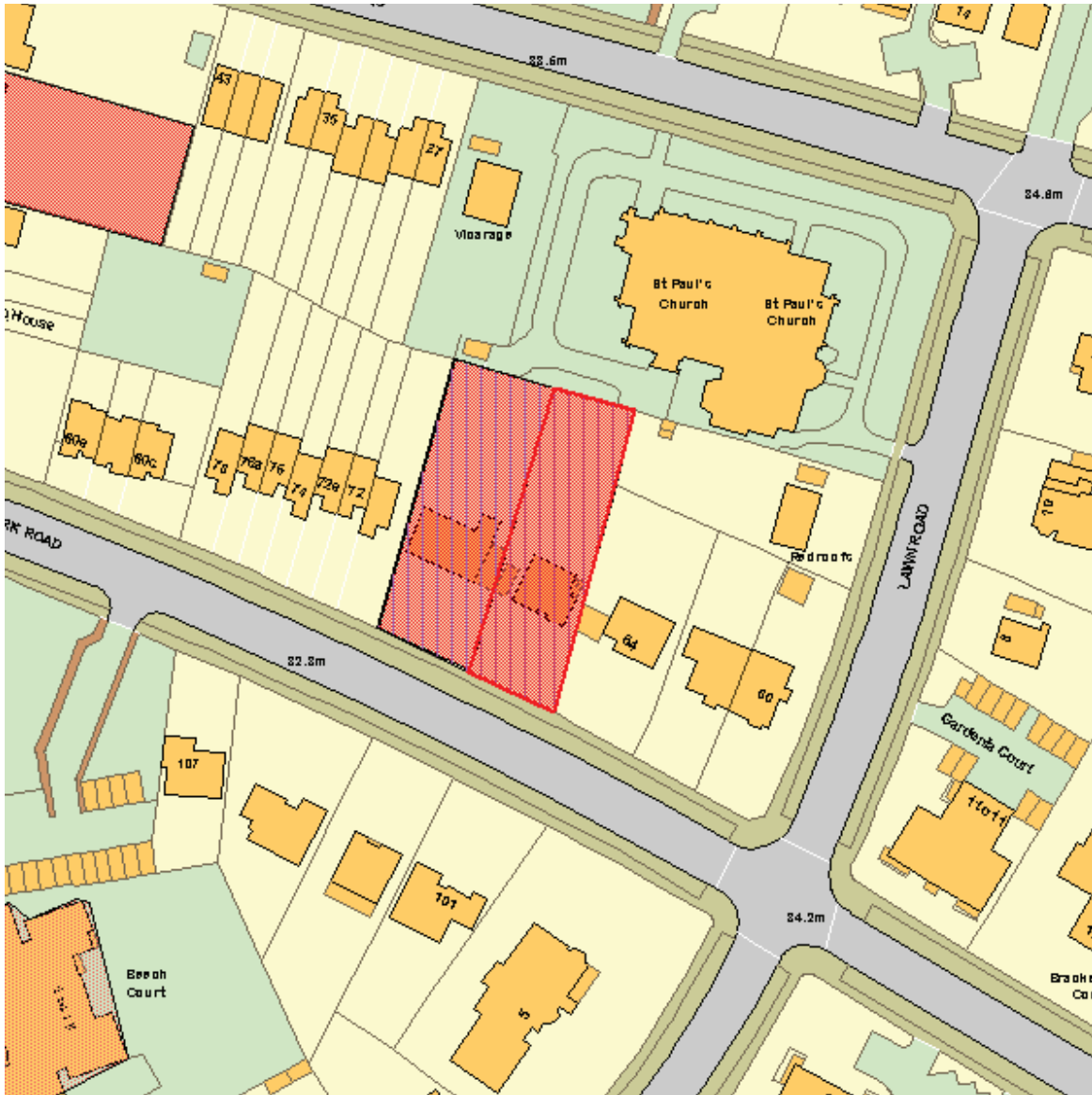
8 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving 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: 10/01916/OUT

Address: 66 Park Road Beckenham BR3 1QH

Proposal: Construction of three storey block to provide 6 two bedroom flats with underground and forecourt parking for 7 cars and associated cycle and refuse stores.



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SECTION '3' – Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 10/02002/FULL6

Ward:
Bromley Common And
Keston

Address : 80 Bromley Common Bromley BR2 9PF

OS Grid Ref: E: 541499 N: 167769

Applicant : Mr F Griffiths

Objections : YES

Description of Development:

Two storey rear extension with accommodation in roof space. Attached single storey garage and summerhouse and new roof over existing single storey side extension.

Key designations:

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

Proposal

The development proposes the construction of a two storey rear extension to accommodate a new family dining area at ground floor and 2 new en-suite bedrooms at first floor. Accommodation within the roof space is also proposed.

The existing attached single storey garage and the detached potting shed and store are to be rebuilt and increased in size as part of the proposal. A new roof is also proposed on the existing single storey side extension located towards the boundary with No.82.

Following concerns raised regarding the height and design of the rear extension amended plans were submitted indicating a new roof design for the rear extension and the omission of the roof lantern.

Location

The application site comprises of an existing detached dwelling fronting the busy Bromley Common A21 which is a main red route towards Bromley Town Centre and is located towards the south west of Bromley Common. The property is currently being refurbished internally and during this process the existing garage and potting shed have been demolished.

The property has an existing large rear garden which adjoins the boundary with existing Green Belt land. The site has existing vehicular and pedestrian access from Bromley Common. Opposite the site there are two and three storey Victorian/Edwardian semi detached dwellings converted into apartments. There are also some contemporary small apartment blocks, a church and a petrol filling station and car showroom. The road frontage has several small road junctions which lead to small Victorian terraced dwellings.

The site is very accessible by public transport being within walking distance of Bromley South railway station with bus stops located close by on Bromley Common with frequent bus services into the town centre and beyond.

Comments from Local Residents

The comments received are summarised below:

- the proposal would result in loss of light, outlook and privacy.
- the boundary line indicated on the plans appears to be inaccurate.

The full text of this correspondence is available to view on file.

Planning Considerations

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

BE1 General Design
H8 Residential Extensions
H9 Side Space

Planning History

There is no relevant planning history for this site.

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

Policies BE1, H8 and H9 draw 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.

It is considered that the proposed extension would not on balance impact significantly on the amenities of neighbouring residents due to the distance from the boundary, the orientation of the site, existing boundary screening and vegetation and the location of existing buildings at adjacent properties. The application site has a large rear garden area and as a result of the proposals existing outbuildings which were in a poor condition have been replaced and improved. Due to the location of existing buildings it is considered on balance that the proposal does not result in any significant increase in the overall footprint, scale or bulk of the dwelling. The proposed garage and outbuildings are of a similar height to those which existed previously and are also similar in height to the existing garage building at the adjacent property.

The proposed development is not considered to result in any significant decrease in spatial standards as the footprint of the outbuildings maintains the existing separation between the flank elevation and adjacent boundaries. The accommodation within the roof space is incorporated within the roof area of the two storey rear extension with the provision of rooflights to the flank elevations.

Members may therefore agree that this proposal is acceptable and would not result in a detrimental impact on the residential amenities of neighbouring properties nor impact detrimentally on the character of the area or the street scene generally.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/02002, excluding exempt information.

as amended by documents received on 12.08.2010

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | | |
|---|--------|--|---|
| 1 | ACA01 | Commencement of development within 3 years | |
| | ACA01R | A01 Reason 3 years | |
| 2 | ACC04 | Matching materials | |
| | ACC04R | Reason C04 | |
| 3 | ACI11 | Obscure glaz'g/details of opening (1 in) | in the north-west and south-east elevations |
| | ACI11R | Reason I11 (1 insert) | BE1 and H8 |

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

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;

and having regard to all other matters raised.

Reference: 10/02002/FULL6

Address: 80 Bromley Common Bromley BR2 9PF

Proposal: Two storey rear extension with accommodation in roof space. Attached single storey garage and summerhouse and new roof over existing single storey side extension.



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SECTION '3' – Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 10/02033/FULL1

Ward:
Petts Wood And Knoll

Address : 101 Queensway Petts Wood Orpington
BR5 1DQ

OS Grid Ref: E: 544296 N: 167580

Applicant : Mr S Gurdere

Objections : YES

Description of Development:

Single storey rear extension to provide additional ground floor retail space.

Key designations:

Primary Shopping Frontage

Proposal

This application seeks permission for a single storey rear extension to an existing commercial premises to the rear of Queensway. The single storey rear extension projects approximately 16 metres to the rear of the existing shop.

Two car parking spaces are provided to the rear of the single storey extension.

Location

The application site is an existing commercial premises with storage and an office to the rear at ground floor level, and a one bedroom flat above at first floor. A detached single storey storage building exists in the rear service yard. The residential unit is accessed from an external stairway at the rear. To the south east at 99 Queensway is a similarly laid out commercial premises with a residential property above, which includes a rear private amenity area for the flat at first floor level. There is a detached car repair workshop to the rear of 99. At 103 there is a commercial premises with flat above, and a large detached building to the rear providing ancillary facilities.

Comments from Local Residents

A number of objections have been received which are summarised below:

- proposal is an overdevelopment of the site
- refuse storage is not shown and existing problems could be compounded
- no parking is provided for new flats and this could impact upon neighbours

Comments from Consultees

The Highways Engineer raises no objection.

Thames Water have no objection to the proposal; neither does the Council's Drainage section

Cleansing has no objection.

Planning Considerations

The proposal falls to be considered with regard to Policies BE1 and S6 of the Unitary Development Plan regarding design and retail development.

Planning History

The site has been the subject of a number of previous proposals all of which were refused and dismissed at appeal recently. The Inspector made a number of relevant comments in dismissing the appeal. In particular he was concerned regarding overlooking and loss of privacy from a walkway which was proposed above a previous single storey rear extension similar to this application. However, he considered that the principle of a single storey extension of this size was acceptable.

The applicant has made reference to a number of sites in the locality which have been granted planning permission and have some similarities to this site. Primarily these are 61, 103 and 105, 123, 109-111, and 129 Queensway and planning permission exists for development on all of these sites. This matter is discussed further in the Planning Considerations section below.

Conclusions

The primary issues in this case are whether the development is acceptable in terms of its impact upon nearby residents, and whether the design suitably reflects the character of the area, both with regard to Policy BE1 of the UDP.

It proposes a significant rearward projection at ground floor level of around 16 metres. The overall design and appearance of the single storey extension is not considered to be significantly harmful to the character of the area, however although it does leave a limited external parking and servicing area at the rear of the site, there are no

technical objections to this. With regard to the additional shop floorspace, there is no conflict with Policy S6 of the UDP.

Although there is permission for two/three storey development at 103 Queensway, this has a road frontage to Woodhurst Avenue and is not directly comparable with this scheme. In particular a substantial parking and refuse area is provided at the rear of the site in that case. The development permitted at 105 and 129 Queensway is comparable to that at 103 and therefore also different from this site for the same reasons. The extensions allowed at appeal at 61 Queensway are more similar to the revised scheme now proposed here, however the ground floor element was considerably smaller.

Notwithstanding comparisons with the other planning permissions within this area, this scheme must be considered on its merits with regard to the relevant UDP policies. The area to the rear of Queensway has experienced a variety of types of development over time and there is no readily identifiable character. The Inspector only raised one issue with regard to a similar proposal in the previous appeal and this was the harm caused by the walkway proposed to gain entry to the residential property above the existing shop. This does not feature in this proposal and a condition can be applied to prevent such a development and indeed any use of the flat roof.

On balance the proposal will have a minimal impact upon the amenities of adjoining properties and for the reasons set out above, the proposal is considered acceptable, subject to safeguarding conditions to prevent the use of the flat roof.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
ACA01R A01 Reason 3 years
- 2 The flat roof area of the extension hereby permitted shall not be used for any purpose including sitting out, access to other premises or storage. There shall be no access to the roof unless for essential maintenance purposes and no additional doors or windows shall be inserted in the rear elevation of the existing building so as to gain access to the roof.

Reason: In the interests of the amenities of adjacent residential properties and to comply with Policy BE1 of the Unitary Development Plan.

- 3 The additional floorspace shall only be used in conjunction with the existing retail premises at 101 Queensway and shall at no time be used for any purposes unassociated with the retail shop.

Reason: To prevent an overintensive use of this site which could result in harm to residential amenities and the character of the area and to comply with Policy BE1 of the Unitary Development Plan.

- 4 ACC07 Materials as set out in application
ACC07R Reason C07

- | | | |
|---|--------|---|
| 5 | ACH03 | Satisfactory parking - full application |
| | ACH03R | Reason H03 |
| 6 | ACK03 | No equipment on roof |
| | ACK03R | K03 reason |
| 7 | ACK19 | No air conditioning |
| | ADK19R | Reason K19 |
| 8 | AJ02B | Justification UNIQUE reason OTHER apps |

Policies (UDP)

BE1 Design of New Development

S6 Retail and Leisure Development - existing centres

Reference: 10/02033/FULL1

Address: 101 Queensway Petts Wood Orpington BR5 1DQ

Proposal: Single storey rear extension to provide additional ground floor retail space.



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SECTION '4' – Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 10/02034/FULL1

Ward:
Petts Wood And Knoll

Address : 101 Queensway Petts Wood Orpington
BR5 1DQ

OS Grid Ref: E: 544296 N: 167580

Applicant : Mr S Gurdere

Objections : YES

Description of Development:

Part one/part two storey rear extension to provide 1 one bedroom flat and additional ground floor retail space.

Key designations:

Primary Shopping Frontage

Proposal

This application seeks permission for a part one / part two storey rear extension with a second floor of accommodation within the roofspace to an existing commercial premises to the rear of Queensway. The two/three storey element now projects 8 metres from the rear of the existing first floor and the overall height matches that of the existing building. The roof is set out with a gable facing to the rear and is joined to the existing hipped roof of the building, and velux windows are provided to each slope. An access to the proposed flat is located to the south eastern side of the extension with stairs from a side entrance door and a small walkway. A window in the side elevation facing 99a Queensway is proposed to be shielded with an obscured screen.

Two car parking spaces are provided to the rear of the single storey element of the extension and access stairs are provided to the side of this element alongside the two/three storey extension with access gained to the flat in the southeastern elevation from a walkway at first floor level. A privacy screen is proposed alongside the private amenity area of 99 adjacent to the main window to the new flat.

Location

The application site is an existing commercial premises with storage and an office to the rear at ground floor level, and a one bedroom flat above at first floor. A detached single storey storage building exists in the rear service yard. The residential unit is accessed from an external stairway at the rear. To the south east at 99 Queensway is a similarly laid out commercial premises with a residential property above, which includes a rear private amenity area for the flat at first floor level. There is a detached car repair workshop to the rear of 99. At 103 there is a commercial premises with flat above, and a large detached building to the rear providing ancillary facilities.

Comments from Local Residents

A number of local objections have been received, which can be summarised as follows:

- extension would be overdominant, intrusive and result in loss of light
- views over surrounding properties will occur from the extension and stairway / walkway and new windows
- no details of privacy screen
- proposal does not overcome the Inspector's reasons for dismissing previous appeals
- overlooking into rear bedroom window of 99a will occur from front door and walkway
- additional occupiers will increase congestion and parking problems in the area

Comments from Consultees

The Highways Engineer raises no objection.

Thames Water have no objection to the proposal; neither does the Council's Drainage section

Cleansing has no objection.

Planning Considerations

The proposal falls to be considered with regard to Policies BE1 and H7 of the Unitary Development Plan regarding Design and Housing. Policy S6 regarding retail development is also relevant to the shop extension proposed.

Planning History

The site has been the subject of a number of previous proposals all of which were refused and dismissed at appeal recently. The Inspector made a number of relevant comments in dismissing the appeal. In particular he was concerned regarding overlooking and loss of privacy from a walkway which was proposed above a previous single storey rear extension similar to this application. However, he considered that

the principle of a single storey extension of this size was acceptable. In dismissing an appeal for a similar scheme which comprised the rear extension to the shop and one flat above, the Inspector concluded on design issues as follows:

"Given the existing character and appearance of the area the scale of the proposed extension would be more modest and would be compatible with other developments in the same row. Also, taking account of the prevailing character and appearance of the area, I consider that a two storey rear extension at a scale similar to that proposed could be successfully achieved at the appeal property.

However, I consider that the proposal does not represent such a development. My main concern relates to the proposed roof design. The proposal would have a gable at each end. In my judgement the proposed roof treatment adjacent to the existing roof would be contrived and would result in a jarring relationship at odds with its context. Consequently, the proposal would not relate well to the host building. I agree with the Council that the proposal would not cause severe harm. However, contrary to the clear advice contained within Planning Policy Statement 3 (PPS 3) – Housing, the design would be inappropriate in its context and would fail to take the opportunity available for improving the character and the quality of the area."

With regard to the impact on neighbouring properties, the Inspector concluded as follows:

"I note that for Appeal C, there would only be one first floor window facing toward No. 99 and this would be screened. However, similar to the arrangement for Appeals A and B, someone in the roof accommodation bedroom would have views towards the neighbouring properties. Thus again, this proposal would result in an unacceptable degree of overlooking of the first floor flat at No. 99." and;

"However, as for the other appeals I also have a concern about the fact that residents using the stairs down from the first floor to the rear access road would be able to look into the kitchen window at No. 1 Woodhurst Avenue. Again, I consider that this level of overlooking would be unacceptable and it would not be possible to resolve this matter by the imposition of a condition without substantially changing the proposed development. Thus the proposal would have a significant adverse impact on the living conditions of the occupants of this property and this fact outweighs my finding that this particular proposal would not have an adverse impact on the character and appearance of the area."

The applicant has made reference to a number of sites in the locality which have been granted planning permission and have some similarities to this site. Primarily these are 61, 103 and 105, 123, 109-111, and 129 Queensway and planning permission

exists for development on all of these sites. This matter is discussed further in the Planning Considerations section below.

Conclusions

The primary issues in this case are whether the development is acceptable in terms of its impact upon nearby residents, and whether the design suitably reflects the character of the area, both with regard to Policies BE1 and H7 of the UDP.

The reduced scheme does retain a significant rearward projection at ground floor level, although this is limited to 8m at first and second floor level for the residential element. With regard to the single storey element, this is not considered to be significantly harmful to the character or amenities of the area, although it does leave a limited external parking and servicing area at the rear of the site, there are no technical objections to this. With regard to the additional shop floorspace, there is no conflict with Policy S6 of the UDP.

With regard to the residential accommodation proposed above, the design and layout of this is restricted by the constraints of the site. It is not possible to provide windows in the northwestern elevation as this faces the recently permitted development at 103. To the northeast a large window is provided but is shown to be screened to prevent overlooking over the rear amenity area at 99 Queensway. Skylight windows are provided for the second floor accommodation. The layout of the development means that any future occupiers will benefit from limited light and prospect.

With regard to the concerns raised by the Inspector regarding the impact upon 1 Woodhurst Avenue, this proposal would not appear to have addressed those concerns, since overlooking will still occur from the access staircase towards that property and from the windows in the rear elevation at first floor level and above.

The first/second floor extension will have an impact upon neighbouring residential properties at 99 Queensway and to a limited extent its neighbours beyond in the form of loss of lighting and prospect, however given the orientation of the property and the design of the proposal, and the Inspector's comments on this matter, this may be considered acceptable.

Although there is permission for two/three storey development at 103 Queensway, this has a road frontage to Woodhurst Avenue and is not directly comparable with this scheme. In particular a substantial parking and refuse area is provided at the rear of the site in that case. The development permitted at 105 and 129 Queensway is comparable to that at 103 and therefore also different from this site for the same reasons. The extensions allowed at appeal at 61 Queensway are more similar to the revised scheme now proposed here, however the ground floor element was considerably smaller, there was no second floor of accommodation proposed, and the roof was subservient in comparison to the main building.

Notwithstanding comparisons with the other planning permissions within this area, this scheme must be considered on its merits with regard to the relevant UDP policies. On balance, the improved roof design has overcome the Inspector's concerns regarding the character and appearance of the development, however there remains concerns about overlooking from the stairs, walkway and front door over both residential properties to the rear and the side.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The proposed two storey rear element of the development, by reason of its design and layout, would give rise to an unacceptable degree of overlooking to residential properties to the side and rear of the site, therefore contrary to Policies BE1 and H7 of the Unitary Development Plan.

Reference: 10/02034/FULL1

Address: 101 Queensway Petts Wood Orpington BR5 1DQ

Proposal: Part one/part two storey rear extension to provide 1 one bedroom flat and additional ground floor retail space.



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SECTION '4' – Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 10/02059/FULL2

Ward:
Darwin

Address : Archies Stables Cudham Lane North
Cudham Sevenoaks TN14 7QT

OS Grid Ref: E: 544557 N: 160989

Applicant : Charmaine Moore

Objections : YES

Description of Development:

Change of use of land from equestrian to gypsy and traveller caravan site comprising 1 pitch accommodating one mobile home and one touring caravan, together with additional hardstanding area, concrete post and timber panelled fence (max height 1.98m) steel gates (max height 1.98m) detached shed, lamp post and utility room.
RETROSPECTIVE APPLICATION

Key designations:

Special Advertisement Control Area
Green Belt

Proposal

- Retrospective permission is sought for the change of use of an equestrian site to a gypsy and traveller caravan site
- The application site incorporates 1 pitch accommodating one mobile home measuring 3.6m x 9.7m and a touring caravan measuring 1.8m x 5.4m which have been located adjacent to the southern site boundary, together with an enlarged tarmac hardstanding area located mainly within the eastern side of the site
- The application also includes concrete post and timber panelled fencing (max height 1.98m) which have been installed adjacent to the northern and southern site boundaries up to approximately mid-way along the site, and steel gates (max height 1.98m) within the site entrance
- In addition a detached timber shed has been installed measuring approximately 1.2m x 2.0m to the east of the mobile home, although the application proposes

to replace this with a utility room to be built around an existing (authorised) toilet building which would measure 4.2m x 3.2m, which has not been built. A lamp post has also been erected toward the southern site boundary which measures approximately 2.2m in height.

- Various submissions have been provided by the applicant in support of the application and the Gipsy and Traveller status of the applicant, including a Design & Access Statement, photographs, statements and education and medical records which are available to view in the application file.

Location

The application site is situated within the Metropolitan Green Belt and is approximately 0.25 hectares in area, with a 25.8 metre wide frontage to Cudham Lane North. The Shaws Girl Guide camp site adjoins southern site boundary whilst the area to the north is occupied by protected woodland. The surrounding area is generally open and rural in character.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and a number of representations were received from a wide area which are summarised as follows:

- national, regional and local planning policy are consistent in acknowledging that the stationing of residential caravans and related structures constitutes inappropriate development within the Green Belt
- the land was acquired in the full knowledge of the planning position concerning the site. An application to relax a condition attached to the original permission specifically precluding the stationing of caravans was refused. The Inspector found that any additional structures or uses would be incompatible with this Green Belt location
- no justification provided by applicant to warrant relaxation of Green Belt policy
- applicant agreed to restrictive conditions originally placed on the site which specifically precluded stationing of a caravan
- unfair that the applicants can remain on the site without permission
- inappropriate form of development harmful to the open and rural character of the area
- development is out of character with the area
- visually intrusive
- site has been progressively altered
- proposal will lead to increased traffic flows
- entrance gates contravene planning rules
- planning regulations have been abused and flouted
- doubtful whether land has ever been used for equestrian purposes
- similar parcels of land exist in the area and if this application is not refused, and this could set a worrying precedent
- concern regarding proximity of development to Girlguiding site

Comments from Consultees

Concerns have been raised by the Highways Engineers in regard to the impact that the development has on road safety and on the free flow of traffic along the adjoining highway. This is with particular regard to the suitability of the access which was designed for the authorised horse-related use.

Planning Considerations

The application falls to be determined in accordance with the following policies:

- BE1 Design of New Development
- G1 The Green Belt
- H6 Gypsies and Travelling Showpeople
- T18 Road Safety

Existing London Plan Policy 3A.14 London's travellers and gypsies states that Boroughs should, in co-ordination with neighbouring boroughs and districts, assess the accommodation needs of gypsies and travellers and review the pitch capacity of each borough.

The revised London Plan is currently in draft with a minor amendment (23rd March) requiring that Bromley provide 17 pitches between 2007 and 2017. Following the removal of a number of targets from the London Plan a further amendment is anticipated this autumn which may remove the target altogether.

PPG2 : Green Belts and ODPM Circular 01/2006 entitled 'Planning for Gypsy and Traveller Caravan Sites' are both relevant.

A London-wide Gypsy and Traveller Needs Assessment (GTANA) was published in March 2008 by Fordham Research which provided a background for the London Plan housing targets.

Trees comments

Although the proposal does not directly affect trees, the land to the north is covered by woodland TPO. The trees are semi mature but concern is raised in relation to their proximity to the caravan, mobile home, shed and utility room. These structures could not withstand falling branches and whilst there is not an imminent risk of branch failure this would need to be borne in mind if permission is being considered.

Planning History

There is a comprehensive planning history associated with the site since 2008 which is summarised below:

1. In May 2008 planning permission was granted (under application ref: 08/00559) for a change of use of the site from agricultural land to the keeping of a horse and for the retention of a newly created access and hardstanding. The applicant indicated, in a supporting statement, that the site would be used by her daughter to practice riding her horse and, in addition, enclosed a photograph of a horse box stating that this would only be going to the land once or twice a year for shows.

2. Under a subsequent application approved in November 2008 (ref: 08/03254), planning permission was granted for a stable and a store room and hardstanding area for horsebox and trailer parking. This application was submitted in relation to the equestrian use of the site which had been granted 6 months prior. Planning permission was also granted for a detached WC building in December 2009 (under ref. 09/02833) to be used by the applicant and her children when visiting the site.

3. In April 2009 the applicant appealed against the refusal to remove Condition 12 of application ref: 08/03254 which restricted uses within the site, including the stationing or storage of a caravan or caravans (including for the setting up or preparation for such uses or activities) at any time. The Planning Inspector considered the condition to be justified and dismissed the appeal in August 2009. The Inspector commented "I consider that the use of the Land as it has been permitted by the Council represents its maximum capacity as an acceptable enterprise within the green belt.....To add to its intensification of its use for up to 28 days a year would be materially harmful to the openness of the area, and its character and appearance, in breach of the relevant policies of the UDP".

4. In April 2010 the Council refused a further application which sought to vary the above planning condition in order to permit the stationing of a caravan on the site. During the course of the application, the applicant was invited to submit details relating to the type and size of caravan to be installed within the site but declined to do so, claiming that she did not know what type of caravan would be installed. The applicant explained that she sought to vary the condition should she wish to place a caravan on the site at a later date. A further application for an additional storage building was refused by the Council in June 2010 (ref: 10/00834) on the basis that this was not considered necessary to facilitate equestrian activities on the site and that this would result in a disproportionate level of site coverage by buildings, thereby representing an undesirable intensification of development in the Green Belt.

A request for an injunction issued by the Council for the unauthorised development to be removed is currently being considered by the Courts. Enforcement action concerning the removal of this unauthorised development has also been sanctioned.

Conclusions

The main issues for consideration concern what, if any, harm is caused to the Green Belt by reason of this form of development; the effect of this development on the character and openness of the Green Belt; and whether there are mitigating circumstances relating to the applicant's personal circumstances which outweigh any identifiable harm to the Green Belt, justified by way of very special circumstances.

The use of the land for residential purposes as a gipsy and traveller site constitutes an inappropriate form of development, as defined by PPG2 – Green Belts. Paragraph 1.4 of PPG2 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the most important attribute of Green Belts is their openness. In particular, the stationing of a mobile home and caravan on the site represents a form of development which conflicts with the objectives of national and local planning policy, and does not constitute an appropriate use as defined by Green Belt policy.

In this case it is considered that the development which has taken place has significantly altered the appearance of the site, which has also resulted in actual harm to the character and openness of the Green Belt. The stationing of the mobile home and caravan has served to erode the open character of the site (for which planning permission has been granted to use for equestrian purposes). This harm is compounded by the additional installations which have been erected, including the extended hardstanding area, concrete posts and timber panelled fencing along the northern and southern boundaries and the steel entrance gates. Collectively, these unauthorised installations result in an intensive and urbanised form of development, significantly out of character with the wider area and prominent from Cudham Lane North and from views from the surrounding field to the south. Within a wider context the development undermines the open landscape character, particularly to the south of Cudham Lane North which is much devoid of built development.

Of relevance, during the course of an appeal in 2009 a Planning Inspector considered that:

“the use of the Land as it has been permitted by the Council represents its maximum capacity as an acceptable enterprise within the green belt.....To add to its intensification of its use for up to 28 days a year would be materially harmful to the openness of the area, and its character and appearance, in breach of the relevant policies of the UDP”.

A number of documents have been submitted within the application supporting the case that the applicant has pursued a Romany gypsy lifestyle, has an aversion to bricks and mortar and that she has resided within a caravan parked on a drive way of her house for a number of years.

Policy H6 of the UDP states that the Council will ensure the continued provision of existing sites and sets out the criteria for new gypsy traveller sites. Circular 1/2006 requires local authorities to “allocate sufficient sites for gypsies & travellers, in terms of the number of pitches required by the RSS” (in Bromley’s case the London Plan). The number of pitches required by the RSS is currently under discussion. The London Plan is currently in draft with a minor amendment (23rd March 2010) requiring that Bromley provide 17 pitches between 2007 and 2017. Following the removal of a number of targets from the London Plan a further amendment is anticipated this autumn which this may remove the target altogether. Within Bromley there are already

a number of pitches with temporary permission up to 2014/2015 which currently contribute towards the 2017 target, which in any event may be scrapped.

There is no evidence to suggest that the applicant has considered or investigated any other location or has sought to obtain a suitable traveller pitch, or that the applicant is on any waiting list for any site in or outside the Borough. It appears to be the case that the applicant has lived in caravans parked on the drive of her home, and that she has been asked to remove these vehicles by her housing association over a period of several years. It is clear that the applicant has had adequate time in which to register for a lawful pitch outside an area of constraint. Since 2008 the applicant had submitted numerous applications in connection with the equestrian use of the site without reference to her gipsy/traveller status or to seek to alter its status to a gipsy/traveller pitch. Enquiries made to the Council's gipsy liaison officer indicate that it is likely that a pitch on a Council site could be available to the applicant in a short timescale so as to enable a move to a lawful pitch.

The applicant has put forward some information regarding personal and medical circumstances; however these do not appear to be overriding very special circumstances. From the supporting documents it appears that the children are schooled in St Paul's Cray and this location is a considerable distance from that facility. Furthermore, notwithstanding normal Green Belt considerations, it is not considered that the application site provides a viable or sustainable site to accommodate a gipsy/traveller pitch given the circumstances. The site is located within remote area whose Public Transport Accessibility Rating has been classified as low and is devoid of a pedestrian footpath and a scheduled bus service to provide a connection to local shops and services. With regard to the issue of need this site would not be considered a suitable location to meet any identified need in any case, given its sensitive rural location.

Taking the above factors into account it is not considered that the applicant has demonstrated very special circumstances that would outweigh the identified harm which has been caused to the character and appearance of the Green Belt, nor is it considered that these circumstances justify permitting this inappropriate form of development as a departure to local and national planning policy.

Consideration has been given to the Human Rights Act 1998 and the appropriate Convention Rights. Officers are satisfied that these rights will not be breached or alternatively any breach is justified under the doctrine of proportionality.

Background papers referred to during production of this report comprise all correspondence on files refs. 08/00559, 08/01950, 08/03254, 09/02833, 10/00192, 10/00834 and 10/02059, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

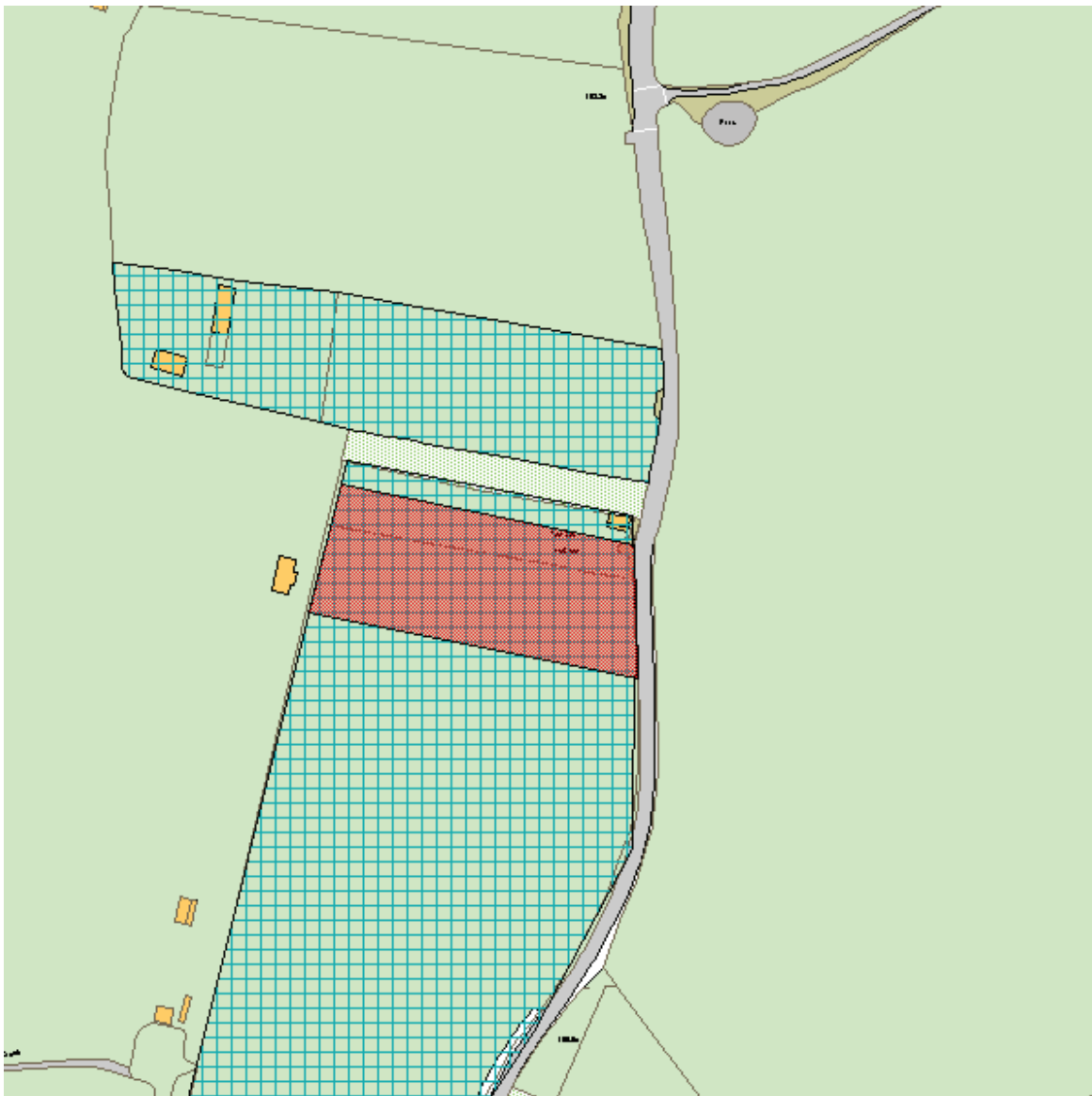
The reasons for refusal are:

- 1 The proposal constitutes an undesirable form of urbanised development located in the Green Belt wherein there is a general presumption against inappropriate development, and no very special circumstances have been demonstrated to justify making an exception to Policy G1 and H6 of the Unitary Development Plan and Planning Policy Guidance Note 2 'Green Belts'.
- 2 The continued residential occupation of this site and the stationing of caravans will cause unacceptable visual harm to the character and appearance of the area and undermine the openness and character of the Green Belt, therefore contrary to Policies G1 and BE1 of the Unitary Development Plan and PPG2.
- 3 The additional hardstanding, boundary fencing and entrance gate detract from the visual amenities and openness of this rural and open area, by reason of their prominent siting, unsympathetic materials excessive height and unsympathetic design, contrary to Policies BE1 and G1 of the Unitary Development Plan.
- 4 In the absence of information to the contrary, the means of vehicular access is unsuitable for larger vehicles/trailers manoeuvring on to the site and is prejudicial to the free flow of traffic and general conditions of safety within the highway, contrary to Policy T18 of the Unitary Development Plan.

Reference: 10/02059/FULL2

Address: Archies Stables Cudham Lane North Cudham Sevenoaks TN14 7QT

Proposal: Change of use of land from equestrian to gypsy and traveller caravan site comprising 1 pitch accommodating one mobile home and one touring caravan, together with additional hardstanding area, concrete post and timber panelled fence (max height 1.98m) steel gates (max height 1.98m) detached shed, lamp post and utility room. RETROSPECTIVE APPLICATION



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SECTION '4' – Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 10/02104/VAR

Ward:
Bromley Town

Address : 205 High Street Bromley BR1 1NY

OS Grid Ref: E: 540139 N: 169416

Applicant : J D Wetherspoon PLC

Objections : YES

Description of Development:

Variation of Condition 2 of permission 10/01408 granted for use of ground floor as a drinking establishment (Use Class A4) to permit opening hours from 09.00am to 00.30am, Sundays to Wednesdays inclusive and 09.00am to 01.30am Thursday to Saturday inclusive.

Key designations:

Conservation Area: Bromley Town Centre
London Distributor Roads
Secondary Shopping Frontage

Proposal

The proposal is for the variation of condition 2 of permission 10/01408 granted for use of ground floor as a drinking establishment (Use Class A4) to permit opening hours from 09.00am to 00.30am, Sundays to Wednesdays inclusive and 09.00am to 01.30am Thursday to Saturday inclusive.

Location

The application site is located in the Bromley Town Centre Conservation Area within the Bromley North Village.

The site is around 0.08 hectares and consists of a three storey building with an existing decking and terrace area to the rear fronting Walters Yard. The building is set back from the frontage line of the High Street thus creating the small open seating area in front of the principal elevation.

The surrounding area is predominantly of a uniform traditional high street frontage of narrow individual properties with retail accommodation at street level and a mixture of office and storage space above.

Comments from Local Residents

The comments received are summarised below:

- the proposal would result in increased noise and disturbance to surrounding residents
- the proposal would result in an increase in crime, violence and drunken behaviour in the area
- the proposal would result in damage to surrounding properties as a result of drunken crime and disorder
- there are already enough public houses in this locality and this would stretch the police resources even further
- the opening hours are not in line with other similar premises within the vicinity and would result in a drastic change to the local environment
- this would encourage binge drinking and result in increased criminal activity
- this would continue to result in parts of the town becoming no go areas at night

The full text of this correspondence is available to view on file.

Comments from Consultees

From a highway planning perspective, no technical objections are raised.

From a Metropolitan Police point of view, the area currently suffers from late night disturbances and a range of anti social activities. In and around the licensed premises in this area there have been 34 reported criminal offences and 1 murder. Whilst there have been no reported offences at the application site this is due to the fact that the premises has been closed for some time. These figures do not include all recorded calls to police to deal with public nuisance nor do they include incidents patrolling officers come across directly. The proposal would therefore result in a potential increase in crime and disorder in the locality.

Planning Considerations

The application falls to be determined in accordance with S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that conservation area. The proposal therefore falls to be considered primarily with regard to the following policies:

- BE1 General Design
- BE11 Conservation Areas

- T1 Transport Demand
- T3 Parking
- S9 Food and Drink Premises
- S10 Non Retail Uses In Shopping Areas

London Plan

- 3A.3 Maximising the Potential Of Sites
- 4A.3 Sustainable Design and Construction
- 4A.20 Reducing Noise and enhancing Townscapes

- 4B.1 Design principles for a compact city
- 4B.8 Respect local context and communities

PPS 24 and PPS4 are also of relevance.

Planning History

Under application ref. 08/01672, planning permission was granted on 11th September 2008 for a three storey side extension, single storey side and rear extension with roof terrace above. Dormers with accommodation in roof. Erection of balconies/terraces at front, side and rear and conversion of public house (Class A4) to restaurant (Class A3) at ground floor/5 two bedroom and 1 one bedroom flats on upper floors.

Under application ref. 10/00186, planning permission was granted for an amendment to planning permission ref. 08/01672 to include new bin and bicycle stores, omission of recessed rear access from Walters Yard, elevational alterations to front and rear, omission of balconies from front elevation, extended first floor roof terraces, relocation of roof lights on first floor and new steel balustrade to first floor terrace area. This application was approved on the 19th April 2010.

Under application ref. 10/01408, planning permission was granted on the 17th May 2010 for the change of use of the ground floor from a restaurant to a drinking establishment.

Conclusions

The main issues to consider in this application are the impact of the proposal on the character of the area, the existing vitality and viability of this part of the town centre and the potential impact to surrounding residential properties, particularly with regard to increased noise and disturbance.

Whilst it is acknowledged that town centres need to provide a high quality and safe environment if they are to remain attractive and competitive as stated in PPS4, it is also necessary to consider the scale of leisure developments and their potential impact. As PPS4 states, "the cumulative impact on the character and function of the

centre, anti-social behaviour, crime and the amenities of local residents” are all matters which would need to be considered carefully.

Policy BE1 contained within the Unitary Development Plan also stipulates that development should respect the amenity of the occupiers of the neighbouring buildings and those of future occupants and ensure their environments are not harmed by noise and disturbance.

Policy S9 highlights the need to ensure that any proposed change of use to a restaurant or drinking establishment does not have an adverse impact on surrounding residents by way of increased noise and disturbance. Whilst it is acknowledged that the use of the premises for a public house has already been formally approved the opening hours were restricted by an appropriately worded planning condition. This condition ensured that the use did not result in significant late night noise and disturbance to surrounding residential properties.

It is considered that the additional opening hours may exacerbate problems of late night noise and disturbance compounded by the reduction in the level of public transport after midnight. It may be considered by Members that the combination of these features would be seriously detrimental to the amenities of residential neighbourhoods and the character of the town centre.

It would appear that the evening economy comes to an end at around midnight in this locality. This is not surprising as it is in accordance with the planning permissions granted and the licences issued. These in themselves follow the national advice in PPS1 and PPS4 and Development Plan policy.

In July 2006 at an appeal to vary the opening hours of the public house located close to the application site at 196 – 198 High Street (until 2am), the Inspector concluded that the extension of late night opening hours would have a harmful effect on the living conditions and amenities of local residents. He also concluded that the hours would not make the surrounding area a better or safer place to live nor preserve or enhance the conservation area.

It is therefore considered that the noise and disturbance generated by the increased opening hours late into the evening would be likely to have an adverse effect upon the residential amenities of the occupants of flats above the premises and the surrounding residential properties nearby.

Members may consider that the level of amenity experienced by residents in the area would be affected by the noise and disturbance created by the premises operating late into the evening hours.

Policy S2 draws attention to the need to ensure the retail vitality and viability of local centres is maintained to contribute to the range of local services and attract visitors during shopping hours. It also stipulates that any proposed use should provide a

service that complements the shopping function of the area and should not have an adverse impact on residential amenity.

Members are therefore asked to consider whether the increased opening hours would result in an unacceptable level of increased activity and disturbance generated by the use.

Background papers referred to during production of this report comprise all correspondence on files refs. 07/02023, 08/01672, 10/00186 and 10/01408, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The proposed increase in opening hours would be likely to exacerbate problems of late night noise, disturbance, anti-social behaviour (and the fear of such behaviour), which would be seriously detrimental to the amenities of residential neighbourhoods and the character of the town centre.

Reference: 10/02104/VAR

Address: 205 High Street Bromley BR1 1NY

Proposal: Variation of Condition 2 of permission 10/01408 granted for use of ground floor as a drinking establishment (Use Class A4) to permit opening hours from 09.00am to 00.30am, Sundays to Wednesdays inclusive and 09.00am to 01.30am Thursday to Saturday inclusive.



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DRR/09/00119

PART 1 PUBLIC

LONDON BOROUGH OF BROMLEY

COMMITTEE: Plans Sub Committee No 2

DATE: 9th September 2010

SUBJECT: Request for a Tree Preservation Order at 91 Copers Cope Road and land at rear of 91-117 Copers Cope Road, Beckenham

CHIEF OFFICER: Chief Planner

CONTACT OFFICER: Coral Gibson x 4516

WARD: Copers Cope

1. SUMMARY

- 1.1 A request has been received for trees beside Grangewood Lane to be protected following the submission of a revised application for the development of land at the rear of 91-117 Copers Cope Road, showing access via Grangewood Lane. A beech tree at the front of 91 and a group of trees at the development site fronting onto Grangewood Lane have been considered but because of their poor condition and limited amenity value the making of a TPO is not considered to be appropriate.

2. RECOMMENDATION/ACTION REQUIRED

- 2.1 The making of a Tree Preservation Order not be authorised.

3. COMMENTARY

- 3.1 A request has been received for trees beside Grangewood Lane to be protected. Planning permission has been given for a residential development on land at the rear of 91-117 Copers Cope Road with the demolition of 103 and 105 Copers Cope Road to allow access. A further application has recently been submitted seeking permission for a revised scheme showing access from Grangewood Lane. Residents are concerned about the impact of this scheme on trees beside Grangewood Lane and have requested that trees be protected.

3.2 Unfortunately a few days after the request had been submitted a lime tree at the front of 89 Copers Cope Road was felled. This tree was indicated on the plans to be retained and it was a significant feature in the street scene. The owner has stated that the tree was felled because of concerns about damage to a historic boundary wall. Two oak trees also in the front garden of 89 have been protected.

3.3 The other trees that residents have requested by protected are as follows – a beech tree at the front of 91 and a group of goat willows, birch, cypress, yew and a young oak tree on and beside the proposed development site. All trees are immediately beside Grangewood Lane.

3.4 To merit a Tree Preservation Order trees should be of public amenity value, that is they should be visible from a public vantage point and they should make a significant impact on their local surroundings. The beech tree at the front of 91 Copers Cope Road has been very heavily reduced and whilst it is clearly visible from the road it now no longer makes a significant contribution to the visual amenities of Copers Cope Road. Additionally beech trees do not respond well to such heavy reduction and the tree has a limited future. For these reasons it would not be appropriate to protect this tree.

3.5 In respect of the trees on the land at the rear of no.91 and which front onto Grangewood Lane, the trees do form a block of green but individually are poor specimens. The young oak has been suppressed by the goat willows and is a drawn specimen. The trees are beside a cul de sac serving only 3 properties and are of limited public amenity value and do not make a significant impact on their surroundings. Again the making of a tree preservation order would not be appropriate.

3.6 The permitted development would not have affected the trees at 89 and 91 and although those beside Grangewood Lane at the development site were shown to retained this may not have been a practical proposition because of the limited depth of the gardens. However they are clearly shown to be removed on the current application showing access from Grangewood Lane. The beech tree at 91 Copers Cope Road would be lost because it is proposed to widen Grangewood Lane. This proposed development will be reported to members in due course.

4. POLICY IMPLICATIONS

5.1 Policy NE 7 of the UDP is relevant.

LONDON BOROUGH OF BROMLEY

COMMITTEE:	Plans Sub Committee No. 2 9th September 2010
SUBJECT:	Objections to Tree Preservation Order 2358 at Edgehill, Stonehouse Road, Halstead
CHIEF OFFICER:	Chief Planner
CONTACT OFFICER:	Coral Gibson ext 4516
WARD:	Chelsfield and Pratts Bottom

1 COMMENTARY

1.1. This order was made on 24th March 2010 and relates to one pine tree at the front of Edgehill, Stonehouse Road, Pratts Bottom.

1.2. Comments have been received from the owner of the property. He expressed concern that he was not consulted in advance about the making of the order and he considered that it was done a secretive and underhand way.

1.3. In response the owner was advised that the Council does not normally notify affected parties prior to the making of a TPO because of the risk of trees being removed whilst unprotected. This may appear rather uncompromising and that it was not the householders intention to remove the tree but the Council is not aware in advance of owners intention. However the legislation sets out a two stage process for making and confirming TPOs to allow objections to be raised. The order was made for the pine because it is considered to make an important contribution to the visual amenities of the area.

1.4. One letter in support of the TPO has also been received.

2. POLICY IMPLICATIONS

2.1. This report is in accordance with Policy NE6 of the Council's adopted Unitary Development Plan.

3. LEGAL CONSIDERATIONS

3.1 If not confirmed the order will expire on 24th September 2010.

4. RECOMMENDATIONS

4.1. The Chief Planner advises that the tree make an important contribution to the visual amenity of the surrounding area and notwithstanding the objections raised, the order should be confirmed.

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Agenda Item 9

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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