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To: Members of the  
**PLANS SUB-COMMITTEE NO. 2**

Councillor Russell Jackson (Chairman)  
Councillor Simon Fawthrop (Vice-Chairman)  
Councillors Reg Adams, Peter Dean, Peter Fookes, Russell Mellor, Alexa Michael,  
Gordon Norrie and Michael Turner

A meeting of the Plans Sub-Committee No. 2 will be held at Bromley Civic Centre on  
**THURSDAY 18 AUGUST 2011 AT 7.00 PM**

MARK BOWEN  
Director of Resources

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**

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**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**

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**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](http://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 23 JUNE 2011**  
(Pages 1 - 8)
- 4 PLANNING APPLICATIONS**

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

Report No.	Ward	Page No.	Application Number and Address
	NO REPORTS		

### SECTION 2 (Applications meriting special consideration)

Report No.	Ward	Page No.	Application Number and Address
4.1	Chislehurst Conservation Area	9 - 18	(11/00537/FULL1) - Land at Former Kemnal Manor Estate, Kemnal Road, Chislehurst.
4.2	Biggin Hill	19 - 24	(11/01057/FULL1) - West Camp, Main Road, Biggin Hill.
4.3	Bromley Common and Keston	25 - 34	(11/01176/FULL1) - Bromley Service Station, 116 Hastings Road, Bromley.
4.4	Darwin	35 - 40	(11/01303/FULL1) - HPS Gas Station, Leaves Green Road, Keston.
4.5	Darwin	41 - 46	(11/01304/FULL1) - Land East of Milking Lane Farm, Milking Lane, Keston.
4.6	Hayes and Coney Hall Conservation Area	47 - 52	(11/01483/FULL1) - Elm Farm Cottage, Nash Lane, Keston.
4.7	Bickley	53 - 60	(11/01617/FULL1) - Blandings, Sundridge Avenue, Bromley.

4.8	Bickley	61 - 70	(11/01643/FULL1) - Langley Park Sports & Social Club, Hawksbrook Lane, Beckenham.
4.9	Darwin	71 - 76	(11/01713/FULL1) - Fox & Hounds, 311 Main Road, Biggin Hill.
4.10	Chislehurst Conservation Area	77 - 84	(11/01721/FULL1) - Land at Former Kemnal Manor Estate, Kemnal Road, Chislehurst.
4.11	Plaistow and Sundridge	85 - 92	(11/01724/FULL1) - 21 Upper Park Road, Bromley.
4.12	Bromley Town Conservation Area	93 - 96	(11/01804/FULL1) - St Peter & St Paul Church, Church Road, Bromley.
4.13	Bromley Town	97 - 100	(11/01805/LBC) - St Peter & St Paul Church, Church Road, Bromley.
4.14	Cray Valley East	101 - 106	(11/01948/VAR) - Crouch Farm, Crockenhill Road, Swanley.
4.15	Chelsfield and Pratts Bottom	107 - 112	(11/02039/FULL1) - Silverthorn, Norsted Lane, Orpington.

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

Report No.	Ward	Page No.	Application Number and Address
4.16	Plaistow and Sundridge	113 - 120	(11/01022/FULL3) - 121 Widmore Road, Bromley.
4.17	Hayes and Coney Hall	121 - 124	(11/01609/FULL6) - 167 Hayes Lane, Hayes, Bromley.
4.18	Plaistow and Sundridge	125 - 132	(11/01701/OUT) - 51 Palace Road, Bromley.
4.19	Orpington	133 - 138	(11/01789/OUT) - Garage Compound Adjacent 111, Eldred Drive, Orpington.

**SECTION 4** (Applications recommended for refusal or disapproval of details)

Report No.	Ward	Page No.	Application Number and Address
	NO REPORTS		

**5 CONTRAVENTIONS AND OTHER ISSUES**

Report No.	Ward	Page No.	Application Number and Address
5.1	Kelsey and Eden Park	139 - 140	(DRR11/075) - 12 Kemerton Road, Beckenham. Details of Materials to comply with Condition 4 of Planning Permission reference 09/01141.

**6 TREE PRESERVATION ORDERS**

Report No.	Ward	Page No.	Application Number and Address
6.1	Copers Cope	141 - 144	(TPO 2407) - Mayfield Lodge, Brackley Road, Beckenham.
6.2	Shortlands	145 - 148	(TPO 2405) - St Marys Church, St Marys Avenue, Shortlands.

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

NO REPORT

## PLANS SUB-COMMITTEE NO. 2

Minutes of the meeting held at 7.00 pm on 23 June 2011

### Present:

Councillor Russell Jackson (Chairman)  
Councillor Simon Fawthrop (Vice-Chairman)  
Councillors Reg Adams, Peter Dean, Peter Fookes,  
Russell Mellor, Alexa Michael, Gordon Norrie and Michael Turner

### Also Present:

Councillors Douglas Auld, Jane Beckley, Charles Joel and  
Peter Morgan

### 1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

No apologies for absence were received.

### 2 DECLARATIONS OF INTEREST

There were no declarations of interest.

### 3 CONFIRMATION OF MINUTES OF MEETING HELD ON 28 APRIL 2011

**RESOLVED** that the Minutes of the meeting held on Thursday 28 April 2011 be confirmed and signed as a correct record.

### 4 PLANNING APPLICATIONS

#### SECTION 2

(Applications meriting special consideration)

#### 4.1 WEST WICKHAM

**(10/02959/TPO) - Chez Nous, 7A Acacia Gardens, West Wickham.**

Description of application - Fell 1 Cedar and 1 Cypress in back garden SUBJECT TO TPO 2115.

Oral representations in support of the application were received. Oral representations from Ward Member Councillor Jane Beckley 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.

**4.2  
PENGE AND CATOR**

**(10/03407/FULL1) - 89 Kings Hall Road,  
Beckenham.**

Description of application - 10 semi-detached three storey four/five bedroom houses with 20 car parking spaces. Reinstatement of 4 tennis courts and formation of vehicular access and car park for 8 cars to serve the courts.

**THIS REPORT WAS WITHDRAWN BY THE CHIEF PLANNER.**

**4.3  
PLAISTOW AND  
SUNDRIDGE**

**(10/03540/DET) - Land Adjacent to Wyndways,  
45 Garden Road, Bromley.**

Description of application - Details pursuant to outline permission reference 10/00504 for a detached six bedroom house and garage. AMENDED SITING PLAN RECEIVED.

Oral representations in support of the application were received. Oral representations from Ward Member Councillor Peter Morgan in support of the application were received at the meeting.

Comments from Ward Member Councillor Ellie Harmer were reported at the meeting.

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

**4.4  
DARWIN**

**(11/00388/FULL6) - 23 Hazelwood Road, Cudham,  
Sevenoaks.**

Description of application - single storey side extension. First floor rear extension. Front and rear dormer extensions, alterations to roof and elevational alterations.

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** as recommended, subject to the conditions set out in the report of the Chief Planner.

**4.5  
DARWIN**

**(11/00445/FULL1) - 131 Cudham Lane North,  
Orpington.**

Description of application - Demolition of existing commercial buildings and erection of 2 detached two storey 4 bedroom dwellings, each with detached double garage, with associated car parking and access road and creation of residential curtilages.

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

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

**SECTION 3**

(Applications recommended for permission, approval or consent)

**4.6  
BICKLEY**

**(11/00595/PLUD) - 8 Heath Park Drive, Bickley,  
Bromley.**

Description of application - Rear dormer extension.  
CERTIFICATE OF LAWFULNESS FOR A  
PROPOSED DEVELOPMENT.

Members having considered the report and objections, **RESOLVED that A CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT BE GRANTED** as recommended, for the reason and subject to the informative set out in the report of the Chief Planner.

**4.7  
PETTS WOOD AND KNOLL**

**(11/00624/FULL6) - 2 Priory Avenue, Petts Wood,  
Orpington.**

Description of application - Two storey side extension.

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** as recommended, subject to the conditions set out in the report of the Chief Planner.

**4.8  
WEST WICKHAM**

**(11/00802/FULL1) - 65 Grosvenor Road, West  
Wickham.**

Description amended to read; 'Demolition of existing dwelling and erection of detached two storey block

with accommodation in roof space comprising 4 two bedroom flats with a new vehicular access and 5 car parking spaces and bin store to rear.'

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** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner with the addition of a further condition to read:-

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

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

**4.9  
CHISLEHURST  
CONSERVATION AREA**

**(11/01004/FULL1) - Church of the Annunciation,  
High Street, Chislehurst.**

Description of application - Installation of a 7 metre high replica flagpole incorporating a shrouded antenna with internally located equipment cabinet.

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.

**4.10  
FARNBOROUGH AND  
CROFTON**

**(11/01107/FULL6) - 3 Park Avenue, Farnborough.**

Description of application - Detached single storey pool house to rear.

**THIS REPORT WAS WITHDRAWN BY THE CHIEF PLANNER.**

**4.11  
FARNBOROUGH AND  
CROFTON**

**(11/01140/FULL6) - 1 Larch Dene, Orpington.**

Description of application - Part one/two storey front, side and rear extension. bay window to front. elevational alterations.

Oral representations from Ward Member Councillor Charles Joel in objection to the application were



received at the meeting.

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

1. The proposed extensions constitute an overdevelopment of the site by reason of their size and bulk, which would be out of character with the area, contrary to Policies H8, BE1 and BE13 of the Unitary Development Plan.
2. The proposed two storey side extension constitutes a cramped form of development, out of character with the street scene, conducive to a retrograde lowering of the spatial standards to which the area is at present developed and contrary to Policies H9, BE1 and BE13 of the Unitary Development Plan.
3. The proposed side extension, by reason of its size and prominent location, would harm the character, appearance and visual amenities of the adjacent Farnborough Park Conservation Area, and would therefore be contrary to Policy BE13 of the Unitary Development Plan.

**4.12  
ORPINGTON**

**(11/01198/TELCOM) - Land Adjacent to Orpington Bus Station, Station Approach, Orpington.**

Description of application - 15m high shared Vodafone/02 telecommunications column with 6 no. antennas (total height 17.8m) together with equipment cabinet at ground level and development ancillary thereto (upgrade and relocation of existing 17.6m high Vodafone telecommunications installation).

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

**4.13  
PETTS WOOD AND KNOLL**

**(11/01209/FULL6) - 240 Crescent Drive, Petts Wood, Orpington.**

Description of application - Single storey rear extension and alterations to rear elevation.

Oral representations in objection to and in support of the application were received. Oral representations from Ward Member Councillor Douglas Auld in favour of deferring the application were received at the meeting.

Members having considered the report, objections and representations, **RESOLVED that the application be DEFERRED** without prejudice to any future consideration to seek reduction in depth of extension.

**4.14  
BICKLEY**

**(11/01217/FULL6) - 9 Woodside Road, Bickley, Bromley.**

Description of application - Insertion of roof lights in eastern side and rear elevations, alterations to existing chimney and insertion of window to first floor western side elevation (PART RETROSPECTIVE).

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

**4.15  
CRAY VALLEY EAST**

**(11/01406/TELCOM) - Land Opposite 58 to 62 Wootton Green, Orpington.**

Description of application - 12.5m high shared telecommunications column with equipment cabinet, meter cabinet and ancillary development thereto. CONSULTATION BY VODAFONE AND TELEFONICA 02 UK LTD REGARDING THE NEED FOR APPROVAL OF SITING AND APPEARANCE.

Members having considered the report, **RESOLVED that APPROVAL OF SITING AND APPEARANCE WAS NOT REQUIRED** as recommended, subject to the condition set out in the report of the Chief Planner.

**SECTION 4**

(Applications recommended for refusal or disapproval of details)

**4.16  
FARNBOROUGH AND  
CROFTON  
CONSERVATION AREA**

**(11/01337/FULL1) - 3 Meadow Way, Orpington.**

Description of application - Replacement detached four bedroom dwelling with integral garage of left room.

Oral representations in objection to the application were received. Oral representations from Ward Member Councillor Charles Joel in objection to the application were received at the meeting. Members having considered the report, objections

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

**4.17  
FARNBOROUGH AND  
CROFTON  
CONSERVATION AREA**

**(11/01461/CAC) - 3 Meadow Way, Orpington.**

Description of application - Demolition of existing dwelling CONSERVATION AREA CONSENT.

Oral representations in objection to the application were received. Oral representations from Ward Member Councillor Charles Joel in objection to the application were received at the meeting. Members having considered the report, objections and representations, **RESOLVED that CONSERVATION AREA CONSENT BE REFUSED** as recommended for the reason set out in the report of the Chief Planner.

**5 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 was 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.

**6 CONFIRMATION OF EXEMPT MINUTES OF MEETING HELD ON 28 APRIL 2011**

**RESOLVED** that the exempt Minutes of the meeting held on Thursday 28 April 2011 be confirmed and signed as a correct record.

The Meeting ended at 8.10 pm

Chairman

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## SECTION '2' – Applications meriting special consideration

**Application No :** 11/00537/FULL1

**Ward:**  
**Chislehurst**

**Address :** Land At Former Kemnal Manor Estate  
Kemnal Road Chislehurst

**OS Grid Ref:** E: 544886 N: 171773

**Applicant :** Memorial Property Investments Ltd      **Objections :** YES

### **Description of Development:**

Chapel with vestry and toilet (revised design to scheme permitted under ref. 05/03871 for use of land for human burials including chapel and other buildings, car parking and vehicular access)

#### Key designations:

Conservation Area: Chislehurst  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
Sites of Interest for Nat. Conservation  
Tree Preservation Order

**Joint report with application ref. 11/01721**

### **Proposal**

Application ref. 11/00537

- Revised design of 100 seat chapel previously approved under planning permission ref. 05/03871 granted for change of use of former parkland to use for human burials, erection of a detached chapel, a cupola shelter, tractor shed and staff facilities, a surface car park for approx. 75 vehicles, accessway, landscaping and new vehicular access to/from Sidcup By-Pass (A20)
- single storey chapel will seat 210 mourners and will include a vestry, WC and a covered entrance where hearses will arrive with a gathering space for mourners
- chapel will be similar in scale to that previously approved but ancillary facilities are no longer incorporated and will be provided in a separate building

- materials will include natural stone walling, natural slate roofing, large glazed openings within a timber frame structure
- application states that design is intended to allow flow through the building and for a purer form and usage to be attained.

Application ref. 11/01721

- Building providing refreshment and WC facilities, a florist, office accommodation, storage and waiting area for funeral directors to the south of the proposed chapel
- floor areas as follows:
  - o refreshments - 104m<sup>2</sup>
  - o kitchen - 11m<sup>2</sup>
  - o florist - 32m<sup>2</sup>
  - o office - 43m<sup>2</sup>
  - o other (storage, meeting rooms, etc.) - 172m<sup>2</sup>
  - o total – 362m<sup>2</sup> (406m<sup>2</sup> gross external area)
- building will have a green roof which is intended to create an impression of harmony with the surrounding landscape
- materials will include natural stone walling, full length windows and doors with dark grey powder coated aluminium frames and timber or powder coated louvres.

The applicant states that some elements of the proposal such as a kitchen, offices, WCs and gathering areas have been accepted as essential under the auspices of the previous planning permission. It is argued that the refreshment facilities and florist are essential facilities given the scale and location of Kemnal Cemetery and that the proposal is not inappropriate development in the Green Belt. However, the applicant has identified the following arguments to demonstrate that very special circumstances do exist to justify inappropriate development in the Green Belt if a converse view is taken:

- consented chapel provides seating for 100 mourners and offers very little overflow space due to the design of the ancillary accommodation housed within the same building
- various senior religious bodies and undertakers have indicated a desperate need locally for a chapel that can accommodate up to 300 people – Kemnal Cemetery will feature 55 acres of landscaped burial space and it is anticipated that there will be a wide catchment area attracting large services not currently catered for
- Kemnal is geographically remote from population centres which necessitates a greater degree of self containment in terms of services and ancillary accommodation.
- consented chapel incorporates cemetery administration within the same structure as the chapel – mourners will travel through a corridor which provides access to the chapel and offices and will integrate with people making arrangements for a funeral services, which may be distressing and

insensitive for both parties - it is considered necessary to separate the chapel from the administrative and support functions

- chapel is designed to complement its surroundings with an abundant use of natural materials
- market research identifies a clear demand for a congregational area for mourners before and after a funeral service and for visitors who have travelled long distances to visit graves - it is sensible to include a gathering/refreshments area with W.C. facilities - funeral directors confirm that it is fundamental to provide what is principally an ageing congregation with somewhere to sit and relax
- professionals recommend an area to purchase flowers and other offerings, a waiting area for the funeral directors and office accommodation with a separate meeting room
- City of London Cemetery within the Green Belt in Newham now has a refectory and florist which help avoid congestion at peak times allowing a more dignified order of service
- Kemnal Cemetery has limited access via the A20 and it is virtually impossible to obtain refreshment without the use of a vehicle - it is inappropriate that mourners attending in a funeral cortege are unable to achieve basic comforts at a stressful and upsetting time
- ground levels around the ancillary accommodation are artificially changed so that the green landscape flows around the buildings complimenting the Green Belt, mitigating the impact on openness and allowing the proposed buildings to be located in close proximity for convenience whilst allowing the chapel to be the focal point and given "breathing space".

### Both applications

The applications are accompanied by a letter from Dr Barry Albin-Dyer of F.A. Albin & Sons Funeral Directors which includes the following points:

- in recent years it has become more evident that the chapels provided in cemeteries have insufficient space and seating
- between 200 and 400 people regularly attend burial services in chapels such as those provided by the London Borough of Southwark
- in the London boroughs of Southwark, Lewisham and Greenwich it is almost impossible to cope with those numbers with people standing or waiting outside and unable to appreciate the service
- there is very little chapel space in the London Borough of Bromley
- local MP Simon Hughes recently expressed wholehearted agreement that far better accommodation is needed within cemeteries
- in an age of increasing cultural diversity a chapel which would accommodate large numbers and cater for all religions and groups is a necessity for the long term future.
- letter is accompanied by a list of Ministers who support the need for the chapel.

The applications are accompanied by a Supplementary Report in support of the new chapel building which covers the points made within the 'very special circumstances' argument detailed above and additionally states that:

- justification for a larger chapel building is provided because of a greater market awareness of demand for burial space since previously approved scheme (application ref. 05/03871) was promoted
- Bromley is unable to offer chapel facilities in its operational cemeteries
- Lewisham can only accommodate 100 people at Hither Green cemetery
- Greenwich can only accommodate 70 people at Falconwood Cemetery
- Bexley can only accommodate 40 people at Bexleyheath and Erith cemeteries
- Southwark can only accommodate 80 people at Camberwell New Cemetery.

The applications are accompanied by Planning Statements and a Design and Access Statements.

#### Site and surroundings

- Former Kemnal Manor Estate grounds are situated on the south-west side of the A20 (Sidcup Road/By-Pass) which forms part of the northern boundary of the borough with London Borough of Bexley and is a short distance from the boundary with London Borough of Greenwich
- Kemnal Estate is a large expanse of generally neglected former grounds of the long since destroyed former manor house
- site is wholly within an inner wedge of the Green Belt and additionally falls within the Chislehurst Conservation Area whilst parts of the Kemnal Manor grounds are designated as a Site of Importance for Nature Conservation (SINC)
- works have commenced on the implementation of the 2006 planning permission granted for a cemetery with ancillary facilities.

#### **Comments from Local Residents**

##### Chapel application

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

- roof is exceptionally large
- harm to openness of Green Belt
- condition 13 vii of planning permission ref. 05/03871 regarding a specific landscaping scheme adjacent to the residential dwelling at The Glasshouse was not addressed under application ref. 09/01995
- no details of basement in revised scheme
- basement is a crematorium in waiting – coffin store is unnecessary
- planning statement is misleading – The Glasshouse is adjacent to site and affected by aggressive and cynical commercial development
- significant felling of trees to date



- it is not clear what assessment was made of Green Belt, environmental and trees impacts prior to the grant of planning permission ref. 05/03871 .

Members should note that the application has been revised and previously proposed basement accommodation referred to above has been removed. The Council has only approved the first of five phases of landscaping to the north of the site and this is not in close proximity to The Glasshouse.

The Advisory Panel for Conservation Areas have no objections to the proposal.

Highways comments will be reported verbally at the meeting.

#### Ancillary facilities application

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

- unacceptable impact on openness of Green Belt
- insidious creeping commercialisation of Green Belt
- need for apparent ancillary and proposed activities is questioned
- adequate facilities exist in nearby Chislehurst High Street, Royal Parade and Sidcup High Street
- café will lead to private hire for wakes
- no very special circumstances have been demonstrated to justify inappropriate development in the Green Belt.

#### Both applications

- Highways – no objections.
- Metropolitan Police Crime Prevention Design Advisor – no objections
- London Borough of Bexley - no objections
- Waste Advisers – no objections regarding refuse collection arrangements
- Thames Water - no objections
- Council's in-house drainage consultant – no objections.
- Environmental Health – no objections

#### **Planning History**

Planning permission was granted in November 2006 for change of use of former parkland to use for human burials, erection of a detached chapel, a cupola shelter, tractor shed and staff facilities, a surface car park for approx. 75 vehicles, accessway, landscaping and new vehicular access to/from Sidcup By-Pass (A20) (ref. 05/03871).

#### **Planning Considerations**

The main policies of the Bromley Unitary Development Plan considered to be relevant to this application include:

- G1 The Green Belt
- BE1 Design of New Development
- BE11 Conservation Areas
- BE14 Trees in Conservation Areas
- C1 Community Facilities
- T3 Parking
- T18 Road Safety

In strategic terms the most relevant London Plan policies are:

- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.6 Architecture
- 7.16 Green Belt
- 7.23 Burial spaces.

Planning Policy Guidance Note 2 (PPG2) states at paragraph 3.4 that the construction of new buildings inside a Green Belt is inappropriate unless they are for specified purposes, including essential facilities for cemeteries. Paragraph 3.5 states that essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it.

No significant trees will be affected by the proposals.

The sites are not in close proximity to any other properties. The main issues to be considered in these cases are the impact of the proposal on the character and appearance of the conservation area, on the openness of the Green Belt, whether the proposals are appropriate development in the Green Belt and, if not, whether very special circumstances have been demonstrated to justify inappropriate development in the Green Belt.

## **Conclusions**

### Chapel application

The previously approved chapel building was of a similar scale, however the proposed building will provide a chapel only and will involve the displacement of ancillary facilities elsewhere on the cemetery site. Whilst application ref. 11/01721 is recommended for refusal it can be accepted that it is desirable that mourners visiting the chapel are not faced with other functions of a cemetery operation. The separation of the operational facilities within another building may therefore be considered acceptable if a suitably revised application were received.

The applicants have provided evidence of modern demand for a larger capacity chapel and it can therefore be reasonably accepted that a regional cemetery such as Kemnal will attract congregations that will justify the capacity proposed. The proposal is therefore considered to be an essential facility for a cemetery and is appropriate development in the Green Belt. It can be considered that the design

and materials of the chapel are of a high quality and represent an improvement on the previously approved scheme. Subject to highways comments to be reported verbally at the meeting the proposal is considered acceptable.

### Ancillary facilities application

The applicant has argued that the facilities provided within the building are essential facilities relating to the cemetery. It can be accepted that offices, WCs, a waiting area and staff kitchen facilities are essential facilities necessary for a cemetery operation of this scale. However, the proposed florists and refreshments area are not considered to be essential facilities and the cemetery could reasonably function without them. The proposal is therefore inappropriate development in the Green Belt.

Notwithstanding that they maintain that the proposal is appropriate development in the Green Belt, the applicant has set out a very special circumstances argument to justify inappropriate development in the Green Belt. It is argued that the geographical location of the site in relation to nearby amenities, operational considerations, market research and demand, the views of funeral directors and the design of the scheme provide justification for the café and florists. It can be accepted that a café and florists would be desirable, that there would be a demand for such facilities and that they would complement the use of the site. However, the very special circumstances test is a very high test and it is not considered that the argument is sufficiently persuasive and the justification for the facilities is therefore inadequate.

Background papers referred to during the production of this report comprise all correspondence and other documents on files refs. 05/03871, 09/01995, 11/00537 and 11/01721, excluding exempt information.

As amended by documents received 8.4.2011 19.05.11

### **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 | ACC03  | Details of windows                       |
|   | ACC03R | Reason C03                               |
| 4 | ACI21  | Secured By Design                        |
|   | ACI21R | I21 reason                               |
| 5 | ACK05  | Slab levels - no details submitted       |
|   | ACK05R | K05 reason                               |

### **Reasons for permission:**

In granting permission the Local Planning Authority had regard to the following

policies of the Unitary Development Plan and the London Plan:

UDP

- G1 The Green Belt
- BE1 Design of New Development
- BE11 Conservation Areas
- BE14 Trees in Conservation Areas
- C1 Community Facilities
- T3 Parking
- T18 Road Safety

London Plan

- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.6 Architecture
- 7.16 Green Belt
- 7.23 Burial spaces

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

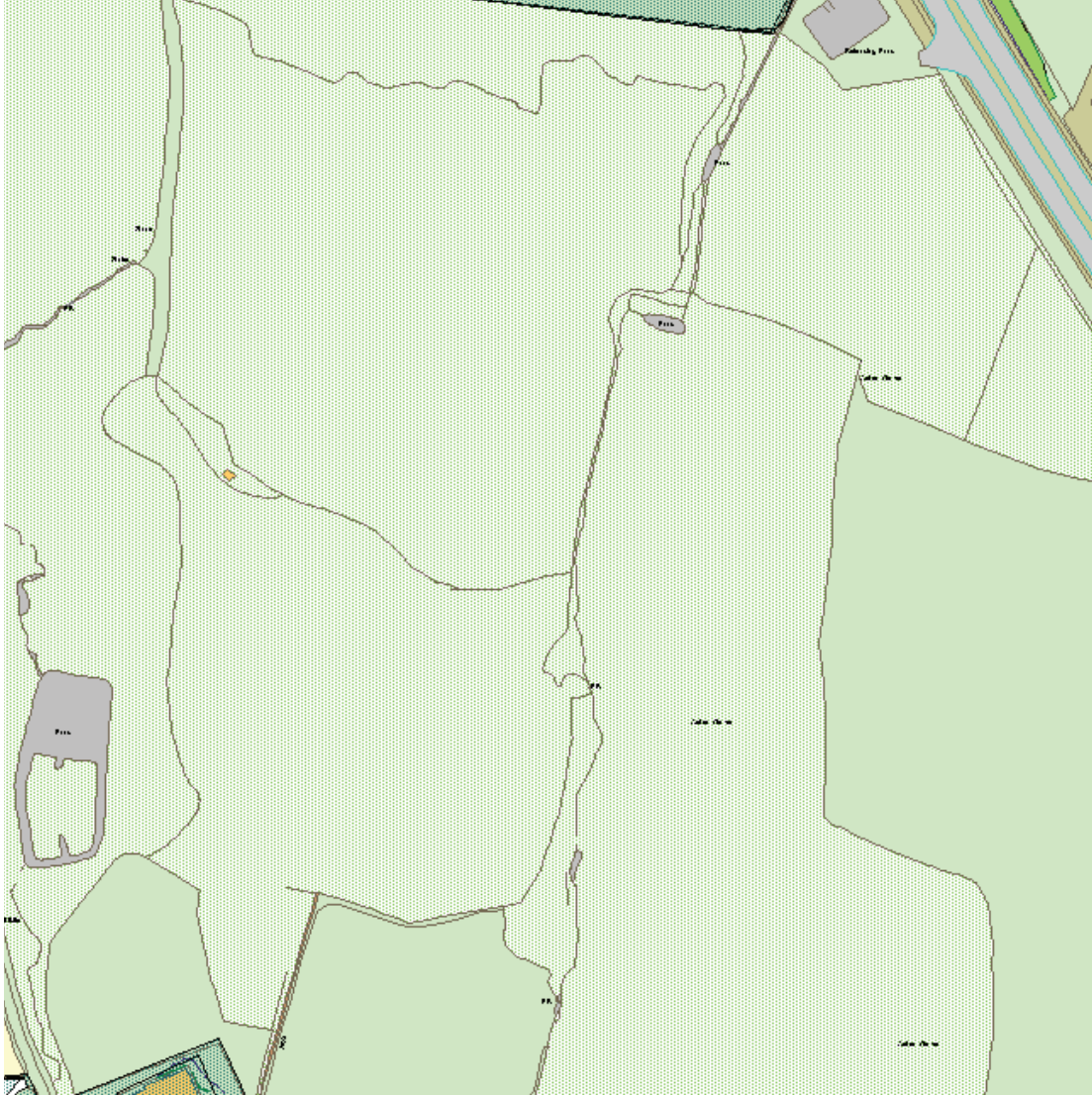
- (a) the appearance of the development in the street scene
- (b) the relationship of the development to adjacent property
- (c) the character and appearance of the development in the Chislehurst Conservation Area
- (d) the impact on the openness and visual amenities of the Green Belt
- (e) the impact on the amenities of the occupiers of adjacent and nearby properties
- (f) the safety of pedestrians and motorists on the adjacent highway
- (g) the safety and security of buildings and the spaces around them
- (h) accessibility to buildings
- (i) the design policies of the development plan

and having regard to all other matters raised.

Reference: 11/00537/FULL1

Address: Land At Former Kemnal Manor Estate Kemnal Road Chislehurst

Proposal: Chapel with vestry and toilet (revised design to scheme permitted under ref. 05/03871 for use of land for human burials including chapel and other buildings, car parking and vehicular access)



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## SECTION '2' – Applications meriting special consideration

**Application No :** 11/01057/FULL1

**Ward:**  
**Biggin Hill**

**Address :** West Camp Main Road Biggin Hill TN16  
3ED

**OS Grid Ref:** E: 541169 N: 160671

**Applicant :** Pentbridge Properties Ltd

**Objections :** YES

### **Description of Development:**

Erection of replacement hangar

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding  
London Distributor Roads  
Major Development Sites

### **Proposal**

A planning application has been received to erect a new hangar at West Camp, Biggin Hill Airport. It would be on the site of an earlier hangar, now removed. The proposed hangar would be for the storage and maintenance of aircraft for Formula One. It would be a steel framed structure, clad in khaki green. The hangar is similar in scale to the adjacent existing hangar to the north. This existing northern hangar is used by 'Formula One'.

### **Location**

The application site comprises the 'West Camp' area of the airport. The site falls within the Green Belt but it is also designated as part of the Biggin Hill Major Developed Site (MDS). It falls within Area 1 of the MDS. It is adjacent to, rather than within, the RAF Biggin Hill Conservation Area. There are listed buildings within the Conservation Area. Biggin Hill is also recognised as a Strategic Outer London Development Centre in the London Plan. These areas are defined as 'business locations with specialist strengths which potentially or already function above the sub-regional level and generate growth significantly above the long term outer London trend'.

## **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and objections have been received that raise the following issues, including:

- concerns over hangar – will be unsightly and block light
- will reduce value of property
- noise and atmospheric pollution

## **Comments from Consultees**

The application was referable to the Mayor of London under Category 3D of the Mayor of London Order 2008 (which relates to development over a certain floorspace in Green Belts). The Mayor of London generally considers the scheme acceptable in strategic terms, although he has raised concerns relating to climate change mitigation and adaptation issues. Further material has now been submitted by the applicant to address these concerns. As part of the referral procedure, the Mayor has asked that the application be referred back to him should Members be minded to approve permission.

Environmental Health – no objections.

Valuation and Estates – no objections.

## **Planning Considerations**

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

- BE1 New Development
- BE13 Development adjacent to Conservation Areas
- BH1 Local Environment – Biggin Hill Airport
- BH2 New Development at Airport
- BH4 West Camp – Biggin Hill Airport
- G1 Green Belt

National policy documents are also relevant including:

- PPS1: Delivering Sustainable Development
- PPG2: Green Belts

London Plan 2011 - specifically those policies relating to the Green Belt, design, economic development, sustainable development and climate change.

As part of the application process, it is necessary for the Council to give a Screening Opinion by virtue of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as to whether the Council considers the proposal to be “EIA development” within the meaning of the 1999 Regulations.



The proposals have been carefully examined and it is considered that the proposed development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. This opinion is expressed taking into account all the relevant matters. Accordingly, the proposed development described and shown on the documentation submitted with application ref. 11/01057 is not considered “EIA development” within the meaning of the 1999 Regulations.

A number of applications at this location were submitted to the Council in 1998 for the erection of new hangar, associated workshops as well as a B1 office building for use by Formula 1 (refs. 98/02895, 98/02896, 98/02896, 98/02897 and 98/2898). The Council resolved to grant permission for these developments, subject to the completion of a legal agreement. However, this legal agreement was never completed and therefore permission has not been granted. Nevertheless, the existence of a resolution to grant permission is a material consideration in this case.

## **Conclusions**

The site falls within a Major Developed Site (MDS) in the Green Belt. This allows for certain types of development consistent with the use of the airport whilst ensuring no further encroachment occurs on the Green Belt. Development within the MDS is not ‘inappropriate’ as long as it complies with the criteria in the annex to PPG2, and it is not necessary to demonstrate ‘very special circumstances’ if these criteria are met.

UDP Policies BH1, BH2 and BH4 are the most directly relevant. BH1 seeks to protect amenities of those affected by airport operations. BH2 states that new development should be within Areas 1, 2 & 3 of the MDS. Within those areas, limited infilling or development will be considered appropriate provided that it accords with PPG2 and the relevant criteria in Annex C of PPG2. Policy BH4 states that development within Area 1 should be airport related and will be required to: (i) form part of a comprehensively planned area for the site; (ii) retain the open ‘campus’ nature of the site; (ii) facilitate integration of the western taxiway into the Airport’s operational control; and (iii) preserve or enhance the conservation area.

This proposal is an airport related use as it is a hangar, and would be sited on the footprint of an earlier hangar which was removed some years ago for safety reasons. It would not compromise the open ‘campus’ nature of the site, nor the other criteria of Policy BH4. Overall it is considered that the proposal accords with the relevant UDP policies on the MDS, as well as the guidance in PPG2. The site is specifically identified for airport related uses within the MDS, and the Council has previously considered hangar and associated development at this location acceptable, and a Committee resolution exists confirming this.

Given that a similar sized hangar previously existed at this location, it is not considered that the proposal would impair the openness of the Green Belt, nor would there be any conflict with PPG2 or Annex C of that document. The materials proposed, namely ‘Khaki’ green cladding would not appear incongruous and would be appropriate in this Green Belt location.

The proposal is outside the RAF Biggin Hill Conservation Area and it is not considered there would be any adverse effect on its character or appearance, or on the listed buildings within the Conservation Area. It is not considered that residential properties will be affected as these are some distance from the proposal.

In terms of highway issues, vehicular access to the site would be via the existing roads in West Camp. Airside access will be along the Airport's internal perimeter roads and western taxiway. A total of 15 parking spaces exist adjacent to the existing hangar which are rarely currently utilised. No objections are raised from a highway perspective in terms of highway access or parking.

Although the Mayor of London has concerns relating to climate change mitigation and adaptation, the applicant has now submitted an Energy Assessment to address these issues. The material submitted has been prepared in accordance with London Plan Policy 4A and addresses the individual elements of the Mayor's Hierarchy which requires developments which: (1) use less energy; (2) supply energy efficiently; and (3) use renewable energy. The Energy Assessment concludes that the development is expected to substantially reduce CO2 emissions when compared with a building built to current Part L 2010 Building Regulations. The most suitable renewable technologies identified are a biomass boiler and photovoltaics, and it is proposed these will be integrated into the scheme. Overall, it is considered that the additional material submitted by the applicants has now addressed climate change concerns.

Overall it is considered that proposal meets the UDP Policies relating to Biggin Hill Airport and design of new development, the London Plan policies, including those on climate change and economic growth (given Biggin Hill's status as a Strategic Outer London Development Centre), and Government Guidance, in particular advice in PPG2 'Green Belts'.

Members may consider that, given the above, permission may be granted.

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 have been taken into account in the assessment of the proposal.

Background papers referred to during production of this report comprise all correspondence on file ref. 11/01057, excluding exempt information.

Should Members be minded to grant permission, the following conditions are suggested.

**RECOMMENDATION: PERMISSION subject to any Direction from the Mayor of London**

Subject to the following conditions:

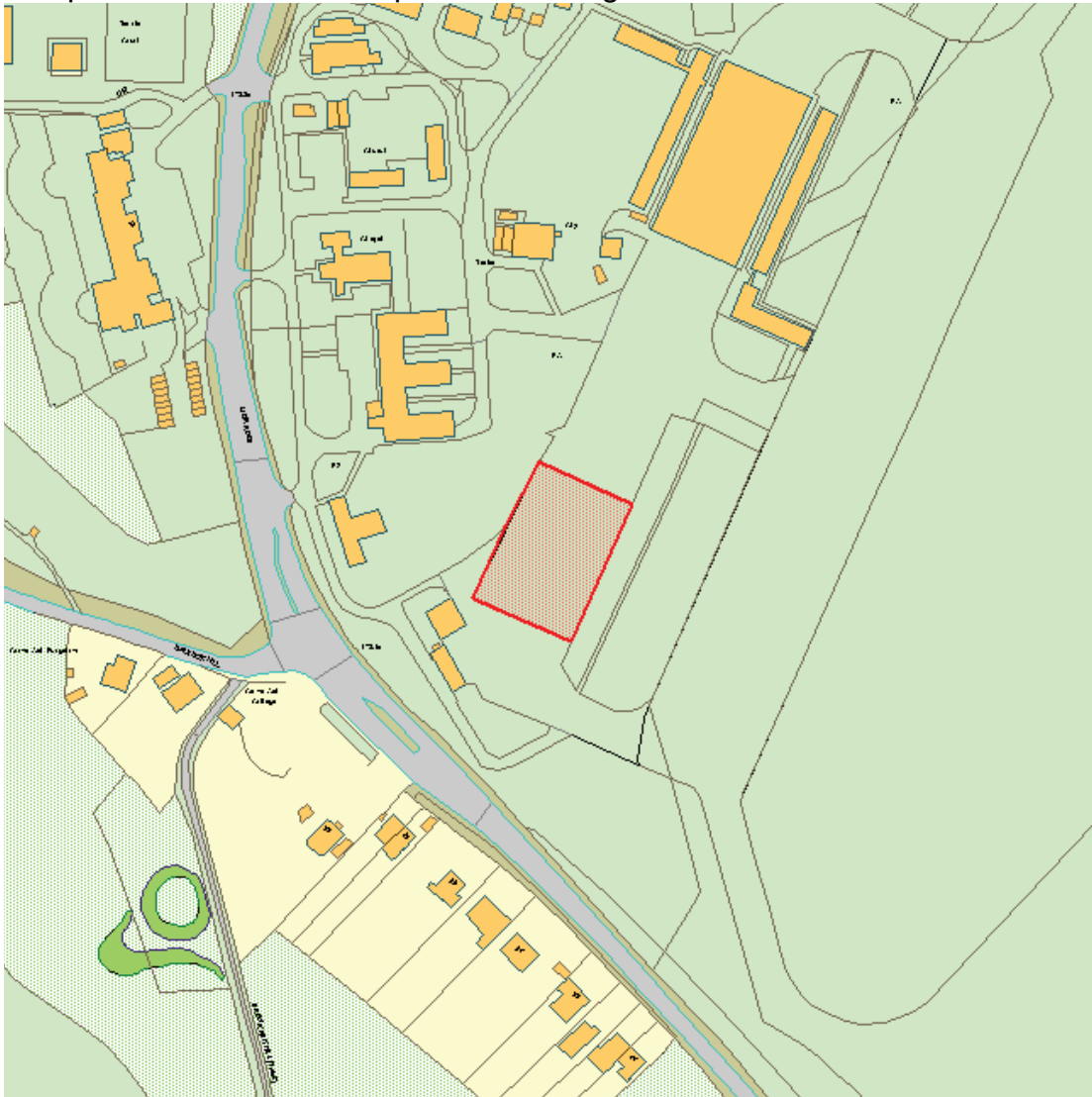
- 1 ACA01 Commencement of development within 3 yrs

- ACA01R A01 Reason 3 years
- 2 ACC01 Satisfactory materials (ext'n'l surfaces)
- ACC01R Reason C01
- 3 ACK01 Compliance with submitted plan
- Reason:** In order to comply with Policy BE1 of the Unitary Development Plan.
- 4 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

- BE1 Design of New Development
- BE13 Development adjacent to Conservation Areas
- BH1 Local Environment – Biggin Hill Airport
- BH2 New Development at Airport
- BH4 West Camp – Biggin Hill Airport
- G1 Green Belt

Reference: 11/01057/FULL1  
Address: Biggin Hill Airport Ltd Churchill Way Biggin Hill TN16 3BN  
Proposal: Erection of replacement hangar



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## SECTION '2' – Applications meriting special consideration

**Application No :** 11/01176/FULL1

**Ward:**  
**Bromley Common And  
Keston**

**Address :** Bromley Service Station 116 Hastings  
Road Bromley BR2 8NJ

**OS Grid Ref:** E: 542387 N: 165927

**Applicant :** Mr Alex Shattock

**Objections :** YES

### **Description of Development:**

Installation of 2 underground fuel tanks, 4 petrol pump islands, resurfacing of forecourt and new forecourt canopy

Key designations:

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

### **Proposal**

The proposal seeks permission to carry out the following procedures:

- Demolish the existing canopy and pump islands so that 4 pump islands can be installed. By redesigning the layout of the pump islands, this will allow for space for vehicles to pass either side which is designed in order to reduce the congestion sometimes experienced when high levels of traffic enter the site. The new 8 hose pump dispensers will emit less noise, and will also include a system which removes most airborne vapours from the fuel during customer refuelling;
- Installing a replacement weather protective canopy of 4.5 metres in height;
- Replacing the current below ground offset fill chambers with above ground fills which would be located on the new island closest to the roadside;
- Removal of the existing below ground fuel tanks and fuel infrastructure and replacement by two new 70,000 litre steel double-skinned underground storage tanks. These would have constantly monitored interstitial space that would identify any leak or malfunction within the system;
- The existing forecourt will be replaced and laid with impermeable surfacing which will include petroleum resistant seals provided to all expansion joints to ensure leak tightness;
- The existing shop plant will be retained and will comprise of air conditioning and refrigeration equipment, located to the rear of the sales building. The

floodlighting will be retained or upgraded like-for-like where necessary, on 5 metre high lamp standards, they will be upgraded to low energy units whilst providing safe illumination;

- The drainage system will be replaced with a dedicated containment system which will drain into an existing Environment Agency approved Class 1 fuel interceptor with minimum 9000 litre capacity before discharging into the mains sewers.

## **Location**

The application site is located on the western side of Hastings Road (A21). At present the site is occupied by a petrol filling station with 3 island 3 pump dispenser, a single storey sales building to the rear of the pump islands, a secure area to the side of the sales building for storage of bins and plant material, and a service yard to the left hand side and rear. There is also a two storey building to the right hand side of the sales building but this is separate to the petrol station.

## **Comments from Local Residents**

A number of responses were received from local residents, including from the Keston Mark and Bromley Common Village Residents' Association, raising the following concerns:

- application seems reasonable in principal, however have concerns regarding some of the terminology – will the plant machinery to be located to the rear of the site (immediately adjacent to residential properties) have any health implications;
- if this application is approved, will it then lead on to an application for 24 hour trading;
- this has previously been applied for and refused;
- new design is unlikely to have any impact upon nearby residents, provided trading hours remain the same;
- however if possible could a white fascia be used to clad the rear of the new canopy facing Cherry Orchard Road;
- this would reduce visual impact on these houses but cause no issues for Shell's business;
- measurements of the canopy at each of the 4 corners varies;
- plans do not accurately show the relationship of the canopy with adjacent properties;
- no level is shown for the forecourt so it is difficult to assess the height of the canopy;
- the residents have a right to know maximum canopy levels;
- have previously experienced the breaking up of the forecourt concrete slab at the filling station, where the noise was horrendous;
- a method statement should be submitted to the Council in order to ensure the work undertaken is done in a manner that minimises disturbance to neighbours;
- if the contractor temporarily positions plant and equipment on land to the south of the site, can measures be taken to protect the trees;

- whilst a similar pump arrangement was approved in 2002, the dimensions of kerb to the northern boundary was greater;
- the turning facility for vehicles parked at the air-water facility will be reduced;
- no mention is made of pedestrian or disabled access across the site;
- the canopy was last raised in 2002 by 240mm. The constant raising of the canopy makes the filling station dominate the nearby dwellings and results in far greater light spillage from the soffit;
- no good reason to raise the height of the canopy since large vehicles will be unable to negotiate between the pump islands, vehicles parked at the air/water facility and the northern boundary.

Members should note that full copies of all correspondence received can be viewed on the file.

Any further objections raised since the submission of revised plans will be reported verbally.

### **Comments from Consultees**

No objections were raised by Environmental Health (Scientific Services).

The Council Highways Drainage Consultant stated that the Environment Agency should be consulted.

The Council Highway Engineers stated that Transport for London should be consulted, and that as there is no increase in the size of the shop or change to the parking areas or access arrangements, no objection is raised.

Waste Services stated that refuse collection and arrangements should be carried out as existing.

Transport for London (TfL) is the highway authority for the A21 Hastings Road, which is part of the Transport for London Road Network (TLRN) who are concerned with any development that could affect the safety or performance of the TLRN. The view was taken by TfL that the proposal is unlikely to have an adverse impact upon the TLRN and no objections were raised, provided that the footway and carriageway is not blocked during the construction and maintenance of the proposal. Temporary obstructions should be kept to a minimum, should not encroach onto the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic. All vehicles associated with the proposal must only park, stop or load and unload at permitted locations and within the periods permitted by existing on-street restrictions. No skips or construction materials shall be kept on the footway or carriageway of the A21, Hastings Road.

Thames Water stated that the applicant should contact them prior to development to ensure the proper provisions are made to protect the water courses.

The Crime Prevention Officer stated that it is disappointing that little thought has been given to measures that should be employed to reduce the risk of crime and



criminality at the location. Secured by Design conditions and conditions relating to CCTV should be imposed should permission be granted.

The Environment Agency initially raised objection to the proposal however following additional information being submitted which addressed their concerns relating to groundwater and contaminated land, they were able to remove their objections, subject to conditions being imposed should permission be granted.

### **Planning Considerations**

The proposal falls to be considered under Policies BE1, ER6, ER7, ER14, S5, S7 and S8 of the Unitary Development Plan.

### **Planning History**

There has been a high number of planning applications in the past, and in terms of the most relevant planning history, this can be summarised as follows:

1987	Permitted	87/00144/FUL	Raising of existing canopy and installation of new canopy equipment
1988	Refused	88/04000/OTH	Variation of condition 99 of 87/0144 to allow for 24 hour opening
1991	Permitted	91/01903/FUL	Single storey rear extension, alterations to canopy, 4 pump islands and 2 underground petrol storage tanks
1994	Permitted	94/00509/FUL	Alterations to forecourt pump layout and canopy, shopfront and underground petrol storage tanks
2001	Permitted	01/02637/FULL1	Single storey replacement sales building, installation of 2 new petrol pump islands, replacement canopy and alterations to the layout of the forecourt
2005	Consent	05/01584/ADV	Continued display of non-illuminated fascia sign on office building

### **Conclusions**

This site has been in use as a petrol filling station for many years. This proposal seeks to re-develop the site with the installation of 2 replacement underground fuel tanks, 4 petrol pump islands, resurfacing of the existing forecourt and a new forecourt canopy. The principal users of the site will be passing motorists. Other shop users would be from the local area usually within walking distance of the site. It is considered therefore that the site can be regarded as a sustainable location for a top-up retail facility in terms of by-pass trade, linked trips and accessibility to the local community.

Policy S8 of the Unitary Development Plan states in effect that alterations to and the redevelopment of existing petrol filling stations will generally be acceptable provided that there would be no unacceptable effect on the surrounding environment and amenity of adjoining uses; the proposal would not create an unacceptable impact on the vitality or viability of the local parade or neighbourhood centre; adequate servicing, parking and access arrangements are included; and the proposal would not have an unacceptable effect on traffic flow or safety.



Members may consider that these issues have been discussed within the report and supporting information submitted as part of the application, with each criterion being met and confirmed by various consultations carried out.

With regard to the policies within the Unitary Development Plan relating to environmental resources, Policies ER6, ER7 and ER14, it is considered that each of these policies have been considered at length through discussions with the Environment Agency and the Environmental Health Officers at the Council, and Members may consider that the information submitted is on balance acceptable subject to ongoing requirements.

The proposal utilises existing vehicular access/egress points and no technical objections were received from the Council Highways Engineers nor Transport for London (TfL) as it is not considered likely that the proposed development would adversely affect the free flow of traffic or conditions of safety on the adjacent TLRN.

The design of the shop unit appears similar to the existing shop unit with the exception of an increase in width of the unit, and the existing company pole sign will be replaced by a new sign of 5 metres high from ground level, which will be located in the same position. The existing boundary treatment will be retained. The canopy over the petrol forecourt is being raised in height, however Members may consider that the appearance of the petrol filling station as a whole will be improved.

In considering the impact of the proposal upon the residential amenity of neighbouring residential dwellings Members should note that no technical environmental health objections were raised in respect of the development as proposed. In addition the Environment Agency have raised no objection to the scheme subject to stringent conditions and ongoing investigations both during and after the redevelopment has taken place relating to the prevention of groundwater pollution.

While it is accepted that the development may result in an increased intensity of use of the site, the impact on residential amenity would not be so adverse as to warrant refusal of planning permission, particularly given the previous planning approval in 1991 of alterations to the canopy, installation of 4 pump islands and 2 underground petrol storage tanks which Members may consider have set a principle for this current proposal.

Whilst concerns have been raised by local residents concerning noise levels during construction, this is something that can be controlled by way of construction methods and in any case is not enough to warrant refusal of planning permission.

On balance, Members may therefore consider that the application is acceptable and worthy of planning permission being granted.

Background papers referred to during production of this report comprise all correspondence on files refs. 87/00144, 88/04000, 91/01903, 94/00509, 01/02637, 05/01584 and 11/01176, excluding exempt information.

as amended by documents received on 27.06.2011

## **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     ACI21       Secured By Design  
      ACI21R     I21 reason
- 5     ACJ02       No dis. of vehicles (Petrol filling st.)  
      ACJ02R     J02 reason
- 6     ACJ04       Provision of window display  
      ACJ04R     J04 reason
- 7     ACK01       Compliance with submitted plan

**Reason:** In order to protect the amenities of the nearby residential dwellinghouses and to comply with Policy BE1 of the Unitary Development Plan.

- 8     ACK21       Details of CCTV scheme  
      ACK21R     Reason K21

- 9     ACK26       Removal of Industrial PD rights (noise p

**Reason:** In the interest of the amenities of the occupiers of adjacent residential dwellings and to comply with Policy BE1 of the Unitary Development Plan.

- 10    No deliveries shall be made to the premises hereby permitted outside the hours of 0700 and 2300 on any day.

**Reason:** In the interest of the amenities of the occupiers of adjacent residential dwellings and to comply with Policy BE1 of the Unitary Development Plan.

- 11    The use shall not operate before 0700 and after 2300 on any day.

**Reason:** In the interest of the amenities of the occupiers of adjacent residential dwellings and to comply with Policy BE1 of the Unitary Development Plan.

- 12    The premises shall have an approved, effective and well managed CCTV system installed by an NSI - Nacoss Gold Standard / SSAIB registered installer in accordance with NACP 20 and shall be capable of supplying images in all lighting conditions. The installed system shall be compliant with the requirements of the Data Protection Act 1998 and the licensee shall be the data controller for any images caught on the system and register and notify the ICO.

The system installed shall be subject to a regular maintenance contract as stipulated by the installer, have the capability to download images on request of a lawful, relevant authority by a responsible staff member. A responsible staff member must be present at all times to be able to provide to any relevant authority on request images necessary for investigating or preventing crime or apprehending or prosecuting an offender.

All images shall be kept on a secure data base for a minimum of 31 days.

**Reason:** In the interest of security and crime prevention and to accord with Policy BE1 of the Unitary Development Plan.

13 Prior to the commencement of the development approved by this planning permission (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified;
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors;
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

**Reason:** To protect vulnerable groundwater resources and ensure compliance with Planning Policy Statement 23.

14 Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

**Reason:** To protect vulnerable groundwater resources and ensure compliance with Planning Policy Statement 23.

**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
- ER6 Potentially-Polluting Development
- ER7 Contaminated Land
- ER14 Surface and Groundwater Quality

- S5 Local Neighbourhood Centres, Parades and Individual Shops
- S7 Retail and Leisure Development – outside existing centres
- S8 Petrol Filling Stations

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

- (a) the character of development in the surrounding area;
- (b) the relationship of the proposal to the adjacent properties;
- (c) protection of groundwater surrounding the site;

and having regard to all other matters raised.

#### INFORMATIVE(S)

- 1 The Environment Agency state that the letters dated 24th June 2011, from URS, and 27th June 2011, from RLDM Ltd, confirm that the existing tanks are to be removed and that the excavations will be fully validated. The applicant is therefore advised that the Environment Agency look forward to receiving the validation report relating to this work in due course.
- 2 The applicant is advised that the Environment Agency expect to receive the revised DQRA following the recent groundwater monitoring. Considering how varied the results from March 2010 and April 2011 were, in addition to the monitoring undertaken in June 2011 it is likely that further groundwater monitoring will be required at this site.
- 3 With regards the proposed tanks, whilst the Environment Agency (EA) acknowledge that based on the submitted information the tanks should be located above the water table, the depth to the water table in the north western corner of the tank farm is still considered to be highly limited. Therefore, whilst the EA have removed the holding objection, the applicant is informed that the EA will expect the following to be ensured:

A thorough pollution prevention monitoring and maintenance schedule is to be implemented at this site.

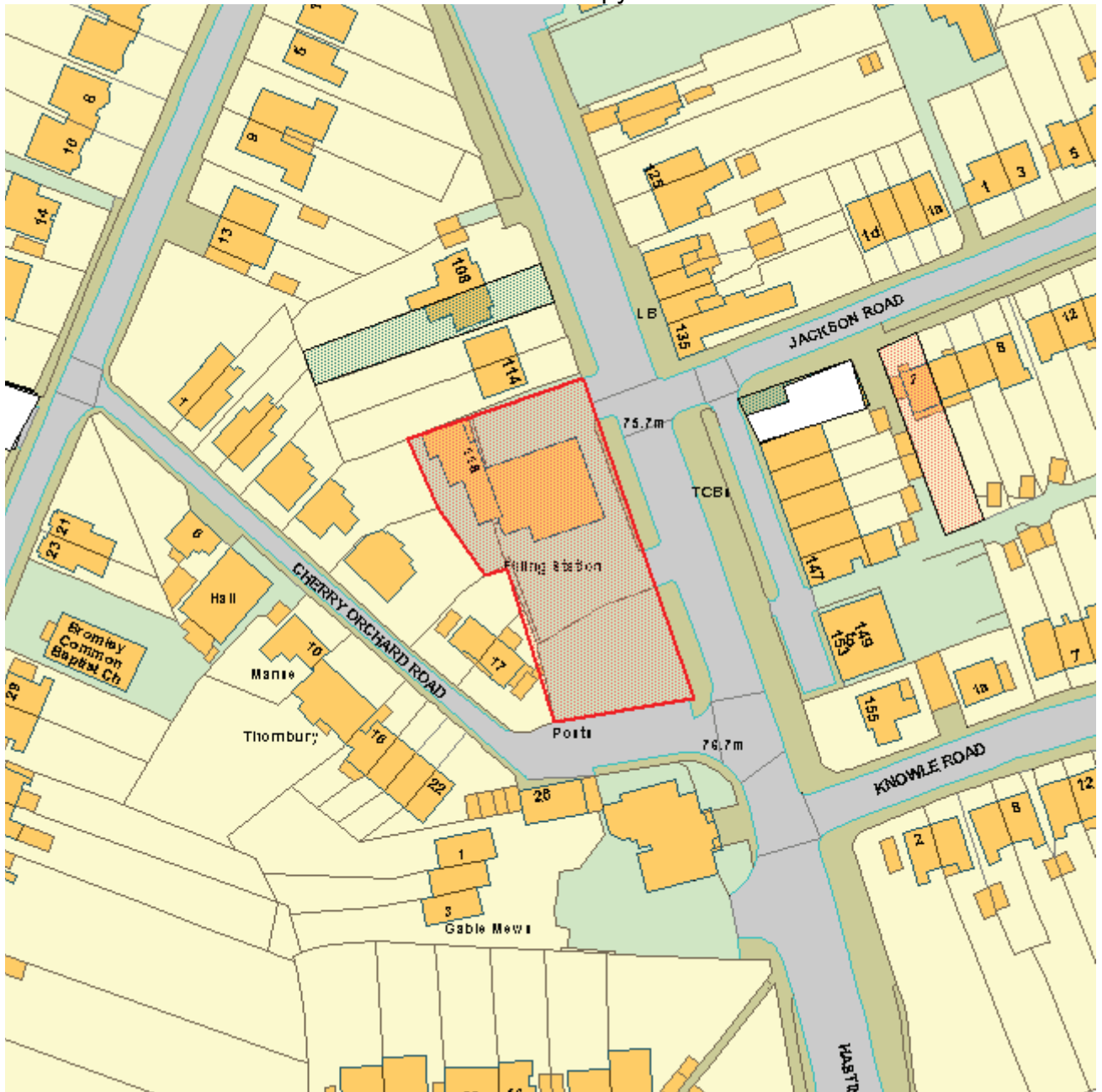
All staff are to be made fully aware of the environmental risk posed by this particular site due to the high groundwater table.

The staff training manual specific to this site (i.e. with reference to the above point) will need to be submitted to the Environment Agency for our records. At least one down groundwater gradient monitoring well should be retained following the sites development works. In particular MW7. This will enable immediate monitoring of the groundwater in the event of any potential incident.

Reference: 11/01176/FULL1

Address: Bromley Service Station 116 Hastings Road Bromley BR2 8NJ

Proposal: Installation of 2 underground fuel tanks, 4 petrol pump islands, resurfacing of forecourt and new forecourt canopy



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## SECTION '2' – Applications meriting special consideration

**Application No :** 11/01303/FULL1

**Ward:**  
Darwin

**Address :** HPS Gas Station Leaves Green Road  
Keston

**OS Grid Ref:** E: 541958 N: 162373

**Applicant :** London Biggin Hill Airport

**Objections :** YES

### **Description of Development:**

Removal of existing security fence and hedgerow and erection of replacement repositioned security fence between 100m and 125m to the west of the existing fence line

Key designations:

Special Advertisement Control Area  
Biggin Hill Public Safety Zone  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Green Belt

### **Joint report with application ref. 11/01304**

### **Proposal**

Two planning applications (refs. 11/01303 and 11/01304) have been received to erect new sections of security fence at Biggin Hill Airport. These involve removing sections of existing hedgerow and erecting a perimeter fence. The fences will be a 2.4m galvanised chain link fence. The fence will be sited to the west of the existing boundary of the airport, which is currently defined by a hedgerow. The existing hedgerow will be removed and a new fence installed. Biggin Hill Airport Ltd (BHAL) state the security fences have to be a certain minimum distance from the runway and there must be no obstructions within the safeguarded area between the runway and the boundary fence.

BHAL has recently undertaken a comprehensive review of its perimeter fencing around the airport boundary, and has to upgrade sections to comply with regulations as required by the Civil Aviation Authority (CAA). It is understood these requirements are mandatory in order to hold an Aerodrome Licence.

### **Location**



The application site comprises an area of open countryside immediately adjacent to the airport. The site falls within the Green Belt.

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and comments have been received that raise the following issues, including:

- concerns over increased noise and atmospheric pollution
- hedge would be more attractive than a fence & would blend more with the surroundings
- concern that relocation of fence is to accommodate larger aircraft
- not clear why such a large area is required
- not clear why change is required now after so many years
- concerns with moving the boundary closer to residential properties

### **Comments from Consultees**

The Council's Valuation and Estates Department raises no objections to the scheme.

### **Planning Considerations**

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

- BE1 New Development
- BH1 Local Environment
- BH2 New Development at Airport
- G1 Green Belt

National policy documents are also relevant including:

- PPS1: Delivering Sustainable Development
- PPG2: Green Belts

### **Conclusions**

The site falls within the Green Belt where there is a presumption against inappropriate development. The effect of constructing the fences in the position proposed is to enlarge the operational boundary of the airport. This could potentially have further implications, specifically in terms of the area enjoying aviation permitted development rights, since this extra land would fall within the 'operational boundary'. However, BHAL have confirmed that no development will be undertaken in future in this area, since it has to kept free of obstacles because of its proximity to the runway. The proposals would also amount to a change of use from agricultural land to operational land within the Green Belt. This would be inappropriate development in terms of PPG2. Very special circumstances are therefore required to justify inappropriate development.



The applicant has stated that very special circumstances exist as to why permission should be granted.

The applicant has confirmed that the enlargement of the operational area is needed to satisfy mandatory Civil Aviation Authority (CAA) requirements. A certain minimum unobstructed area from the runway is required under CAA rules, and this is why the fence is to be located west of the existing boundary. The applicant also states that a security fence is required around the perimeter of the airport in accordance with the UK National Security Programme E 300 2010 together with the single Consolidation Direction 1/2010.

The applicant has confirmed that there will be no changes to the operation of the Airport, including that there will be no increase in the number of flights or increase in size of aircraft, as these are governed by the terms of the airport's lease. The proposals will not therefore result in any increased noise or atmospheric pollution.

Objectors have requested that a hedge be used rather than a fence, as this would look more attractive and be better for wildlife. However, it is understood that this would not comply with the strict regulations which require that a fence not be capable of breach by unauthorised persons.

The relocated security fence would be a considerable distance from the nearest residential properties.

Overall Members may consider that, given the security fence is required under CAA regulations that are mandatory, very special circumstances exist to allow proposals within this Green Belt location. It is also considered that the erection of the fences will have no discernable effect on the openness of the Green Belt.

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.

Background papers referred to during production of this report comprise all correspondence on files refs. 11/01303 and 11/01304, excluding exempt information.

Should Members be minded to grant permission, the following conditions are suggested.

**RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- |   |        |  |
|---|--------|--|
| 1 | ACA01  | Commencement of development within 3 yrs |
|   | ACA01R | A01 Reason 3 years                       |
| 2 | AJ02B  | Justification UNIQUE reason OTHER apps   |

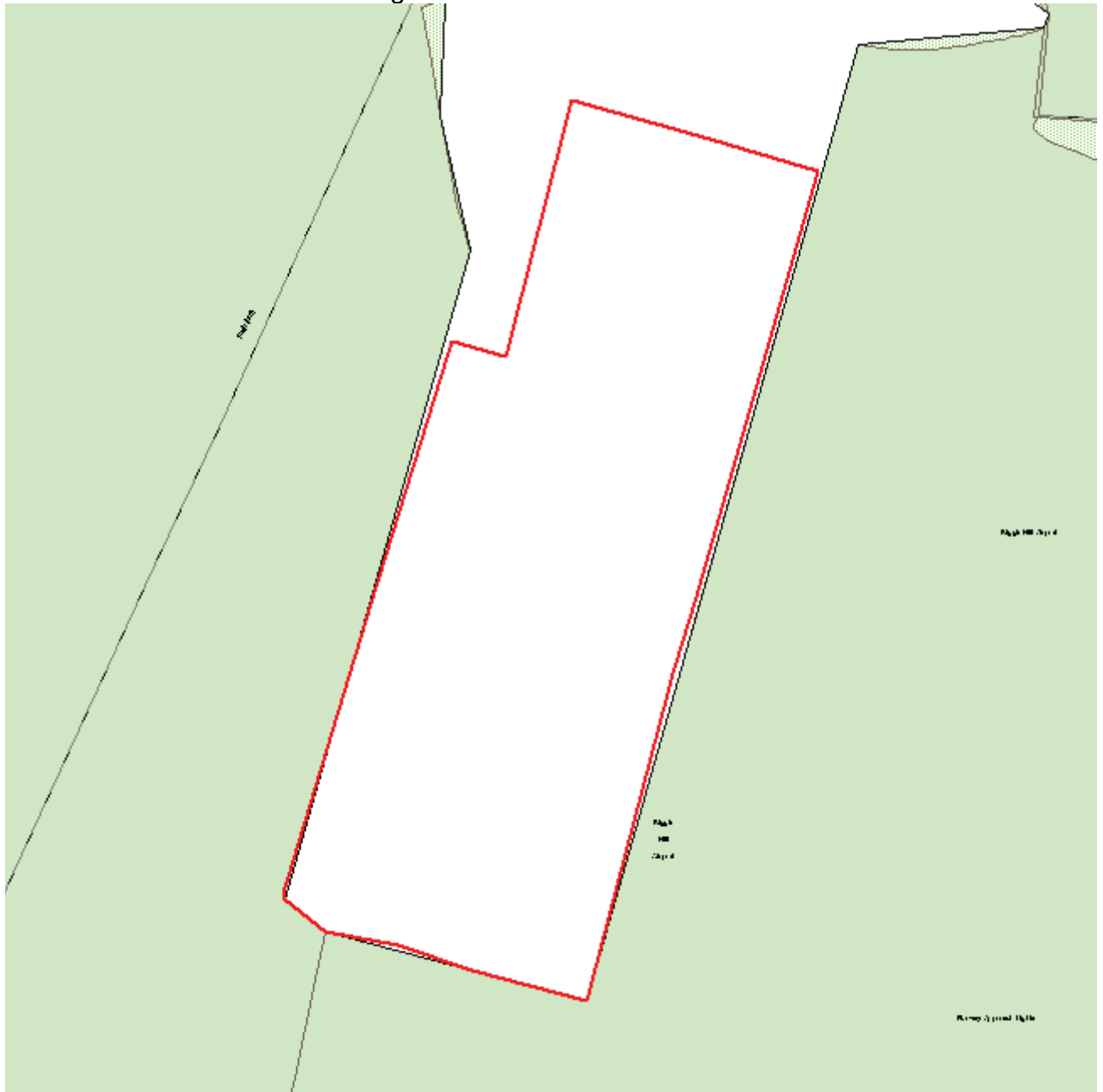
Policies (UDP)

BE1 New Development  
BH1 Local Environment  
BH2 New Development  
G1 Green Belt

Reference: 11/01303/FULL1

Address: HPS Gas Station Leaves Green Road Keston

Proposal: Removal of existing security fence and hedgerow and erection of replacement repositioned security fence between 100m and 125m to the west of the existing fence line



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## SECTION '2' – Applications meriting special consideration

**Application No :** 11/01304/FULL1

**Ward:**  
Darwin

**Address :** Land East Of Milking Lane Farm Milking  
Lane Keston

**OS Grid Ref:** E: 541735 N: 161535

**Applicant :** London Biggin Hill Airport

**Objections :** YES

### **Description of Development:**

Removal of existing security fence and hedgerow and erection of replacement repositioned security fence up to 67m west of the existing fence line

Key designations:

Special Advertisement Control Area  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Green Belt

### **Joint report with application ref. 11/01303**

### **Proposal**

Two planning applications (refs. 11/01303 and 11/01304) have been received to erect new sections of security fence at Biggin Hill Airport. These involve removing sections of existing hedgerow and erecting a perimeter fence. The fences will be a 2.4m galvanised chain link fence. The fence will be sited to the west of the existing boundary of the airport, which is currently defined by a hedgerow. The existing hedgerow will be removed and a new fence installed. Biggin Hill Airport Ltd (BHAL) state the security fences have to be a certain minimum distance from the runway and there must be no obstructions within the safeguarded area between the runway and the boundary fence.

BHAL has recently undertaken a comprehensive review of its perimeter fencing around the airport boundary, and has to upgrade sections to comply with regulations as required by the Civil Aviation Authority (CAA). It is understood these requirements are mandatory in order to hold an Aerodrome Licence.

### **Location**

The application site comprises an area of open countryside immediately adjacent to the airport. The site falls within the Green Belt.

## **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and comments have been received that raise the following issues, including:

- concerns over increased noise and atmospheric pollution
- hedge would be more attractive than a fence & would blend more with the surroundings
- concern that relocation of fence is to accommodate larger aircraft
- not clear why such a large area is required
- not clear why change is required now after so many years
- Concerns with moving the boundary closer to residential properties

## **Comments from Consultees**

The Council's Valuation and Estates Department raises no objections to the scheme.

## **Planning Considerations**

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

BE1 New Development  
BH1 Local Environment  
BH2 New Development at Airport  
G1 Green Belt

National policy documents are also relevant including:

PPS1: Delivering Sustainable Development  
PPG2: Green Belts

## **Conclusions**

The site falls within the Green Belt where there is a presumption against inappropriate development. The effect of constructing the fences in the position proposed is to enlarge the operational boundary of the airport. This could potentially have further implications, specifically in terms of the area enjoying aviation permitted development rights, since this extra land would fall within the 'operational boundary'. However, BHAL have confirmed that no development will be undertaken in future in this area, since it has to be kept free of obstacles because of its proximity to the runway. The proposals would also amount to a change of use from agricultural land to operational land within the Green Belt. This would be inappropriate development in terms of PPG2. Very special circumstances are therefore required to justify inappropriate development.

The applicant has stated that very special circumstances exist as to why permission should be granted.

The applicant has confirmed that the enlargement of the operational area is needed to satisfy mandatory Civil Aviation Authority (CAA) requirements. A certain minimum unobstructed area from the runway is required under CAA rules, and this is why the fence is to be located west of the existing boundary. The applicant also states that a security fence is required around the perimeter of the airport in accordance with the UK National Security Programme E 300 2010 together with the single Consolidation Direction 1/2010.

The applicant has confirmed that there will be no changes to the operation of the Airport, including that there will be no increase in the number of flights or increase in size of aircraft, as these are governed by the terms of the airport's lease. The proposals will not therefore result in any increased noise or atmospheric pollution.

Objectors have requested that a hedge be used rather than a fence, as this would look more attractive and be better for wildlife. However, it is understood that this would not comply with the strict regulations which require that a fence not be capable of breach by unauthorised persons.

The relocated security fence would be a considerable distance from the nearest residential properties.

Overall Members may consider that, given the security fence is required under CAA regulations that are mandatory, very special circumstances exist to allow proposals within this Green Belt location. It is also considered that the erection of the fences will have no discernable effect on the openness of the Green Belt.

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.

Background papers referred to during production of this report comprise all correspondence on files refs. 11/01303 and 11/01304, excluding exempt information.

Should Members be minded to grant permission, the following conditions are suggested.

**RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- |   |        |  |
|---|--------|--|
| 1 | ACA01  | Commencement of development within 3 yrs |
|   | ACA01R | A01 Reason 3 years                       |
| 2 | AJ02B  | Justification UNIQUE reason OTHER apps   |

Policies (UDP)

- BE1 New Development
- BH1 Local Environment

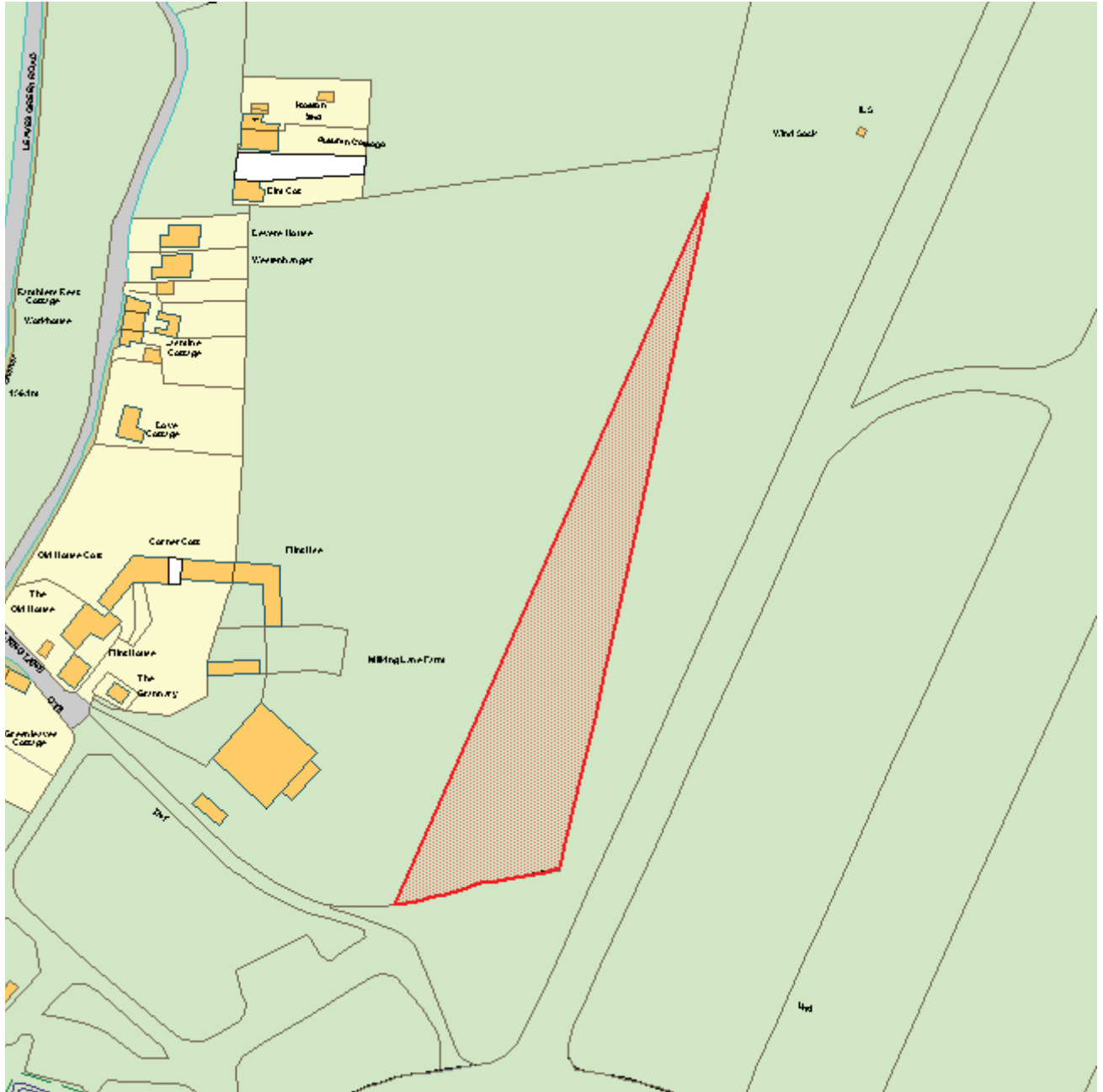
BH2 New Development  
G1 Green Belt



Reference: 11/01304/FULL1

Address: Land East Of Milking Lane Farm Milking Lane Keston

Proposal: Removal of existing security fence and hedgerow and erection of replacement repositioned security fence up to 67m west of the existing fence line



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## SECTION '2' – Applications meriting special consideration

**Application No :** 11/01483/FULL1

**Ward:**  
Hayes And Coney Hall

**Address :** Elm Farm Cottage Nash Lane Keston  
BR2 6AP

**OS Grid Ref:** E: 540449 N: 163949

**Applicant :** Mr Bob Harvey

**Objections :** YES

### **Description of Development:**

Conversion of barn adjacent to Elm Farm Cottage into 1 two bedroom dwelling house

Key designations:

Conservation Area: Nash

Areas of Archeological Significance

Special Advertisement Control Area

Green Belt

London City Airport Safeguarding

London City Airport Safeguarding

London City Airport Safeguarding Birds

### **Proposal**

- The proposal seeks planning approval for the conversion of the existing barn adjacent to Elm Farm Cottage into 1 two bedroom dwellinghouse.
- The premises at present has a lawful use as a storage building (Class B8) and for craft/manufacturing workshops. This use was granted permission in 1992 under ref. 92/02276. This approval also incorporated an integral carport to serve the main building and provide some stables, along with a further building within the existing holding to be used as livery stables and a store.
- The current proposal seeks permission for a two bedroom property to be provided with a breakfast room and kitchen, lounge, utility room and two bathrooms. A store would also be provided which would be used for purposes incidental to the host dwelling.
- The existing carports would be used to provide two car parking spaces, and no further extensions are proposed as part of the scheme.
- A garden area would be provided to the south of the building and this area would be separated from the open agricultural land that surrounds the curtilage of the site.
- The existing boundary hedgerows and planting would be retained, as would the existing vehicular and pedestrian access onto the road.

## **Location**

The application site is located within the Nash Conservation Area and is also designated as Green Belt land.

## **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and the representations received from Nash and District Residents' Association can be summarised as follows:

- consider these buildings are ideal for this development;
- the area of Nash would benefit from another family moving in;
- would be nice to see these buildings used productively.

## **Comments from Consultees**

No objections were raised by Environmental Health of Highways Drainage.

Waste Services stated that refuse and recycling should be left at the edge of the curtilage.

From the point of view of the Highways Engineers, it was stated that as the original use of the buildings are workshops, storage and stables, it is likely that these would have generated vehicle movements. It is considered to be unlikely that the proposal for a relatively small dwelling would generate significantly more trips, and as such no objection was raised to the application subject to suitable planning conditions.

## **Planning Considerations**

It was considered that no significant trees would be affected by the proposal.

The proposal falls to be considered under Policies H1, H12, BE1, BE11, G1 and EMP5 of the Unitary Development Plan.

At national level, it is considered that PPG2 (Green Belts) and PPS7 (Sustainable Developments in Rural Areas) are relevant.

## **Planning History**

In terms of planning history at the site, permission was granted under ref. 92/02276 for a single storey block for storage use, craft manufacturing and livery stables.

## **Conclusions**

The host building is located on Green Belt land and the site also falls within Nash Conservation Area. As such, one of the main issues to consider is whether the proposal will impact upon the openness of the Green Belt location.

Another issue to consider is the conversion of the building to residential, and whether this would result in an unacceptable loss of a business site despite the site being located outside a business area.

The application has been furnished with a statement from Linays Commercial, stating in effect that the premises has been marketed on a rental basis from 2nd March 2010 on a flexible basis concerning both the rental and lease terms. This statement is considered to meet Policy EMP5 (ii) which seeks full and proper marketing of the site where it is found that the site is unsuitable and financially non-viable for the existing use, which according to the marketing agent this has been the case. The estate agent has stated in effect that within the time that the property was being marketed, there were three serious enquiries but for reasons of difficult access for delivery lorries along the surrounding lanes and distance to transport links i.e. railway stations, none of these options were followed up. This confirmation from the estate agent also appears to meet criteria (i) of Policy EMP5 regarding the size, configuration, access arrangements and other characteristics which make a site unsuitable for uses within Classes B1, B2 or B8 uses. Despite the fact that the current lawful use appears to be Class B8, it is clear that there is no clear requirement for this type of use in this particular, and that the narrow lanes surrounding the site and the distance to other transport links appears to provide some problems finding suitable tenants.

Policy H12 relates to the conversion of non-residential buildings to residential use where offices and other non-residential buildings are genuinely redundant, subject to achieving a satisfactory quality of accommodation and amenity. Paragraph 4.56 of the Unitary Development Plan relating to this Policy states in effect that where such a conversion is proposed, the applicant must be able to demonstrate that the premises are genuinely redundant. The supporting information from Linays Commercial seems to justify this point. It would appear that it is unlikely that the proposal will lead to loss of employment or prevent the creation of new business or employment opportunities due to the location of the site and lack of agricultural business seeking new premises within the area.

Policy G1 of the Unitary Development Plan refers to the re-use of a building in the Green Belt being inappropriate unless it meets certain criteria. The Highways Engineers have stated that the proposed use should not lead to a greater generation of vehicular movement in the area than the existing lawful use, as such Members may consider that the proposal will not have a materially greater impact than the present use on the open character of the land. In addition as no extensions are proposed to the building, with the scheme involving purely an internal conversion, and the proposal creating a small residential curtilage surrounding the host building as opposed to encroaching onto the agricultural curtilage surrounding the defined application site, Members may consider that the proposal will not have any adverse impact upon the openness of the land nor conflict with the purposes of the surrounding land.

The scheme will not involve extensions to the building, and a structural report has been prepared by chartered surveyors, Bradley Harris Limited, to advise whether the building can be purely converted to a residential dwelling without substantial reconstruction. The report in effect stated that whilst the buildings were built for

agricultural purposes and as such there are always some limitations in respect of the standard of that construction, the buildings have been well maintained in the past and this has prevented significant deterioration. It was noted that whilst some improvement works could be carried out, these works are not uncommon for properties of this age. However, it was considered within the report that there is no evidence to suggest that the buildings are not capable of refurbishment and conversion to a residential dwellinghouse without reconstruction or substantial structural works that would affect the principal walls, floors, roof structures and roof coverings.

In terms of the impact upon the Nash Conservation Area, the test here is whether the proposal will preserve or enhance the wider area. As no extensions are proposed and it will in fact bring a redundant building back in to use, Members may agree that the conversion of the building to residential will preserve the character of the building and prevent the decline of the building, which if left to happen would create a negative impact upon the character of the conservation area.

Members may therefore consider that on balance, the proposal is worthy of planning permission being granted for the conversion of the building to residential accommodation. It has been confirmed by chartered surveyors that the building is capable of being converted through internal works alone and this complies with Policy G1 (v) as the building will not be enlarged therefore will not have a greater impact upon the open character of the land; G1 (vii) as no extensions appear to be required in order to allow for the conversion to residential, G1 (viii) as the bulk, form and design of the building will not be altered; G1 (ix) the proposed use as residential will not include the external storage of materials, plant or machinery; and G1 (x) the use should not have any adverse impact upon the recreational enjoyment or appearance of the countryside as it has been confirmed by the Council Highway Engineers that the proposed use should not generate more vehicular traffic than the existing lawful use.

Background papers referred to during production of this report comprise all correspondence on file ref. 11/01483, 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 | ACC07          | Materials as set out in application  |
|   | ACC07R         | Reason C07   |
| 5 | ACD04          | Foul water drainage - no details submit  |
|   | <b>Reason:</b> | To ensure satisfactory means of foul water drainage and to accord with PPS 25. |
| 6 | ACH27          | Arrangements for construction period   |

- ACH27R Reason H27  
7 ACI02 Rest of "pd" Rights - Class A, B,C and E

**Reason:** In order to protect the openness of the Green Belt land, the character of Nash Conservation Area and to comply with Policies BE1, BE11 and G1 of the Unitary Development Plan.

- 8 ACI18 No additional hardstanding

ACI18R I18 reason

- 9 ACK01 Compliance with submitted plan

**Reason:** In order to protect the openness of the Green Belt land, the character of Nash Conservation Area and to comply with Policies BE1, BE11 and G1 of the Unitary Development Plan.

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

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

- H1 Housing Supply  
H12 Conversion of Non-Residential Buildings to Residential Use  
G1 The Green Belt  
BE1 Design of New Development  
BE11 Conservation Areas  
EMP5 Development Outside Business Areas

The application also falls to be considered under associated Green Belt policies of The London Plan, and at national level, it is considered that PPG2 (Green Belts) and PPS7 (Sustainable Developments in Rural Areas) are of relevance.

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

- (a) the character of development in the surrounding area;
- (b) the relationship of the proposed conversion to the adjacent properties;
- (c) the housing policies of the development plan;
- (d) the preservation or enhancement of the Green Belt;
- (e) the preservation or enhancement of the Conservation Area;
- (f) possible loss of employment on the site;

and having regard to all other matters raised.

### INFORMATIVE(S)

- 1 RDI10 Consult Land Charges/Street Numbering

Reference: 11/01483/FULL1

Address: Elm Farm Cottage Nash Lane Keston BR2 6AP

Proposal: Conversion of barn adjacent to Elm Farm Cottage into 1 two bedroom dwelling house



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## SECTION '2' – Applications meriting special consideration

**Application No :** 11/01617/FULL1

**Ward:**  
**Bickley**

**Address :** Blandings Sundridge Avenue Bromley  
BR1 2QD

**OS Grid Ref:** E: 541989 N: 170021

**Applicant :** Mr Chris Allen

**Objections :** YES

### **Description of Development:**

Replacement 2/3 storey five bedroom house with integral double garage

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
Local Distributor Roads  
Tree Preservation Order

### **Proposal**

- Replacement 2/3 storey five bedroom detached house with basement double garage.
- The application proposes the demolition of the existing dwelling and the erection of a 2/3 storey detached 5 bedroom house with accommodation in the roof space.
- The dwelling will utilise the existing access to the south of the site. The applicant has confirmed that access rights for the future occupants will be allowed, provided that construction traffic uses the main entrance from Sundridge Avenue.
- The dwelling will be partially sunk into the ground to reduce the bulk of the appearance, with a double garage at lower ground level.
- The proposed dwelling will have a height of approx. 9.2m and a width of approx. 17.6m. The depth will be approx. 14.3m. The dwelling will be separated from the flank boundaries of No. 34 by almost 9m and separated from the recently permitted dwelling at Blandings by 15m.
- The site will be divided in half with the intention to construct this second dwelling following the grant of planning permission under ref. 10/03498 for a dwelling to the north on the same site.

## **Location**

The site is located on the eastern side of Sundridge Avenue. The site is rectangular in shape and currently comprises of a large flat-roofed two storey detached dwelling. To the south is a small cul-de-sac with two dwellings which are located to the east of Blandings. The site is relatively large and rectangular in size, giving the site an unusually narrow depth. The rear garden possesses three protected trees, including a eucalyptus tree close to the existing building. The surrounding area is characterised by spacious detached dwellings in large plots. To the east is a locally listed building at Woodside.

## **Comments from Local Residents**

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

- safeguarding of existing utilities across the site and utility rights of way should be achieved
- access rights should be protected
- access from side road would require using private land
- overlooking and loss of privacy
- covenant on the land prevents more than one dwelling being built on the site
- overdevelopment of the site
- impact on the character of the area
- access should be from the front only, not the side road at No. 36.

## **Comments from Consultees**

No technical highways objections are raised, subject to standard conditions concerning parking layout and surface water drainage. The garage has less than the normally required 7.5m manoeuvring space in front of it but as it has a double width door manoeuvring should be possible.

No Thames Water or technical drainage objections are raised, subject to standard conditions and informatives.

Building Control and Environmental Health comments will be reported verbally at the meeting.

## **Planning Considerations**

Policies relevant to the consideration of this application are BE1 (Design of New Development), H7 (Housing Density and Design), H9 (Side Space), T18 (Road Safety) and NE7 (Development And Trees) of the adopted Unitary Development Plan.

There are a number of other relevant policy documents that come under the general category of other 'material considerations'. These include:

The London Plan (Policies)

4B.1 Design principles for a compact city  
4B.8 Respect local context and communities

PPS3 Housing (2010)

### **Planning History**

Planning history on the site includes refusals for 3 detached dwellings (ref. 00/02485) and 9 terraced dwellings (ref. 00/02486). Outline planning permission was granted under ref. 02/00946 for 2 detached dwellings on the site. This permission retained a generous space between and around the proposed dwelling, however this permitted proposal did not include consideration of details of scale.

Planning permissions were granted under refs. 03/02743 and 04/01936 for replacement dwellings on opposite sides of the site, resulting in the sub-division of the plot to provide two dwellings.

A planning application was withdrawn under ref. 08/02549 for a replacement two storey 5 bedroom detached house with basement triple garage and first floor annexe. This application consisted of a dwelling approximately 3m wider than the current proposal, with a separation to the northern flank boundary of approx. 2m.

Planning permission was granted under ref. 08/03243 for a replacement two storey 5 bedroom detached house with basement triple garage and first floor annexe on the centre of the site.

Planning permission was granted under ref. 10/03498 for a replacement 2/3 storey four bedroom detached house with basement double garage on the north side of the same plot at Blandings.

### **Conclusions**

The main issues relating to the application are the effect that it would have on the character of the area, the impact that the development would have on the amenities of the occupants of the surrounding residential properties, the impact on highway safety and the impact on protected trees. The impact on the nearby locally listed building is also a consideration.

The proposal seeks to demolish the existing dwelling, which occupies a large area of the site, and replace it with a dwelling at the south side of the site, sub-dividing the plot into two residential plots. This application follows from the recently permitted scheme for a new dwelling on the north side of the site and the access onto Sundridge Avenue will be shared for both dwellings.

The principle of building two dwellings on the site has been established under the previous planning history. It is acknowledged that PPS3 has been revised since the previous permissions on the site. When considering the application in respect to PPS3, underutilised land is potentially capable of being developed at a higher density, even if this land is currently a residential garden. PPS3 however also

states that this can enhance the character and quality of an area when well designed and crucially, when built in the right locations. It is considered that building in this location would respect the character of the area and would not seriously lower the established spatial standards of the area. Both resulting plots would be comparable in size to neighbouring plots in the area and would retain generous amenity areas.

In terms of impact on the amenities of neighbouring properties, the adjacent properties to the rear are sited on significantly higher ground than Blandings and are therefore not considered to be impacted upon significantly. The building to the rear will also be over 25m away. To the south, No. 34 will be separated by approx. 9m and this is considered a suitable distance to mitigate any impact from the proposed flank windows on the south flank elevation. To the north, the impact on the newly permitted dwelling will be minimal due to the 15m separation. This separation is considered sufficient to reduce overshadowing and loss of light to neighbouring properties. The flank windows will not overlook the properties surrounding should obscure glazing and suitable conditions be used. The relationships to other dwellings are considered to be typical for residential development and would not result in serious overlooking as to warrant a refusal. The separation is also considered adequate to prevent any serious loss of prospect from neighbouring properties, with the difference in land levels resulting in no significant loss of light or prospect from No. 36 to the rear of the site.

The proposal seeks to utilise the existing access to the south of the site, which serves Woodlands Cottage and Woodside. From a technical point of view, no objections are raised. The proposed turning area may not be easily useable and therefore standard conditions can be imposed to secure a suitable parking and access layout. A condition can also be imposed to prevent water drainage run-off onto the highway.

From a heritage and urban design point of view, the proposal is considered to retain an adequate separation to the nearby locally listed building in order to preserve the character and setting of this building and no objection is raised in this respect.

It is considered that the design and siting of the dwelling are largely determined by the topography and unusual shape of the site. The proposal has been amended from the previous applications and the dwelling retains a generous side space around the dwelling. Also a large and useable garden area will be provided to the front, side and rear (with an improved garden size created by the proposed second access to the south). The dwelling is considered to be a similar height to the previous cases and the dwelling will not impact harmfully on the character of the area, which is characterised by detached properties and generous plot sizes. The bulk of the proposed building is broken by steps down in site level and this is also considered to reduce the impact of the dwelling.

It should be noted by Members that the design of the dwelling provides a series of Juliet balconies to the front and rear elevations. From a design point of view, the resulting dwelling would be of a strong form, however this is not considered to be of harm to the street scene or the prevailing bulk of other buildings in the area. A

similar design was also permitted for the dwelling to the north of the site under ref. 10/03498.

On balance it is considered that the siting and design of the proposed dwelling is considered to be acceptable, in light of the planning history and alterations to PPS3. No significant changes in circumstances are considered to have occurred on the site or its surroundings since the previous permissions, which are a material consideration.

The proposal would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area. No impact on highway safety would result from the proposal. It is therefore recommended that Members grant planning permission.

Background papers referred to during production of this report comprise all correspondence on files refs. 08/02549, 10/03498 and 11/01617, 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  | ACB18  | Trees-Arboricultural Method Statement     |                          |
|    | ACB18R | Reason B18                                |                          |
| 5  | ACB19  | Trees - App'ment of Arboricultural Super  |                          |
|    | ACB19R | Reason B19                                |                          |
| 6  | ACC01  | Satisfactory materials (ext'n'l surfaces) |                          |
|    | ACC01R | Reason C01                                |                          |
| 7  | ACD04  | Foul water drainage - no details submitt  |                          |
|    | ADD04R | Reason D04                                |                          |
| 8  | ACH03  | Satisfactory parking - full application   |                          |
|    | ACH03R | Reason H03                                |                          |
| 9  | ACH32  | Highway Drainage                          |                          |
|    | ADH32R | Reason H32                                |                          |
| 10 | ACI07  | Restrict to members of household (1 in)   | hereby permitted         |
|    | ACI07R | Reason I07                                |                          |
| 11 | ACI12  | Obscure glazing (1 insert)                | in the first floor flank |
|    | ACI12R | I12 reason (1 insert)                     | BE1 and H7               |
| 12 | ACI17  | No additional windows (2 inserts)         | flank dwelling           |
|    | ACI17R | I17 reason (1 insert)                     | BE1 and H7               |
| 13 | ACK05  | Slab levels - no details submitted        |                          |
|    | ACK05R | K05 reason                                |                          |

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

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

- (a) the impact on the character of the surrounding area
- (b) the impact on the amenities of the occupiers of adjacent and nearby properties, including light, prospect and privacy
- (c) the impact on the setting of the neighbouring locally listed building
- (d) the impact on trees
- (e) the transport and highway safety policies of the development plan.

and having regard to all other matters raised.

#### INFORMATIVE(S)

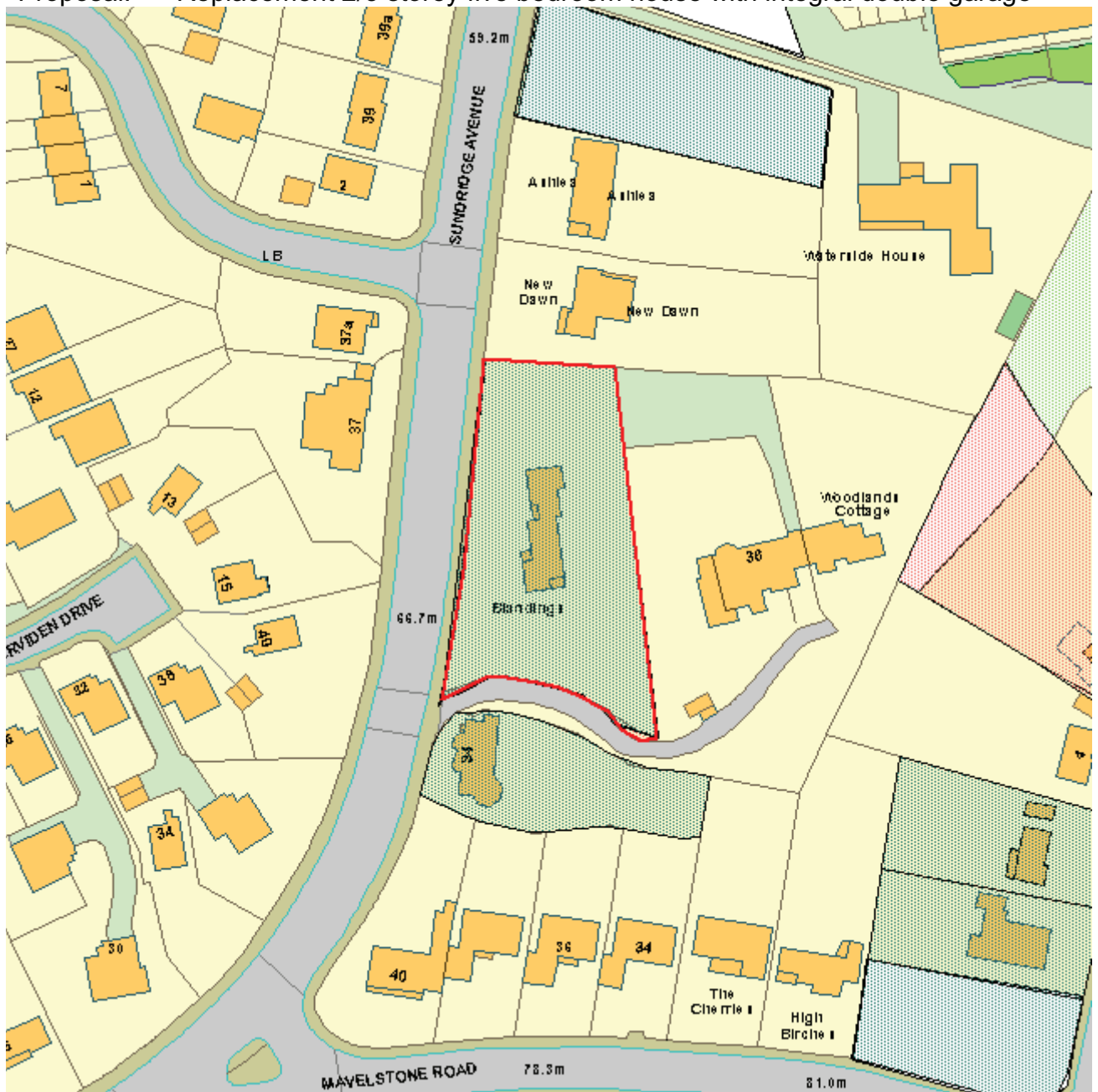
- 1 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving 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 Thames water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 3 If during works on site suspected contamination is encountered, 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.
- 4 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.



Reference: 11/01617/FULL1

Address: Blandings Sundridge Avenue Bromley BR1 2QD

Proposal: Replacement 2/3 storey five bedroom house with integral double garage



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## SECTION '2' – Applications meriting special consideration

**Application No :** 11/01643/FULL1

**Ward:**  
Kelsey And Eden Park

**Address :** Langley Park Sports And Social Club  
Hawksbrook Lane Beckenham BR3 3SR

**OS Grid Ref:** E: 537874 N: 167135

**Applicant :** Langley Park Sports And Social Club      **Objections :** YES

### **Description of Development:**

Single storey detached building to provide changing rooms, 2 all weather 5 a side football pitches with floodlights (8.3m high) and 3.1m high timber/ mesh fencing around perimeter

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Metropolitan Open Land

### **Proposal**

Langley Park Sports and Social Club lies within an area of designated Metropolitan Open Land (MOL) and the site includes 6 full size grass football pitches and floodlit concrete tennis courts / five-a-side football pitches which have historically been used for overspill car parking. It is proposed to install 2 astroturf five-a-side football pitches with 6 8.3m high floodlights and a 3.1m high timber/mesh perimeter fence on the site of the concrete courts/car park. It is also proposed to erect a single storey building to provide changing rooms and showers to the rear of the existing clubhouse and changing room facility.

Planning permission was refused in May 2010 for a similar proposal and was subsequently dismissed at appeal. The Inspector was concerned that the siting of the changing room block would result in undue harm to the openness of MOL. The applicant has sought to address these concerns through resiting the proposed building behind the existing clubhouse, thereby reducing the impact on the openness of MOL.

Planning permission was granted under application ref. 08/03343 for 90 permanent and 27 temporary car parking spaces to replace the overspill car parking that will be lost as a result of the current proposal.

The application is accompanied by floodlighting details and light spillage charts. The previous application (ref. 09/02970) was accompanied by a Transport Assessment.

### **Location**

The site accommodates sports club facilities including a bowling green, race track and football pitches and a pavilion providing changing rooms, a bar and a function room. Langley Park School for Boys and Langley Park School for Girls lie to the north and there is predominantly 1930s detached and semi-detached housing fronting South Eden Park Road to the south and west of the site, whilst much of the area to the east of the site is characterised by open land. The south-west boundary of the site is with the Eden Park–West Wickham railway line.

### **Comments from Local Residents**

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

- harm to openness and visual amenity of MOL
- precedent for further development on MOL
- light pollution
- inadequate screening in winter
- loss of privacy
- increased noise and disturbance, particularly from cars, five-a-side pitches and changing rooms
- increased anti-social behaviour
- increased litter
- increased traffic
- detrimental impact on highway and pedestrian safety
- congestion during events at neighbouring schools
- proposed hours of use are excessive
- club and users may ignore planning restrictions
- proposal has changed little from previous application
- already adequate five-a-side facilities in surrounding area
- detrimental impact on wildlife.

### **Comments from Consultees**

The Metropolitan Police Crime Prevention Design Advisor has no objections to the proposal.

There are no technical highways objections.

There are no objections from the Council's in-house drainage consultant.

There are no objections in terms of Environmental Health issues.

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

## Planning History

Planning permission was granted under application ref. 08/03343 for 90 permanent and 27 temporary car parking spaces. Condition 3 of the permission required that the use of the tennis courts/five-a-side pitches for overspill car parking must cease upon completion of the new car parking.

Planning permission was refused in May 2010 for a single storey detached building to provide changing rooms 2 all weather 5 a side football pitches with 6 floodlights (8.3m high) and 3.1m high timber/ mesh fencing around perimeter (application ref. 09/02760). The grounds of refusal were as follows:

The proposal is inappropriate development detrimental to the openness and visual amenities of Metropolitan Open Land and the Council sees no very special circumstances which might justify the grant of planning permission as an exception to Policy G2 of the Unitary Development Plan.

The proposal will result in harm to the amenities of occupants of nearby residential dwellings by reason of light pollution and increased noise and disturbance contrary to Policies BE1 and ER10 of the Unitary Development Plan.

A subsequent appeal was dismissed in January 2011 and the following are excerpts from the Inspector's report:

'The proposal would entail new all-weather surfacing by way of astroturf but this would not materially affect the openness of the site. As regards the associated facilities for the pitches, floodlighting is already in place. The proposal would result in a reduction in the number of lights from eight to six and the columns would be lower. In this respect, therefore, openness would be slightly improved. The existing court area is also enclosed by a high wire mesh fence. This would be removed and a smaller area (about two-thirds the size) enclosed with a lower perimeter fence. Unlike the current fence, the new one would comprise timber kickboards for the first 1.3m with mesh above. Solid timber in place of mesh would have some impact on openness but the overall effect would be minimal, bearing in mind that a smaller area would be enclosed with a lower fence. At the Hearing, it was said that it was also intended to have netting about 3m high between the two pitches but this would be within the area enclosed by fencing and moveable in any case when not required. The courts are also partly enclosed by high boundary vegetation now, to an extent greater than shown on the submitted plans.

Overall, therefore, I consider that the pitches, lighting and fencing proposed would maintain the openness of the MOL and would thus not be inappropriate development.

The proposed changing room building would supplement existing facilities on the site. I accept that these facilities are of insufficient size and quality to provide adequate support for the scale of outdoor sport and recreation use of the site, albeit compounded by Kent County League requirements for

games to kick off at the same time. The additional facilities that the building would provide may therefore reasonably be considered essential facilities within the terms of UDP Policy G2. On this basis, the building would not be inappropriate development in the MOL.

I conclude that the proposal would not constitute inappropriate development within Metropolitan Open Land. As such, I find no conflict in this respect with the objectives of UDP Policy G2.

For the reasons given above, I do not consider that the pitches, lighting or fencing would be materially harmful to the openness or visual amenity of the MOL...

...The building would be sited on land that is currently largely open, encroaching on the grassed area to the south of the existing courts. At the Hearing, it was explained that this was to retain an area of sufficient size to the north for potential future outdoor sporting or recreational use, such as netball. Although single-storey, and relatively modest in height to the eaves, it would be some 5.5m to the roof ridge and some 20m wide. I consider that the addition of this quantum of built form in an area free of it would be significantly damaging to the openness of this part of the site. I appreciate that the area is partly enclosed by the high mesh fence mentioned above but I do not consider the impact comparable. While there is also a storage container in place, this appears to have no planning history and is in any event much smaller in scale than the proposed building. I am aware that the building has been positioned to meet League requirements for distances of facilities from pitches. I consider this further below.

Although I have found that the building would not be inappropriate development this does not obviate the UDP requirement that development should not damage the openness and visual amenity of the MOL. This is underlined by Policy 3D.10 of the London Plan (LP), which says that essential facilities for "appropriate uses" will only be acceptable where they do not have an adverse effect on the openness of MOL. The site offers some scope for further landscaping to reduce certain views of the building (eg from within the site and Hawksbrook Lane) but this would not overcome the damage to openness and the harm that this would do to visual amenity too.

Overall, therefore, I conclude that the proposal would have a materially harmful effect on the openness and visual amenity of Metropolitan Open Land. As such, it would conflict in this respect with the objectives of UDP Policy G2.

The six floodlights proposed appear to be the minimum required for the purpose of lighting the pitches and the floodlighting report submitted with the application suggests that light spillage would taper off well away from the nearest residential properties. Moreover, conditions could require prior approval of details such as the power, intensity, orientation and screening of the lamps and also control the hours during which the floodlighting was in

use. At the Hearing, it was agreed that use could cease at 10pm during the week and 9pm at weekends. This compares with the proposed end-time of 11pm every day (and no control at present). On the above basis, and having regard to the distance to neighbouring properties and the intervening vegetation, I consider that there would be no material harm to residential amenity from light pollution. I note that the Council's environmental health officer (EHO) raised no objection on light grounds.

Use of the five-a-side pitches would inevitably give rise to some noise, though the EHO did not object on noise grounds either. The distance to the nearest residential properties and intervening vegetation would limit the effects and additional landscaping could be provided to give further mitigation. Controls on finishing times on the lines of those mentioned above would also limit disturbance later in the evening and, at the Hearing, a weekend start of 9am was agreed (rather than the 8.30am proposed). Overall, therefore, I consider that the proposal would not give rise to excessive noise and disturbance.'

### **Planning Considerations**

The main policies of the Bromley Unitary Development Plan considered to be relevant to this application include:

- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T18 Road Safety
- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- NE3 Development and Nature Conservation Sites
- NE7 Development and Trees
- L1 Outdoor Recreation and Leisure
- G2 Metropolitan Open Land.

In strategic terms the most relevant London Plan policies are:

- 3.16 Protection and enhancement of social infrastructure
- 3.19 Sports facilities
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.17 Metropolitan Open Land.

As part of the application process, it was necessary for the Council to give a Screening Opinion as to whether an Environmental Impact Assessment was required. The proposal constitutes Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. After taking into account the selection criteria in Schedule 3 of the Regulations and the terms of the European Directive, it was considered that the proposed development would not be likely to have significant

effects on the environment by virtue of factors such as its nature, size and location. This opinion was expressed taking into account all relevant factors including the information submitted with the application, advice from technical consultees, the scale/characteristics of the existing and proposed development on the site. The applicants have been advised accordingly.

## **Conclusions**

The appeal Inspector considered that no harm would result in MOL terms from the five-a-side pitches and floodlights. He also accepted that the changing room facilities proposed under application ref. 09/02760 were essential facilities to support the sporting use of the site and were therefore appropriate development in MOL. The currently proposed changing room block will be smaller than that considered at appeal and can therefore also be considered appropriate development in MOL. The five-a-side facilities were not considered to result in unacceptable harm to the amenities of the occupants of nearby residential dwellings by reason of noise or light pollution. The main issue to be considered is therefore the acceptability of the revised siting of the changing room block on the openness and visual amenities of MOL and on the residential amenities of the occupants of nearby dwellings.

The proposed changing room block will be located behind the clubhouse building and will not be particularly visible from within this area of MOL and will have little impact on its openness. It is considered that the revised siting of the block overcomes the appeal Inspector's concerns regarding the impact on openness and visual amenity and can be considered acceptable. The location of the block is such that there will be no undue harm resulting from its visual impact when viewed from nearby houses and the existing landscaping on the western boundary of the site will provide some screening. There will not undue harm from noise associated with changing activity as this will be predominantly contained within the building.

Background papers referred to during the production of this report comprise all correspondence on files refs. 08/03343, 09/02760 and 11/01343, 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 | ACA08  | Boundary enclosures - implementation     |
|   | ACA08R | Reason A08                               |
| 4 | ACH22  | Bicycle Parking                          |
|   | ACH22R | Reason H22                               |
| 5 | ACH27  | Arrangements for construction period     |
|   | ACH27R | Reason H27                               |
| 6 | ACH30  | Travel Plan                              |

- ACH30R Reason H30
- 7 ACI21 Secured By Design  
ACI21R I21 reason
- 8 ACJ23 Details of floodlights  
ACJ23R J23 Reason
- 9 The development hereby permitted shall not be used until the permanent car parking spaces permitted under planning application reference 08/03343 are available for use.

**Reason:** In order to ensure adequate car parking provision and to comply with Policy T3 of the Unitary Development Plan.

- 10 The five-a-side football pitches and floodlights shall only be used between 0830 hours and 2200 hours on Mondays to Fridays and between 0900 hours and 2100 hours on Saturdays and Sundays.

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

### **Reasons for permission:**

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

- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T18 Road Safety
- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- NE3 Development and Nature Conservation Sites
- NE7 Development and Trees
- L1 Outdoor Recreation and Leisure
- G2 Metropolitan Open Land.

### London Plan

- 3.16 Protection and enhancement of social infrastructure
- 3.19 Sports facilities
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.17 Metropolitan Open Land.

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

- (a) the relationship of the development to adjacent property
- (b) the character of the development in the surrounding area
- (c) the impact of the proposal on the openness and visual amenities of the Metropolitan Open Land
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties
- (e) the design policies of the development plan
- (f) the transport policies of the development plan



and having regard to all other matters raised.

INFORMATIVE(S)

- 1 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. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site .If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.



Reference: 11/01643/FULL1

Address: Langley Park Sports And Social Club Hawksbrook Lane Beckenham BR3 3SR

Proposal: Single storey detached building to provide changing rooms, 2 all weather 5 a side football pitches with floodlights (8.3m high) and 3.1m high timber/mesh fencing around perimeter



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## SECTION '2' – Applications meriting special consideration

**Application No :** 11/01713/FULL1

**Ward:**  
**Darwin**

**Address :** Fox And Hounds 311 Main Road Biggin Hill TN16 2HN

**OS Grid Ref:** E: 543187 N: 157863

**Applicant :** Mitchells And Butlers

**Objections :** YES

### **Description of Development:**

Demolition of existing side extension, covered yard, store and garage and erection of a replacement single storey side extension; alterations to elevations to include installation of replacement 'French' style patio doors to South Elevation; creation of new service yard to include dry store and walk-in chiller/freezer; installation of new kitchen ventilation system; external works to include paved patios to front and side and ramp to front entrance.

Key designations:

Green Belt

### **Proposal**

The proposal involves substantial alterations aimed at enhancing this public house to provide a more diverse food offer and diversify away from being a drinks led business. The main works involve:

- the demolition of an existing side extension, garage and store, and covered yard located to the southern side of the main building, and their replacement with a new single storey extension which will project approximately 6.4m beyond the main building
- creation of a new kitchen yard to the north of the main building to include dry store, walk-in chiller/freezer store and kitchen ventilation equipment
- creation of a ramped access to the main entrance and customer terraces to the front and side elevations of the building
- various internal alteration will also be carried out within the existing building and fenestration changes will be made to the ground floor southern elevation

### **Location**

The application site is located within the Metropolitan Green Belt and is situated along the eastern side of Main Road. The site is surrounded to the north and south

by dense clusters of trees whilst the surrounding areas to the north, south and east are undeveloped and largely open in character; the facing side of the road is characterised by a long line of ribbon development. The existing premises are dominated by a substantial two storey building fronting Main Road which appears to have been extended intermittently.

### **Comments from Local Residents**

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

- plans smarten up the garage side of the pub
- preferable that the alfresco dining area is removed from the front of the building to reduce noise
- unclear how far alfresco area will extend into the forecourt

### **Comments from Consultees**

No technical Highways or Environmental Health objections raised.

### **Planning Considerations**

Policies BE1 (Design of New Development), G1 (The Green Belt), S9 (Food & Drink Premises), NE7 (Development and Trees), and T3 (Parking) and national Planning Policy Guidance 2 – “Green Belts” apply to the development and should be given due consideration.

No objection has been raised by the Trees officer subject to conditions.

### **Planning History**

The original pub building is thought to have been constructed circa 1900. In the intervening years, the original structure has been subject to a number of alterations and various additions. Most recently, under ref. 08/01136 planning permission was granted for a covered shelter.

### **Conclusions**

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

Under Policy G1, the construction of new buildings on land falling within the Green Belt is considered inappropriate and by definition harmful to the Green Belt unless for specified purposes such as agriculture. It is for the applicant to show what very special circumstances exist to warrant permission being granted. Paragraph 3.2 of PPG2 states that “very special circumstances to justify inappropriate development will not exist unless the harm caused by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.” The applicant has

raised various points arguing in favour of very special circumstances which are considered in the following paragraphs.

Within the supporting statement it is argued that the harm caused to the Green Belt will be outweighed by other considerations; these include the net decrease in built footprint, the reduction in the amount of built development that can be viewed from Main Road, the design of the extension which will be more in character and appearance of the public house than are the existing blocks to be demolished, and the removal of existing structures, including an enclosed yard and play equipment.

In terms of floor area, which constitutes an important Green Belt consideration, the cumulative floor area of the proposed side extension, chiller/freezer and dry room will be similar to that of the demolished structures. Based on floor area calculations there will be no net increase in floor area. Furthermore, it is not considered that the outdoor dining area will undermine the openness of the site. Whilst the proposed side extension will form a prominent addition to the existing building, given the improvement in the overall appearance in the building, this development is on balance considered acceptable. In addition, its roof height has also been reduced following the submission of amended plans. These grounds are considered to constitute very special circumstances so as to justify this scheme in Green Belt terms.

Turning to residential amenity issues, concerns have been raised in relation to the provision of an alfresco dining area to the front of the building. Although no enclosed seating area is currently provided, a number of benches have been placed to the front and side to accommodate outdoor drinking/dining for which planning permission would not normally be required. Whilst it is noted that there are a number of residential properties located along the opposite side, occupants of these properties no doubt experience noise and disturbance from the existing evening and late night uses as would be expected from an established use of this nature. It is not considered that the proposal would result in a material increase in noise and disturbance so significant over and above that which already exists and is to be expected in this particular location to warrant refusal. It is also noted that the refurbished premises will increase the food offer and diversify away from being a drink led business which may influence the nature of patronage.

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character and appearance of the Green Belt, and very special circumstances have been demonstrated.

Background papers referred to during production of this report comprise all correspondence on file ref. 11/01713, excluding exempt information.

as amended by documents received on 19.07.2011

#### **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

1	ACA01	Commencement of development within 3 yrs
	ACA01R	A01 Reason 3 years
2	ACB19	Trees - App'ment of Arboricultural Super
	ACB19R	Reason B19
3	ACC03	Details of windows
	ACC03R	Reason C03
4	ACC07	Materials as set out in application
	ACC07R	Reason C07
5	ACH03	Satisfactory parking - full application
	ACH03R	Reason H03
6	ACH27	Arrangements for construction period
	ACH27R	Reason H27

**Reasons for permission:**

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

- BE1 Design of New Development
- G1 Green Belt
- S9 Food and Drink Premises
- NE7 Development and Trees
- T3 Parking

The development is considered satisfactory in relation to the following:

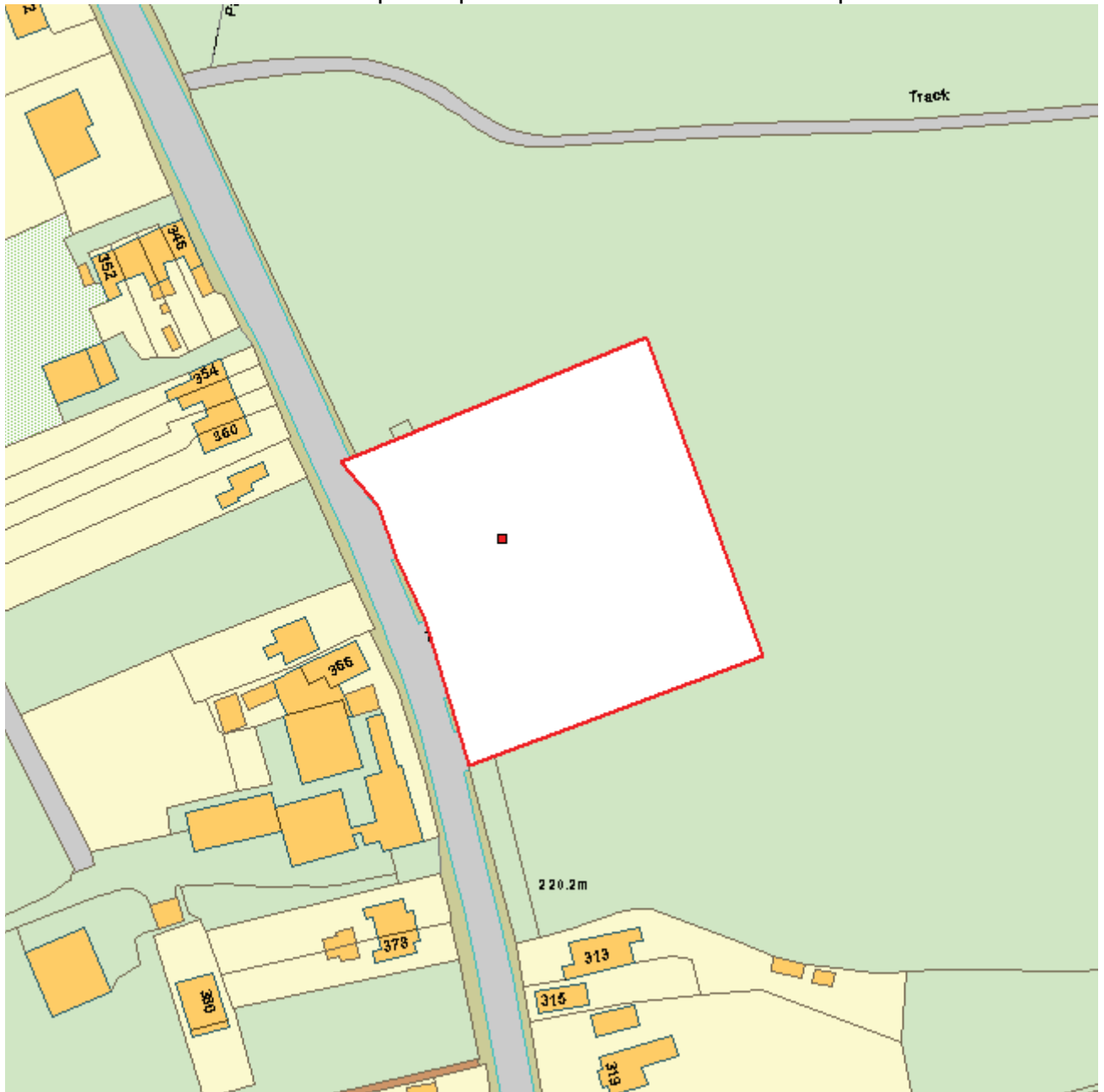
- (a) the character of the development in the surrounding area;
- (b) the impact of the development on the character and openness of the Green Belt

and having regard to all other matters raised.

Reference: 11/01713/FULL1

Address: Fox And Hounds 311 Main Road Biggin Hill TN16 2HN

Proposal: Demolition of existing side extension, covered yard, store and garage and erection of a replacement single storey side extension; alterations to elevations to include installation of replacement 'French' style patio doors to South Elevation; creation of new service yard to include dry store and walk-in chiller/freezer; installation of new kitchen ventilation system; external works to include paved patios to front and side and ramp to front entrance.



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## SECTION '2' – Applications meriting special consideration

**Application No :** 11/01721/FULL1

**Ward:**  
**Chislehurst**

**Address :** Land At Former Kemnal Manor Estate  
Kemnal Road Chislehurst

**OS Grid Ref:** E: 544886 N: 171773

**Applicant :** Memorial Property Investment Ltd

**Objections :** YES

### **Description of Development:**

2 single storey buildings comprising offices, refreshments/ cafe, florist shop and toilets for cemetery

#### Key designations:

Conservation Area: Chislehurst  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
Tree Preservation Order

**Joint report with application ref. 11/00537**

### **Proposal**

Application ref. 11/00537

- Revised design of 100 seat chapel previously approved under planning permission ref. 05/03871 granted for change of use of former parkland to use for human burials, erection of a detached chapel, a cupola shelter, tractor shed and staff facilities, a surface car park for approx. 75 vehicles, accessway, landscaping and new vehicular access to/from Sidcup By-Pass (A20)
- single storey chapel will seat 210 mourners and will include a vestry, WC and a covered entrance where hearses will arrive with a gathering space for mourners
- chapel will be similar in scale to that previously approved but ancillary facilities are no longer incorporated and will be provided in a separate building
- materials will include natural stone walling, natural slate roofing, large glazed openings within a timber frame structure

- application states that design is intended to allow flow through the building and for a purer form and usage to be attained.

#### Application ref. 11/01721

- Building providing refreshment and WC facilities, a florist, office accommodation, storage and waiting area for funeral directors to the south of the proposed chapel
- floor areas as follows:
  - o refreshments - 104m<sup>2</sup>
  - o kitchen - 11m<sup>2</sup>
  - o florist - 32m<sup>2</sup>
  - o office - 43m<sup>2</sup>
  - o other (storage, meeting rooms, etc.) - 172m<sup>2</sup>
  - o total – 362m<sup>2</sup> (406m<sup>2</sup> gross external area)
- building will have a green roof which is intended to create an impression of harmony with the surrounding landscape
- materials will include natural stone walling, full length windows and doors with dark grey powder coated aluminium frames and timber or powder coated louvres.

The applicant states that some elements of the proposal such as a kitchen, offices, WCs and gathering areas have been accepted as essential under the auspices of the previous planning permission. It is argued that the refreshment facilities and florist are essential facilities given the scale and location of Kemnal Cemetery and that the proposal is not inappropriate development in the Green Belt. However, the applicant has identified the following arguments to demonstrate that very special circumstances do exist to justify inappropriate development in the Green Belt if a converse view is taken:

- consented chapel provides seating for 100 mourners and offers very little overflow space due to the design of the ancillary accommodation housed within the same building
- various senior religious bodies and undertakers have indicated a desperate need locally for a chapel that can accommodate up to 300 people – Kemnal Cemetery will feature 55 acres of landscaped burial space and it is anticipated that there will be a wide catchment area attracting large services not currently catered for
- Kemnal is geographically remote from population centres which necessitates a greater degree of self containment in terms of services and ancillary accommodation.
- consented chapel incorporates cemetery administration within the same structure as the chapel – mourners will travel through a corridor which provides access to the chapel and offices and will integrate with people making arrangements for a funeral services, which may be distressing and insensitive for both parties - it is considered necessary to separate the chapel from the administrative and support functions

- chapel is designed to complement its surroundings with an abundant use of natural materials
- market research identifies a clear demand for a congregational area for mourners before and after a funeral service and for visitors who have travelled long distances to visit graves - it is sensible to include a gathering/refreshments area with W.C. facilities - funeral directors confirm that it is fundamental to provide what is principally an ageing congregation with somewhere to sit and relax
- professionals recommend an area to purchase flowers and other offerings, a waiting area for the funeral directors and office accommodation with a separate meeting room
- City of London Cemetery within the Green Belt in Newham now has a refectory and florist which help avoid congestion at peak times allowing a more dignified order of service
- Kemnal Cemetery has limited access via the A20 and it is virtually impossible to obtain refreshment without the use of a vehicle - it is inappropriate that mourners attending in a funeral cortege are unable to achieve basic comforts at a stressful and upsetting time
- ground levels around the ancillary accommodation are artificially changed so that the green landscape flows around the buildings complimenting the Green Belt, mitigating the impact on openness and allowing the proposed buildings to be located in close proximity for convenience whilst allowing the chapel to be the focal point and given “breathing space”.

#### Both applications

The applications are accompanied by a letter from Dr Barry Albin-Dyer of F.A. Albin & Sons Funeral Directors which includes the following points:

- in recent years it has become more evident that the chapels provided in cemeteries have insufficient space and seating
- between 200 and 400 people regularly attend burial services in chapels such as those provided by the London Borough of Southwark
- in the London boroughs of Southwark, Lewisham and Greenwich it is almost impossible to cope with those numbers with people standing or waiting outside and unable to appreciate the service
- there is very little chapel space in the London Borough of Bromley
- local MP Simon Hughes recently expressed wholehearted agreement that far better accommodation is needed within cemeteries
- in an age of increasing cultural diversity a chapel which would accommodate large numbers and cater for all religions and groups is a necessity for the long term future.
- letter is accompanied by a list of Ministers who support the need for the chapel.

The applications are accompanied by a Supplementary Report in support of the new chapel building which covers the points made within the ‘very special circumstances’ argument detailed above and additionally states that:

- justification for a larger chapel building is provided because of a greater market awareness of demand for burial space since previously approved scheme (application ref. 05/03871) was promoted
- Bromley is unable to offer chapel facilities in its operational cemeteries
- Lewisham can only accommodate 100 people at Hither Green cemetery
- Greenwich can only accommodate 70 people at Falconwood Cemetery
- Bexley can only accommodate 40 people at Bexleyheath and Erith cemeteries
- Southwark can only accommodate 80 people at Camberwell New Cemetery.

The applications are accompanied by Planning Statements and a Design and Access Statements.

#### Site and surroundings

- Former Kemnal Manor Estate grounds are situated on the south-west side of the A20 (Sidcup Road/By-Pass) which forms part of the northern boundary of the borough with London Borough of Bexley and is a short distance from the boundary with London Borough of Greenwich
- Kemnal Estate is a large expanse of generally neglected former grounds of the long since destroyed former manor house
- site is wholly within an inner wedge of the Green Belt and additionally falls within the Chislehurst Conservation Area whilst parts of the Kemnal Manor grounds are designated as a Site of Importance for Nature Conservation (SINC)
- works have commenced on the implementation of the 2006 planning permission granted for a cemetery with ancillary facilities.

#### **Comments from Local Residents**

##### Chapel application

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

- roof is exceptionally large
- harm to openness of Green Belt
- condition 13 vii of planning permission ref. 05/03871 regarding a specific landscaping scheme adjacent to the residential dwelling at The Glasshouse was not addressed under application ref. 09/01995
- no details of basement in revised scheme
- basement is a crematorium in waiting – coffin store is unnecessary
- planning statement is misleading – The Glasshouse is adjacent to site and affected by aggressive and cynical commercial development
- significant felling of trees to date
- it is not clear what assessment was made of Green Belt, environmental and trees impacts prior to the grant of planning permission ref. 05/03871

Members should note that the application has been revised and previously proposed basement accommodation referred to above has been removed. The Council has only approved the first of five phases of landscaping to the north of the site and this is not in close proximity to The Glasshouse.

The Advisory Panel for Conservation Areas have no objections to the proposal.

Highways comments will be reported verbally at the meeting.

#### Ancillary facilities application

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

- unacceptable impact on openness of Green Belt
- insidious creeping commercialisation of Green Belt
- need for apparent ancillary and proposed activities is questioned
- adequate facilities exist in nearby Chislehurst High Street, Royal Parade and Sidcup High Street
- café will lead to private hire for wakes
- no very special circumstances have been demonstrated to justify inappropriate development in the Green Belt.

#### Both applications

- Highways – no objections.
- Metropolitan Police Crime Prevention Design Advisor – no objections
- London Borough of Bexley - no objections
- Waste Advisers – no objections regarding refuse collection arrangements
- Thames Water - no objections
- Council's in-house drainage consultant – no objections.
- Environmental Health – no objections

#### **Planning History**

Planning permission was granted in November 2006 for change of use of former parkland to use for human burials, erection of a detached chapel, a cupola shelter, tractor shed and staff facilities, a surface car park for approx. 75 vehicles, accessway, landscaping and new vehicular access to/from Sidcup By-Pass (A20) (ref. 05/03871).

#### **Planning Considerations**

The main policies of the Bromley Unitary Development Plan considered to be relevant to this application include:

- G1 The Green Belt
- BE1 Design of New Development
- BE11 Conservation Areas

- BE14 Trees in Conservation Areas
- C1 Community Facilities
- T3 Parking
- T18 Road Safety

In strategic terms the most relevant London Plan policies are:

- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.6 Architecture
- 7.16 Green Belt
- 7.23 Burial spaces.

Planning Policy Guidance Note 2 (PPG2) states at paragraph 3.4 that the construction of new buildings inside a Green Belt is inappropriate unless they are for specified purposes, including essential facilities for cemeteries. Paragraph 3.5 states that essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it.

No significant trees will be affected by the proposals.

The sites are not in close proximity to any other properties. The main issues to be considered in these cases are the impact of the proposal on the character and appearance of the conservation area, on the openness of the Green Belt, whether the proposals are appropriate development in the Green Belt and, if not, whether very special circumstances have been demonstrated to justify inappropriate development in the Green Belt.

## **Conclusions**

### Chapel application

The previously approved chapel building was of a similar scale, however the proposed building will provide a chapel only and will involve the displacement of ancillary facilities elsewhere on the cemetery site. Whilst application ref. 11/01721 is recommended for refusal it can be accepted that it is desirable that mourners visiting the chapel are not faced with other functions of a cemetery operation. The separation of the operational facilities within another building may therefore be considered acceptable if a suitably revised application were received.

The applicants have provided evidence of modern demand for a larger capacity chapel and it can therefore be reasonably accepted that a regional cemetery such as Kemnal will attract congregations that will justify the capacity proposed. The proposal is therefore considered to be an essential facility for a cemetery and is appropriate development in the Green Belt. It can be considered that the design and materials of the chapel are of a high quality and represent an improvement on the previously approved scheme. Subject to highways comments to be reported verbally at the meeting the proposal is considered acceptable.

### Ancillary facilities application

The applicant has argued that the facilities provided within the building are essential facilities relating to the cemetery. It can be accepted that offices, WCs, a waiting area and staff kitchen facilities are essential facilities necessary for a cemetery operation of this scale. However, the proposed florists and refreshments area are not considered to be essential facilities and the cemetery could reasonably function without them. The proposal is therefore inappropriate development in the Green Belt.

Notwithstanding that they maintain that the proposal is appropriate development in the Green Belt, the applicant has set out a very special circumstances argument to justify inappropriate development in the Green Belt. It is argued that the geographical location of the site in relation to nearby amenities, operational considerations, market research and demand, the views of funeral directors and the design of the scheme provide justification for the café and florists. It can be accepted that a café and florists would be desirable, that there would be a demand for such facilities and that they would complement the use of the site. However, the very special circumstances test is a very high test and it is not considered that the argument is sufficiently persuasive and the justification for the facilities is therefore inadequate.

Background papers referred to during the production of this report comprise all correspondence and other documents on files refs. 05/03871, 09/01995, 11/00537 and 11/01721, excluding exempt information.

### **RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

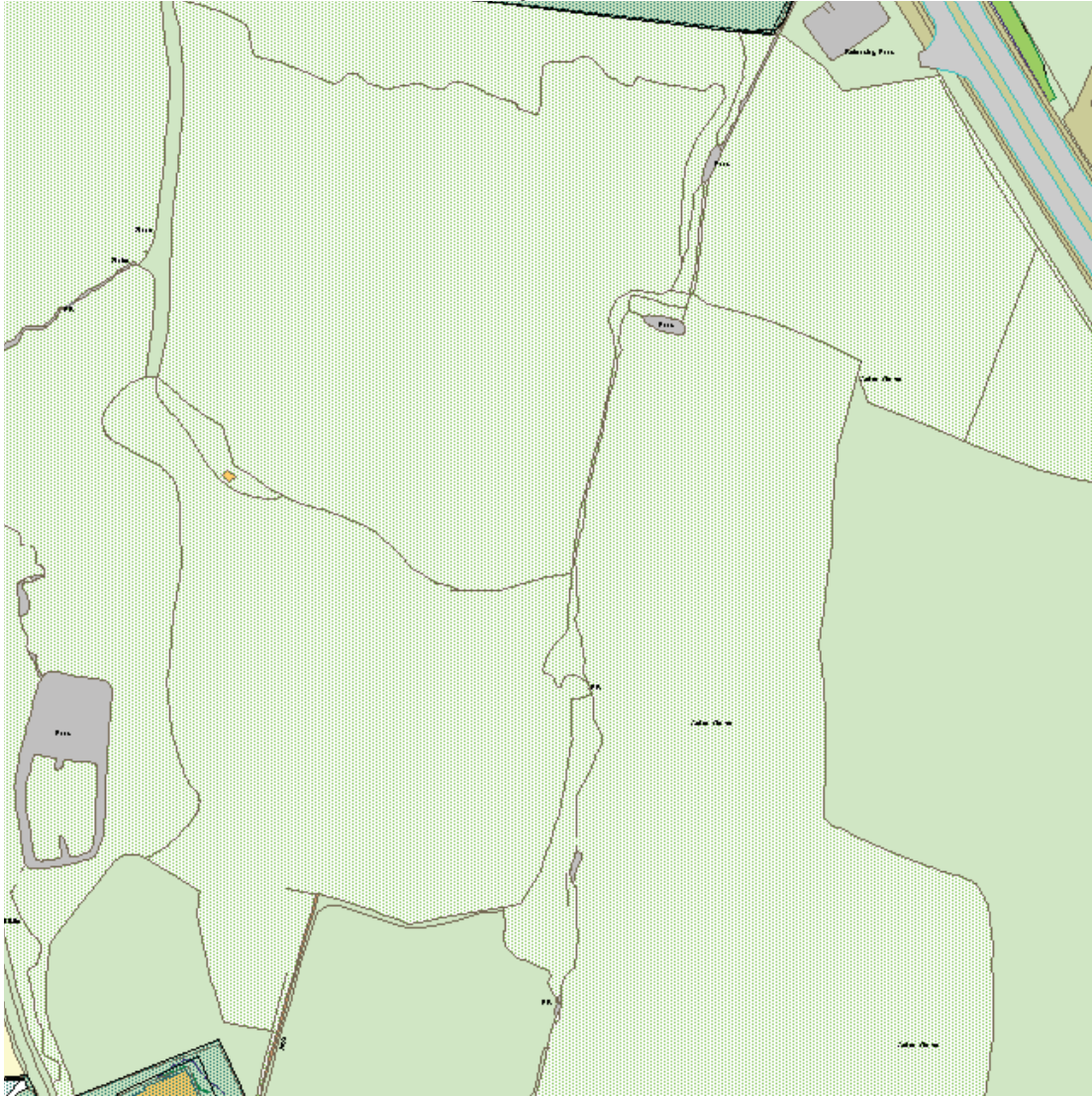
- 1 The site is within the Green Belt where there is a presumption against inappropriate development and the Council sees no very special circumstances which might justify the grant of planning permission as an exception to Policy G1 of the Unitary Development Plan and Planning Policy Guidance Note 2 'Green Belts'.



Reference: 11/01721/FULL1

Address: Land At Former Kemnal Manor Estate Kemnal Road Chislehurst

Proposal: 2 single storey buildings comprising offices, refreshments/ cafe, florist shop and toilets for cemetery



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## SECTION '2' – Applications meriting special consideration

**Application No :** 11/01724/FULL1

**Ward:**  
**Plaistow And Sundridge**

**Address :** 21 Upper Park Road Bromley BR1 3HN

**OS Grid Ref:** E: 541106 N: 169872

**Applicant :** Skillcrown Homes Ltd

**Objections :** YES

### **Description of Development:**

Demolition of existing building and erection of 3 storey / 3 and a half storey building comprising 1 three bedroom and 8 two bedroom flats including landscaping, cycle and bin storage and 9 car parking spaces.

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
Local Distributor Roads

### **Proposal**

This application seeks permission to demolition of existing building and erection of 3 storey/3 and a half storey building comprising a total of 9 flats (1 three bedroom and 8 two bedroom flats including landscaping, cycle and bin storage and 9 car parking spaces.

The proposed building would measure at approximately 13.5m wide (previously 14.5m) x 22.8m deep (previously 22.5m) comprising of 3storey/3 and a half storeys measuring at 12.2m high (same a previous), with the lower part measuring 9.3m. 7 car parking spaces are proposed to the rear of the site with 2 parking spaces within the forecourt of the site. A rear garden of 14.3m is also proposed to the rear.

### **Location**

The application site (0.11 hectares) is situated on the eastern end of Upper Park Road, on the junction with Plaistow Lane and Orchard Road. The character of the area surrounding the site mainly comprises residential properties, with St Johns Church immediately opposite the site on Plaistow Lane.

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and the following objections have been received:

- overdevelopment of site
- very few Victorian properties remaining on Upper Park Road
- disappointing to lose an original building to a reproduction
- proposed entrance to the building on Plaistow Road is not in-keeping with the rest of development

Any further comments that are received will be reported verbally at the meeting.

### **Comments from Consultees**

Highways: No objections raised in principle to the proposed car parking spaces or accesses subject to suggested conditions

Metropolitan Police: concerns about lack of information about how scheme has incorporated crime measures, in particular the rear parking area. 'Secured by Design' condition should be attached.

Environmental Health (Housing): No objections raised.

Thames Water: No objections raised in principle (informatives to be imposed)

Drainage: Surface water discharge calculations to be submitted

### **Planning Considerations**

Policies BE1, H1, H7, H9, T3, NE7, T3, T11 & T18, of the Unitary Development Plan apply to the development and should be given due consideration. These policies seek to ensure a satisfactory standard of design, safeguard the amenities of neighbouring properties and preserve and enhance the character and appearance of the area.

Policy H1 (v) seeks to make most effective use of land. Policy H7 aims to ensure that new residential development respects the existing built and natural environment, is of appropriate density and respects the spatial standards of the area as well as amenities adjacent occupiers, and allows adequate light penetration into and between buildings. Policy H7 paragraph 4.35 of the UDP (2006) states:

"Scope for further housing development occurs mainly on "infill" sites, or redevelopment of older, low-density property, and through the redevelopment of large non residential sites. The Council's primary objective is to ensure a high standard of residential environment. Redevelopment should be of a design that is sympathetic to and complements the surrounding residential area but not necessarily a reproduction of the established form and pattern of development."

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

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

Government guidance in the form of PPS3 "Housing", while emphasises 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.

It is noted that the revised London Plan was adopted on 22nd July 2011. Policy 3.5 (Quality and design of housing developments) is therefore also relevant in this case.

### **Planning History**

Also of relevance is the planning history of the site. Members will recall that most recently, planning permission was refused for the demolition of existing building and erection of erection of 3 storey/3 and a half storey building comprising two 3 bedroom and seven 2 bedroom flats including landscaping, cycle and bin storage and 9 car parking spaces was refused in April 2011 under ref.10/03470 for the following reasons:

The proposed development in this prominent location would constitute an overdevelopment of the site by reason of its height, bulk, massing and size and would appear cramped and out of character with the surrounding area, thereby contrary to Policies H7, H9 and BE1 of the Unitary Development Plan.

In 2010, under planning ref. 10/02261, planning permission for a similar scheme was refused in September 2010 with the subsequent appeal was dismissed. The reasons for refusal were:

The proposed development in this prominent location would constitute an overdevelopment of the site by reason of its height, bulk and size and would appear cramped and out of character with the surrounding area, thereby contrary to Policies H7, H9 and BE1 of the Unitary Development Plan.

The proposed new crossover from Plaistow Lane with unsatisfactory visibility splays is likely to interfere with the free flow of traffic to the detriment of road safety contrary to Policies T3 and T18 of the Unitary Development Plan.

The second reason for refusal has subsequently been withdrawn by the Council following on from additional information that was received after the application was refused and having taken advice from a highways point of view.

On the 7th March 2011, the appeal for this case was dismissed. The Inspector stated that "the scale, bulk and massing of the building would appear dominating and intrusive in this prominent corner location. To my mind, it would appear significantly more imposing and overbearing than the other buildings situated around the junction."

The Inspector continues:

.... "notwithstanding the careful attention that would be given to its architectural composition, the overall bulk and massing of the building taken together with its close proximity to the footway along the Plaistow Lane frontage would have an overbearing impact on the street scene. The building would significantly impinge on the existing vista available from the junction towards Plaistow Lane as it curves northwards past St Josephs Church and the gatehouse and spacious grounds of the Convent beyond. It would also compete with the scale and prominence of St Joseph's Church, thereby undermining its setting and role as a landmark building.

national guidance also places emphasis on the need to ensure that proposals respect the local pattern of development and spaces. One of the key principles of Planning Policy Statement 1 'Delivering Sustainable Development' (PPS 1) is that planning policies should promote high quality inclusive design in the layout of new development and individual buildings;

design which is inappropriate to its context, or which fails to take the opportunities available to improve the character and quality of an area, should not be accepted. Overall, I conclude this particular proposal would detract from the character and appearance of the area. In this respect, it conflicts with the objectives of the relevant policies of the Bromley Unitary Development Plan (2006), including H7 and BE1 which seek to ensure that development complements the surrounding area, does not detract from the existing street scene and respects landmarks and other features.

## **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 the impact on road/traffic safety. Members will also need to consider whether this proposal suitably overcomes and addresses the concerns that were raised in respect of application ref. 10/03470 which was refused by the Council and ref. 10/02261, which was also dismissed by the Planning Inspector at appeal.

The host dwelling is a 'regency style villa' three storey building comprising 4-two-bedroom flats. The existing building is well established, complementing the form and character of the surrounding area. It is proposed to demolish this building and construct a larger replacement which would measure at part 3 / part 3 and a half storey in height. The proposed building would measure a minimum of 3m (increasing to a maximum of 4m further on the corner of the block) away from the boundary adjacent to the highway measuring at a three storeys in height. The

previous refused scheme proposed a replacement building at 2.5m (and a max of 4m) away from the boundary adjacent to the highway.

In terms of the residential amenity currently enjoyed by adjoining occupiers, the proposals are unlikely to impact significantly due to the existing building, and given that the majority of the bulk is located away from No.19.

Due to the prominent location of the site on a corner plot, any development on this site must be sympathetically designed to be in-keeping with the surrounding development in order to make a positive contribution towards the visual amenities of the area. Concerns were previously expressed over the bulk and massing of the proposed building adjacent to the highway. Although the current proposal is still 3 storeys high (with accommodation in the main roofspace), the Agent has attempted to address the previous ground of refusal by reducing the bulk through the re-design of the north-eastern elevation and by increasing the separation to the flank boundary with Plaistow Lane. It is stated in the Design and Access Statement that the overall footprint of the building has been reduced to 11% (previously 10%) and now proposes to occupy 21% (previously 22%) of the overall plot ratio.

The site is located on the Upper Park Road and Plaistow Lane. Plaistow Lane is classified as a local distributor. The development is located just outside Bromley Town Centre (Outer Zone) Controlled Parking Zone (CPZ) and in an area with low PTAL rate of 2 (on a scale of 1 - 6, where 6 is the most accessible). The proposal would provide 9 car parking spaces accessed via 2 separate access points. Two car parking spaces are accessed from Upper Park Road via a modified vehicular crossover, and the other accommodating 7 car parking spaces via a new crossover from Plaistow Lane. It is noted that the Council's Highways officer does not raised objections in principle to the application.

The current application attempts to address previous concerns raised by reducing some of the bulk of the proposed building and amending the design of the north-eastern elevation. The previous ground of refusal however related to the height, bulk and size of the building and Members may consider that the changes do not go far enough to sufficiently overcome the issues raised in the previously refused applications and recent appeal case. Bearing in mind the issues of the site, including the previous appeal, the case is presented on list 2 of the agenda.

Background papers referred to during production of this report comprise all correspondence on files refs. 11/01724, 10/02261 and 10/03470, excluding exempt information.

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

- |   |                 |  |
|---|-----------------|--|
| 0 | D00002          | If Members are minded to grant planning permission the following conditions are suggested: |
| 1 | ACA01<br>ACA01R | Commencement of development within 3 yrs<br>A01 Reason 3 years                             |
| 2 | ACA04<br>ACA04R | Landscaping Scheme - full app no details<br>Reason A04                                     |

- 3 ACA07 Boundary enclosure - no detail submitted  
ACA07R Reason A07
- 4 ACC01 Satisfactory materials (ext'nl surfaces)  
ACC01R Reason C01
- 5 ACH03 Satisfactory parking - full application  
ACH03R Reason H03
- 6 Before any part of the development hereby permitted is first occupied that part of a sight line of 2.4m x 47m in the leading direction and a sightline of 2.4m x 31m in the trailing (looking left) which can be accommodated within the site shall be provided and with the exception of trees selected by or the Local Planning Authority no obstruction to visibility shall exceed 1m in height in advance of this sight line, which shall be permanently retained as such.  
ACH10R Reason H10
- 7 ACH18 Refuse storage - no details submitted  
ACH18R Reason H18
- 8 ACH22 Bicycle Parking  
ACH22R Reason H22
- 9 Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The approved scheme shall be self-certified to accord with BS 5489 - 1:2003 and be implemented before the development is first occupied and the lighting shall be permanently retained thereafter.
- Reason:** In order to comply with Policy T3 and Appendix II of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.
- 10 No loose materials shall be used for surfacing of the parking and turning area hereby permitted.
- Reason:** In order to comply with Policy T3 of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.
- 11 ACI12 Obscure glazing (1 insert) in the first floor south-western flank elevation  
ACI12R I12 reason (1 insert) BE1

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
- H1 Housing
- H7 Housing Density & Design
- NE7 Development and Trees
- H9 Side Space
- T3 Parking
- T18 Road Safety

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

- (a) the relationship of the development to adjacent properties
- (b) the character of the development in the surrounding area
- (c) the impact on the amenities of the occupiers of adjacent and nearby properties

and having regard to all other matters raised.

INFORMATIVE(S)

- 1 RDI10 Consult Land Charges/Street Numbering
- 2 RDI16 Contact Highways re. crossover
- 3 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 crossover hereby permitted, shall be undertaken at the cost of the applicant.
- 4 With regards to surface water drainage, 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.

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

- 1 The proposed development in this prominent location would constitute an overdevelopment of the site by reason of its height, bulk, massing and size and would appear cramped and out of character with the surrounding area, thereby contrary to Policies H7, H9 and BE1 of the Unitary Development Plan.



Reference: 11/01724/FULL1

Address: 21A Upper Park Road Bromley BR1 3HN

Proposal: Demolition of existing building and erection of 3 storey / 3 and a half storey building comprising 1 three bedroom and 8 two bedroom flats including landscaping, cycle and bin storage and 9 car parking spaces.



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## SECTION '2' – Applications meriting special consideration

**Application No :** 11/01804/FULL1

**Ward:**  
**Bromley Town**

**Address :** St Peter And St Paul Church Church  
Road Bromley BR2 0EG

**OS Grid Ref:** E: 540130 N: 169253

**Applicant :** Canon Michael Camp

**Objections : NO**

### **Description of Development:**

Installation of photo voltaic cells on flat roof of the church rooms

Key designations:

Conservation Area: Bromley Town Centre

Areas of Archeological Significance

Biggin Hill Safeguarding Birds

Biggin Hill Safeguarding Area

London City Airport Safeguarding

London City Airport Safeguarding Birds

Local Distributor Roads

Primary Shopping Frontage

Secondary Shopping Frontage

**Joint report with application ref. 11/01805**

### **Proposal**

The application site comprises of the St Peter and St Paul Church located to the south of Church Road at the junction with Tetty Way and Bromley High Street. The surrounding area is predominately business uses associated with the Town Centre, opposite the church are residential properties and the rear of the site lies Church House Gardens recreational space. The property is a Listed Building and also falls within the Bromley Town Centre Conservation Area.

### **Location**

The proposal is for the installation of photo voltaic cells on the flat roof of a single storey extension to the west side of the church building.

### **Comments from Local Residents**

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

### **Comments from Consultees**

From the Environmental Health perspective the application details were considered and has no comments.

The Advisory Panel for Conservation Areas: take the view that to assess the impact it would need a mock up of a panel placed on site. This would enable an informed decision to be made on the acceptability of the proposal or the need for screening or by raising the roof line.

### **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 Area

London Plan 2011  
5.7 Renewable Energy

PPS 22 – Renewable Energy

### **Planning History**

The original church, was destroyed during an air raid on the 16th April 1941, the tower remained standing. The present church was built in the nineteen fifties.

The single storey extension referred to in this application was granted planning permission in 1981 under ref. 81/ 01067.

### **Conclusions**

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

Alternative forms of renewable energy are encouraged at local level to facilitate the delivery of the Governments commitments on both climate change and renewable energy. PPS 22 states that the landscape and visual effects of renewable energy developments will vary case to case and the effects may be minimised the siting, design and landscaping depending on the size and type of the development proposed.

In this case, the site is within a Conservation Area and the property a Listed Building. The proposed roof equipment has been sited away from the front of the church to minimise its visual impact in the street scene. It is acknowledged that the roof mounted equipment are visible from certain viewpoints; however its presence would not be strikingly apparent in the street scene.

The proposed photo voltaic cells are sited to the side of the building where the area benefits from having established trees and landscaping this minimises the visual impact in the street scene.

Members need to consider if the impact of the current proposal will be unduly harmful to the residents of nearby properties and to the setting of church and character of this part of the Conservation Area.

Background papers referred to during production of this report comprise all correspondence on file ref. 11/01805, excluding exempt information.

**RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- |   |        |  |
|---|--------|--|
| 1 | ACA01  | Commencement of development within 3 yrs |
|   | ACA01R | A01 Reason 3 years                       |
| 2 | AJ02B  | Justification UNIQUE reason OTHER apps   |

Policies (UDP)

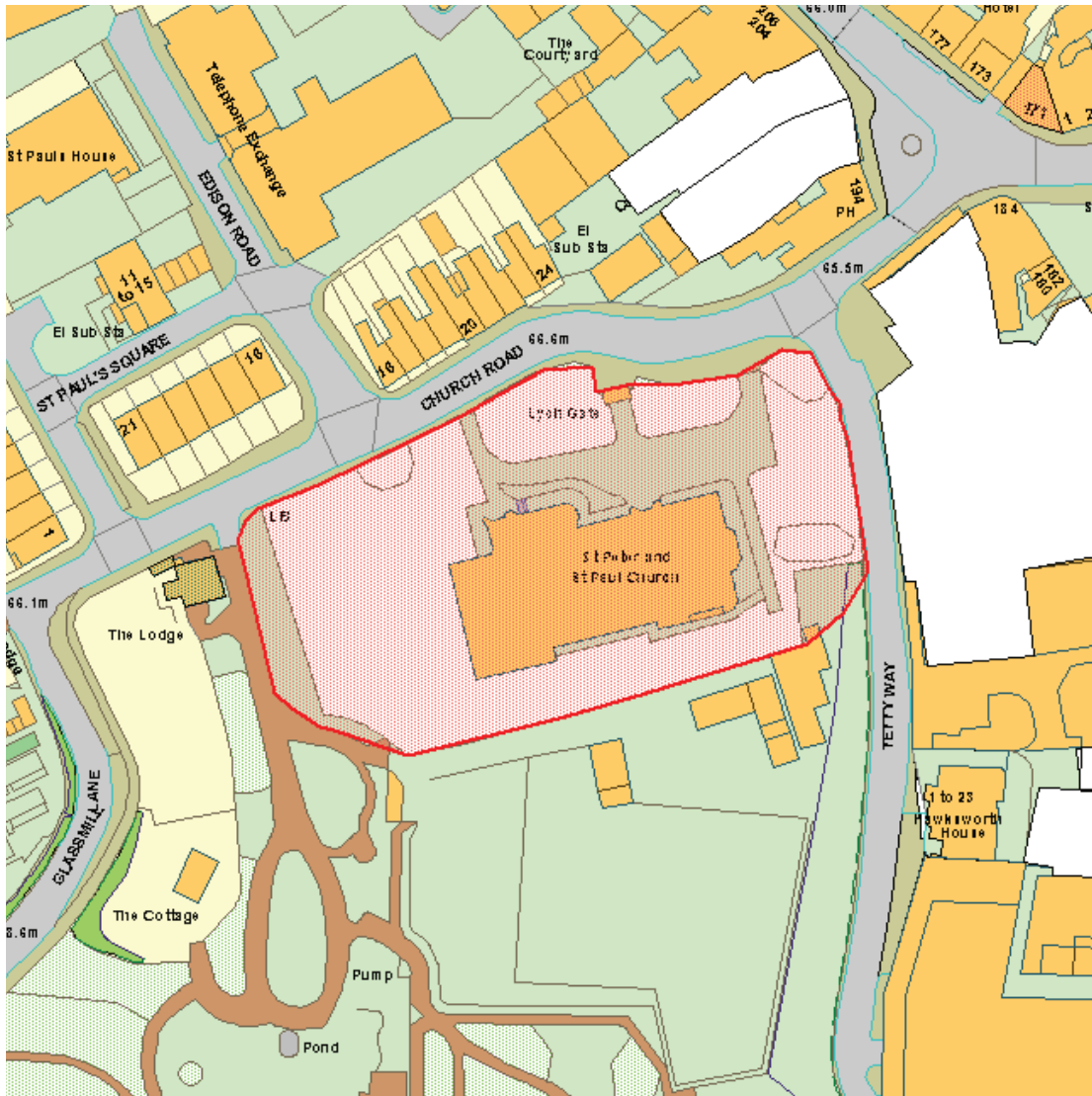
BE1 Design of New Development

BE11 Conservation Area

Policy (London Plan 2011)

5.7 Renewable Energy

Reference: 11/01804/FULL1  
Address: St Peter And St Paul Church Church Road Bromley BR2 0EG  
Proposal: Installation of photo voltaic cells on flat roof of the church rooms



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## SECTION '2' – Applications meriting special consideration

**Application No :** 11/01805/LBC

**Ward:**  
**Bromley Town**

**Address :** St Peter And St Paul Church Church  
Road Bromley BR2 0EG

**OS Grid Ref:** E: 540130 N: 169253

**Applicant :** Canon Michael Camp

**Objections :** NO

### **Description of Development:**

Installation of photo voltaic cells on flat roof of the church rooms  
LISTED BUILDING CONSENT

#### Key designations:

Conservation Area: Bromley Town Centre  
Areas of Archeological Significance  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
Local Distributor Roads  
Primary Shopping Frontage  
Secondary Shopping Frontage  
Urban Open Space

### **Joint report with application ref. 11/01804**

### **Proposal**

The proposal is seeking LISTED BUILDING CONSENT for the installation of photo voltaic cells on the flat roof of a single storey extension to the west side of the church building.

### **Location**

The application site comprises of the St Peter and St Paul Church located to the south of Church Road at the junction with Tetty Way and Bromley High Street. The surrounding area is predominately business uses associated with the Town Centre, opposite the church are residential properties and the rear of the site lies Church House Gardens recreational space. The property is a Listed Building and also falls within the Bromley Town Centre Conservation Area.

## **Comments from Local Residents**

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

## **Comments from Consultees**

From the Environmental Health perspective the application details were considered and has no comments.

The Advisory Panel for Conservation Areas: take the view that to assess the impact it would need a mock up of a panel placed on site. This would enable an informed decision to be made on the acceptability of the proposal or the need for screening or by raising the roof line.

## **Planning Considerations**

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

BE8 Statutory Listed Buildings (Bromley UDP)

## **Planning History**

The original church, was destroyed during an air raid on the 16th April 1941, the tower remained standing. The present church was built in the nineteen fifties.

The single storey extension referred to in this application was granted planning permission in 1981 under reference 81/ 01067.

## **Conclusions**

The main issues relating to the application are the effect that it would have on the Listed Building, the character of the area and the impact that it would have on the amenities of the occupants of neighbouring residential properties

The proposed photo voltaic cells are sited to the side of the building where the area benefits from having established trees and landscaping this minimises the visual impact in the street scene. It is acknowledged that the proposed photo voltaic cells are visible in terms of public view; however these view points are primarily from the entrance way into the Church House Gardens.

While the photovoltaic cells will be visible on the roof of the side extension their impact is not anticipated to be sufficiently detrimental to the overall appearance of the host building or the street scene.

Background papers referred to during production of this report comprise all correspondence on files refs. 11/01805 and 11/01804, excluding exempt information.

**RECOMMENDATION: GRANT LISTED BUILDING CONSENT**

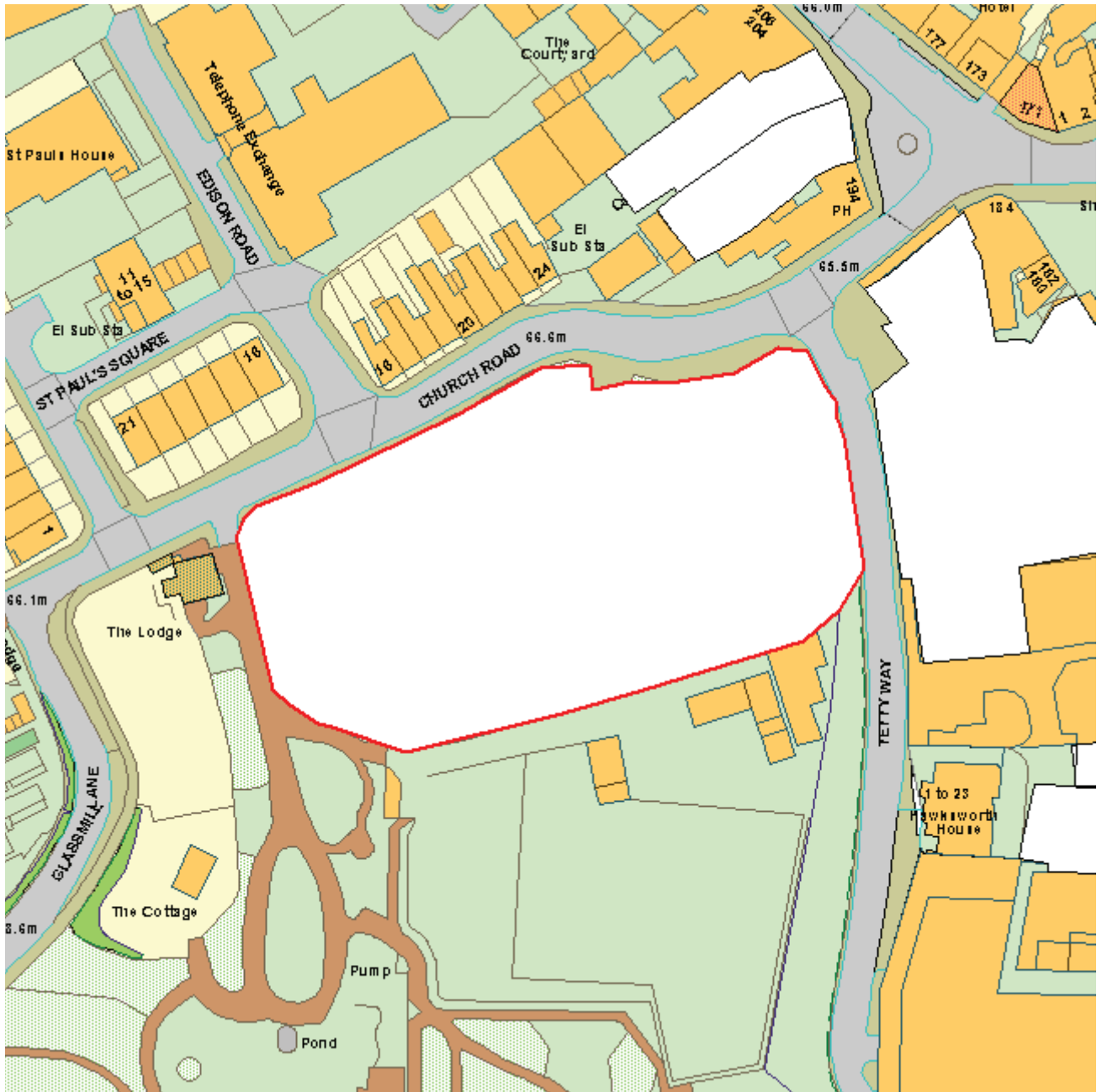
subject to the following conditions:

- 1      ACG01      Comm.of dev-Listed Building and Con.Area  
         ACG01R      Reason G01
- 2      AJ04B      Justification LISTED BUILDING CONSENT

Policy (UDP)

BE8    Statutory Listed Buildings

Reference: 11/01805/LBC  
Address: St Peter And St Paul Church Church Road Bromley BR2 0EG  
Proposal: Installation of photo voltaic cells on flat roof of the church rooms  
**LISTED BUILDING CONSENT**



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## SECTION '2' – Applications meriting special consideration

**Application No :** 11/01948/VAR

**Ward:**  
Cray Valley East

**Address :** Crouch Farm Crockenhill Road Swanley  
BR8 8EP

**OS Grid Ref:** E: 549392 N: 167211

**Applicant :** Mr H Batchelor

**Objections :** YES

### **Description of Development:**

Variation of condition 10 of application ref: 10/00211 allowed at appeal to enable B8 use in Building C to operate at extended hours of 07:00 - 18:00 Mon - Fri, 09:00 - 16:00 on Saturday and 10:00 - 12:00 on Sundays and Bank holidays

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding  
Local Distributor Roads

### **Proposal**

The proposed variation of condition relates to Condition 10 of application ref. 10/00211 allowed at appeal. The applicant seeks to vary the condition to allow the B8 (storage) use element to take place in Building C (the overall building comprising workshop, communal toilets/washroom and vehicle bays involving light industrial repairs and covered storage) for extended hours.

At present the permitted hours of operation are: 07:00 – 18:00 Monday to Friday, 08:00 – 13:00 on Saturdays, and not at all on Sundays or Bank Holidays. It is sought to extend operational hours to 09:00 - 16:00 on Saturdays and 10:00 - 12:00 on Sundays and Bank holidays

### **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**

Representations have been which are summarised below:

- noise, disturbance and pollution from storage units, associated parking and vehicles will cause an unacceptable degree of impact on the adjoining residential property at Crouch Farm House and could set a precedent for working hours at other units on the site
- Paragraph 22 of the Appeal Decision Letter specifically sought to tighten the proposed condition on working hours to safeguard residential amenity and applied to both B1 and B8 units as these are itemised in separate conditions
- Sunday and Bank Holiday operations had never been requested in any previous application on the site
- no control over B8 uses to take place in the building

Objections have also been raised by a local Ward Member.

### **Comments from Consultees**

No technical Environmental Health objections raised.

### **Planning Considerations**

Relevant policies in the Unitary Development Plan are G1 (Green Belts) and BE1 (Design of New Development). Policy BE1 (v) states that development should respect the amenity of occupiers of neighbouring buildings and those of future occupiers and ensure their environments are not harmed by noise and disturbance.

### **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 by the Council on the basis that the proposed use would be unrelated to agriculture would conflict with Green Belt policy; and that the proposal would have a detrimental impact on the setting of Crouch Farm and the amenities of its occupiers by reason of disturbance and visual impact. That application was subsequently allowed at appeal.

## Conclusions

It is considered that the key issue in this case relates to the impact of the extended operating hours on residential amenity, particularly in relation to those of Crouch Farm House.

In considering the impact of the 2010 application (ref. 10/00211) for the change of use of agricultural buildings to Class B1/B8 commercial use including elevational alterations and ancillary car and van parking spaces, the Planning Inspector judged, in Paragraph 8, that “given the separating distance between Building A/B and the nearest residential dwelling, the greater separating distance of Building C, and the fact that there are substantial buildings in between, [it was not considered] the proposed change of use of the buildings would cause significant harm in terms of noise or general disturbance... [Furthermore it was not considered] the vehicle parking spaces proposed in Scheme A – 4 for vans, and 9 for vans – would cause any significant disturbance. Any visual intrusion – which in any case would be minor – could be remedied by a suitable screen of planting.”

Despite his support for the change of use, the Inspector attached a number of conditions to control the use, including a time restriction on both the permitted B1 and B8 uses (Conditions Nos. 9 and 10). In justifying these conditions, the Inspector stated, in Paragraph 22 that:

“... I also consider it would be necessary to impose a condition relating to hours of operation of the proposed units. Although the Council [in its appeal submissions] suggest that working might continue on Saturday afternoons, it appears to me that these are times when residential occupants might reasonably expect peace and quiet. I have therefore amended the working times so that they may not continue after 13:00 on Saturdays.”

The above paragraph forms an important consideration in assessing this application. Furthermore, given its rural Green Belt location and the layout and nature of surrounding development surrounding residents could reasonably expect the noise levels during Saturday afternoons, Sundays and Bank Holidays to be substantially lower. It is considered that the extended B8 operating hours at Building C will have the potential to significantly increase noise levels to the detriment of the amenity of surrounding residents, more so given the unrestricted nature of the storage permitted for that building.

Background papers referred to during production of this report comprise all correspondence on files refs. 05/01095, 07/01466, 10/00211, 10/01989 and 11/01948, excluding exempt information.

## **RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

- 1 The proposed increase in hours of operation would be detrimental to the amenities that surrounding residents might reasonably expect to be able to continue to enjoy by reason of noise and general disturbance associated with the use of the buildings, thereby contrary to Policy BE1 of the Unitary Development Plan.

Reference: 11/01948/VAR

Address: Crouch Farm Crockenhill Road Swanley BR8 8EP

Proposal: Variation of condition 10 of application ref: 10/00211 allowed at appeal to enable B8 use in Building C to operate at extended hours of 07:00 - 18:00 Mon - Fri, 09:00 - 16:00 on Saturday and 10:00 - 12:00 on Sundays and Bank holidays



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## SECTION '2' – Applications meriting special consideration

**Application No :** 11/02039/FULL1

**Ward:**  
Chelsfield      And      Pratts  
Bottom

**Address :** Silverthorn Norsted Lane Orpington  
BR6 7PQ

**OS Grid Ref:** E: 547078 N: 162047

**Applicant :** Mr P Brush  
**Description of Development:**

**Objections :** YES

Erection of replacement 5 bedroom detached dwelling  
Retrospective Application

Key designations:

Special Advertisement Control Area  
Green Belt

### **Proposal**

- The proposal seeks permission to replace the bungalow on the site with a new five bedroom dwelling
- the proposed dwelling will be larger than the previous bungalow and will include 2 side and 1 rear dormers within the roof slope.
- the dwelling will have a width of 14.5m and a depth of 15.7m. The roof will have a maximum height of 6.4m. The existing dwelling had a height of 6.4m and dimensions of 9.6m in width by 11.7m in length.

### **Location**

The application site is on the south eastern side of Norsted Lane. The site previously comprised a detached bungalow which has now been demolished. Currently, ground floor walls of a new structure have been erected on the site and building works appear to have ceased. The site is a relatively large plot situated in an area comprised by detached buildings in generous plot sizes. The site lies within the Green Belt.

### **Comments from Local Residents**

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

- loss of outlook and visual impact
- inaccuracy on the plans concerning boundary locations

### **Comments from Consultees**

Technical drainage comments have been received stating that a condition will be required as no foul water drainage details have been submitted. Surface water will need to be drained to soakaways as there is no public surface water sewer near the site.

Thames Water and technical highways comments will be reported verbally at the meeting.

### **Planning Considerations**

Policies relevant to the consideration of this application are BE1 (Design of New Development), H7 (Housing Density And Design), G1 (Green Belt), G5 (Dwellings In The Green Belt Or On Metropolitan Open Land) and T18 (Road Safety) of the adopted Unitary Development Plan.

PPG2 Green Belts is also a consideration.

### **Planning History**

A certificate of lawfulness was granted under ref. 10/00481 for a two single storey side extensions, single storey rear extension, rear dormer two single storey outbuildings and hard standing. The current application proposes to construct a new dwelling of very similar scale and dimensions.

Planning permission was refused for extensions to the existing building to provide a 4/5 bedroom two storey dwelling under ref. 10/02199. The refusal grounds were as follows:

‘The proposed extensions would result in cumulatively disproportionate and unacceptable additions to the original building, resulting in a significant increase in bulk, substantially altering its overall form and character, and would in view of the contemporary design adopted appear incongruous in the locality. No very special circumstances exist to warrant setting aside normal policy requirements and as such, the extensions would constitute inappropriate development which would harm the openness, rural character and visual amenities of the Green Belt, contrary to Policies G1 and G4 of the Unitary Development Plan and Central Government Guidance contained in PPG2 ‘Green Belts’.’

This particular application resulted in a bulkier dwelling with a scale and bulk excessive of the granted Certificate of Lawfulness. The design was also considered to be out of keeping with the surrounding area.

### **Conclusions**



The main issues relating to the application are the effect that it would have on the open character of the Green Belt. The impact on neighbouring residential amenities is also a consideration.

The replacement of dwellings in the Green Belt can be appropriate development but only if the new dwelling is not materially larger than the dwelling it replaces. The UDP addresses replacement dwellings in Policy G5. With regard to this policy, the proposal does not comply as G5 states that proposals to replace dwellings must not result in a net floor area increase of more than 10%. The size, materials and design of any replacement dwellings must also not harm visual amenities or the open character of the Green Belt. It is clear from the plans that the proposed replacement building will have a floor area in excess of 10% over that of the original dwelling and therefore the proposal is contrary to Policy G5 and inappropriate development.

This Policy is designed to ensure that there is no incremental harm to the Green Belt by excessive subsequent redevelopments of residential dwellings that collectively may jeopardise the open nature of the countryside.

A Certificate of Lawfulness application for extensions to the original dwelling was granted under ref. 10/00481. The current application proposal seeks to replace the dwelling with a new dwelling of matching dimensions to the resulting dwelling certified under this certificate. It is noted that the Certificate of Lawfulness application was granted to include two large outbuildings towards the side and rear of the site. It is considered that should planning permission be granted, permitted development rights can be reasonably removed to prevent outbuildings from being constructed given the Green Belt location, and this must be given consideration when assessing the suitability of the scheme. At present, there is no dwelling on the site and it is considered that an application for a new house should be treated no differently than any other such application, regardless of the granting of a Certificate of Lawfulness previously for outbuildings.

As a result, the dwelling in isolation may be considered to result in a less harmful impact on the character of the Green Belt than the certified permitted development scheme did, although this was not constructed, and now cannot be as the original dwelling has already been demolished.

The issue of permitted development and the recent grant of the certificate are cited by the applicant as very special circumstances. Although these circumstances are unusual, they are not very special and indeed a similar situation could be arrived at with any dwelling within the Green Belt. On this basis, the grant of the certificate states that the dwelling's bulk is lawful under permitted development legislation, however the building has now been demolished and a new dwelling of similar size does not benefit from these rules, and must be considered on its planning merits. As a result, the granting of a Certificate of Lawfulness cannot be used to justify as development under Green Belt policy. Therefore the new dwelling cannot be considered to fall within very special circumstances and these circumstances are not satisfactory to justify the development.

In respect to residential amenities, the dwelling will be sited on a similar part of the site to the original bungalow. The nearby residential properties are not sited in close proximity to the proposed dwelling and therefore it is considered that no serious impact on neighbouring amenities would result from the proposal. The flank boundary between the site and Atlasta is relatively well screened and this will reduce the visual impact. The low roof and dormers will be sympathetic in scale and are not considered to be significantly harmful to the light or outlook from Woodhill. A condition can be imposed to secure obscure glazing to be used on the first floor flank windows in order to prevent overlooking. No serious overlooking would occur to 1 Lambards Close to the rear and this property currently overlooks the site.

Having had regard to the above Members will need to consider the suitability of the development in the manner proposed in respect to the issue of inappropriate development within the Green Belt and whether the floor area and bulk increase, which is contrary to Green Belt policy, is acceptable in this case given the unusual circumstances of the case. Although the visual impact and the additional scale of the development must be assessed independently, in light of the recent planning history and the Certificate of Lawfulness for works to the dwelling it is considered that the proposal would not result in a net increase in harm to the Green Belt over that previously certified. There is also a clear benefit to the Green Belt that the Council will now have control over the outbuildings whereas before it did not, thus enabling more control over the impact of the development on the Green Belt.

On the basis that the construction on site without the demolition may have been similar to that now proposed, Members will need to consider whether the impact on the Green Belt is acceptable in this case.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/00481 and 11/02039, 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      Commencement of development within 3 yrs
- ACA01R      A01 Reason 3 years
- 2      ACC01      Satisfactory materials (ext'nl surfaces)
- ACC01R      Reason C01
- 3      ACD04      Foul water drainage - no details submitt
- ADD04R      Reason D04
- 4      ACI02      Rest of "pd" Rights - Class A, B,C and E
- Reason:** In the interests of the rural character of the Green Belt and to prevent the overdevelopment of the site.
- 5      ACI12      Obscure glazing (1 insert)    in the first floor flank elevation
- ACI12R      I12 reason (1 insert)    BE1 and H7
- 6      ACK01      Compliance with submitted plan
- Reason:** In the interests of Policies BE1 and H7 of the Unitary Development Plan.

## 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
- H7 Housing Density and Design
- G1 Green Belt
- G5 Dwellings In The Green Belt Or On Metropolitan Open Land
- T18 Road Safety

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

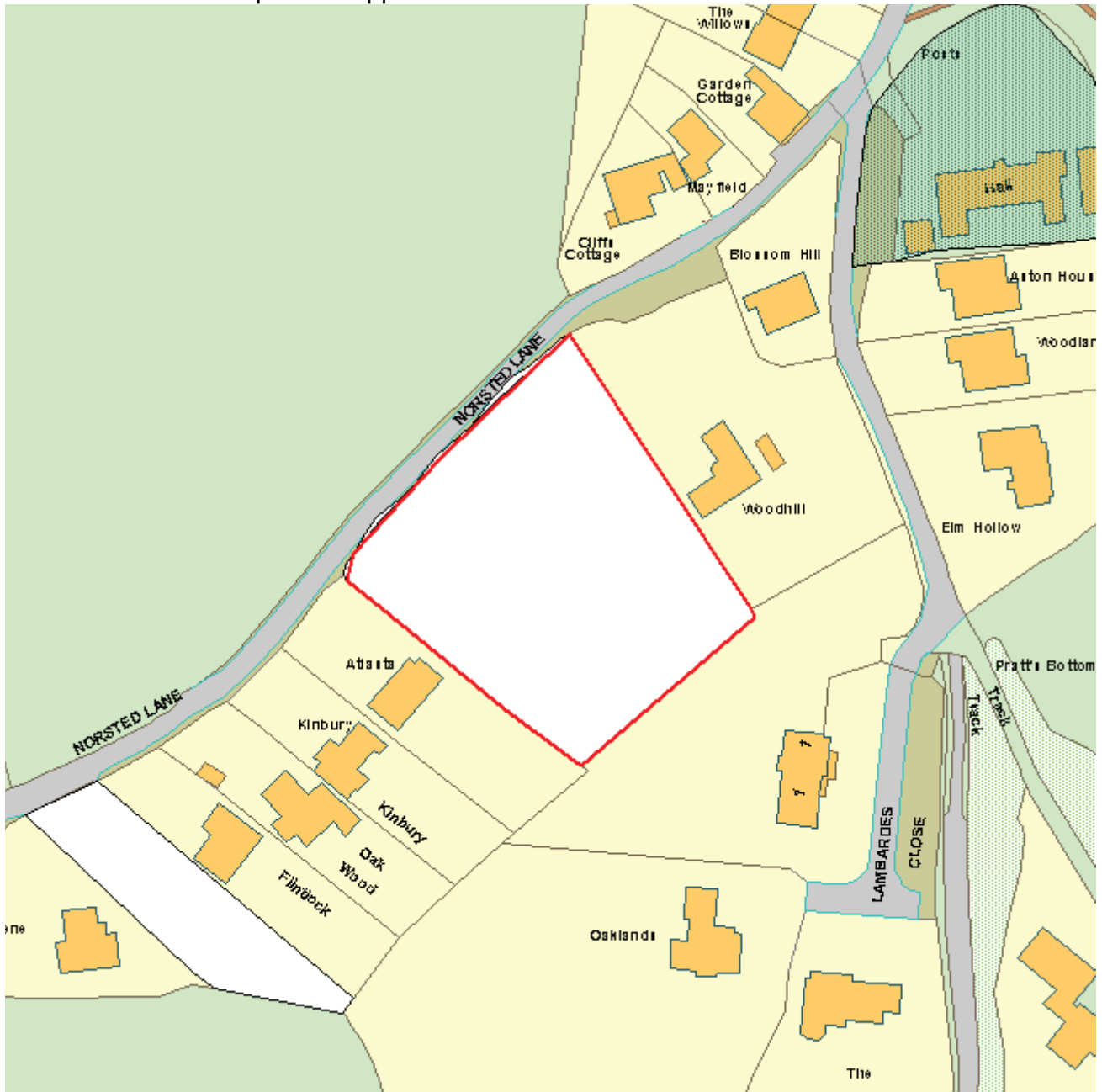
- (a) the impact on the character of the surrounding area
- (b) the impact on the openness and rural character of the Green Belt
- (c) the impact on the amenities of the occupiers of adjacent and nearby properties, including light, prospect and privacy
- (d) the spatial standards to which the area is at present developed
- (e) the transport policies of the UDP

and having regard to all other matters raised.

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

- 1 The proposed replacement dwelling, by reason of its excessive scale and bulk, would constitute inappropriate development and would result in a dwelling significantly bulkier than that existing, harmful to the openness, visual amenities and rural character of the Green Belt, and the Council sees no special circumstances which might justify the grant of planning permission as an exception to established Green Belt policy, therefore the proposal is contrary to Policies G1 and G5 of the Unitary Development Plan and Central Government Guidance contained in PPG2 'Green Belts'.

Reference: 11/02039/FULL1  
Address: Silverthorn Norsted Lane Orpington BR6 7PQ  
Proposal: Erection of replacement 5 bedroom detached dwelling  
Retrospective Application



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

**Application No :** 11/01022/FULL3

**Ward:**  
**Plaistow And Sundridge**

**Address :** 121 Widmore Road Bromley BR1 3AH

**OS Grid Ref:** E: 540968 N: 169522

**Applicant :** MESSRS R & P Bignell

**Objections :** YES

**Description of Development:**

Demolition of existing rear extension, erection of part three / four storey rear extension, third storey side extension and conversion of existing building into 6 two bedroom and 1 three bedroom flats with 3 car parking spaces, refuse stores and cycle store

Key designations:

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

**Proposal**

Planning permission is sought for amendments to permission ref. 09/00847 which was allowed on appeal for a similar scheme. Permission is now sought for the following:

- three/ four storey rear extension at lower ground, ground, first and floor levels (previously granted for three storeys)
- at lower-ground level, the extension would abut the western flank boundary of the site, where the building adjoins with No.119 Widmore Road
- at ground level the flat roof of the lower-ground floor extension adjacent to the western flank boundary would form a roof terrace
- at first and second floor level there would be a separation of approximately 3.3m between the extension and the western flank boundary of the site
- the rearward projecting of the extension would measure 3.9m adjacent to the western flank boundary of the two sites, stepping out toward the eastern side of the site to a maximum rearward projection of 7.7m (as annotated from the rear of the main building)
- the proposed extension would measure 11.3m in height (previously permitted at 8m in height)

- the conversion of the building into 7 new flats are proposed: 6 two bedroom and 1 three bedroom (previously 6 two bed and 1 one bed)
- 3 parking spaces proposed on the front forecourt accessed via Widmore Road
- refuse and cycle stores are also proposed at the front of the building

### **Location**

- the application site lies on the north side of Widmore Road between Freelands Road and Homefield Road
- the site is located in a very good area for access to public transport including trains and buses as well as being in close proximity to Bromley town centre
- the surrounding area is characterised by a variety of different forms of residential properties, including flats and large detached family dwellings
- the current building comprises a four storey semi-detached building with the lower ground floor set below the natural ground level
- there is an existing two storey, flat-roofed extension to the rear of the site which it is proposed to demolish. This measures approximately 4m above the natural ground level
- there is an existing side extension which measures approximately 8m high.
- there is a large, mature garden area to the rear
- the current use of the building is as bed and breakfast accommodation with provision for 14 units with communal facilities
- the frontage of the site is currently comprises an area suitable for parking three cars
- there is an existing vehicle cross-over serving the front forecourt.

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and the following objections have been received:

- the proposal when added to the completed development to the right make a highly congested area
- should remain a rural area
- site is not suitable for proposed use
- grounds inadequate to cater for children
- extension would impact on residents of The Laurels
- considerable congestion with school immediately opposite dropping off/collecting children
- safety of children
- three spaces inadequate for 7 flats
- could result in attempts to park in The Laurels
- all roads in area have restricted parking

Any further comments that are received will be reported verbally at the meeting.

### **Comments from Consultees**

From an Environmental Health (Housing) perspective all Building regulations and Housing Act 2004 Part 1 should be complied with.

From a drainage viewpoint, no comments are raised. Thames Water have advised that with regard to surface water drainage it is the responsibility of the developer to make provision for drainage to the ground, water courses or a suitable sewer and have issued guidance accordingly. With regard to sewerage and water infrastructure no objections are raised. Standard informatives have been suggested.

From a Highways perspective, the issues with this site are as those at the adjacent site, No.117-119 Widmore Road in respect of car parking provision. A full copy of the comments can be viewed on the file.

From a crime prevention perspective, 'Secured by Design' measures to minimise the risk of crime should be sought via standard condition.

No objections raised in principle to the proposed cycle storage.

The Council's waste advisors state that the refuse storage is too small.

### **Planning Considerations**

Policies BE1, H1, H7, H8, H9, T3, NE7, T3 & T18, of the Unitary Development Plan apply to the development and should be given due consideration. These policies seek to ensure a satisfactory standard of design, safeguard the amenities of neighbouring properties and preserve and enhance the character and appearance of the area.

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

Policy H7 relates to Housing Density and Design and requires that new housing development complies with the density requirements set out in the UDP, is of a high standard of quality and layout and complements the qualities of the surrounding area. Policy H9 seeks to protect the visual amenities of an area and makes provision for a minimum side space of 1m for any developments greater than two storeys in height. Although where better spatial standards exist proposals will be expected to provide a more generous side space.

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

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



Government guidance in the form of PPS3 "Housing", while emphasises 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.

It is noted that the revised London Plan was adopted on 22nd July 2011. Policies including 3.5 (Quality and design of housing developments) are therefore also relevant in this case.

## **Planning History**

Planning permission was most recently allowed on appeal at the site under ref. 09/00847 for demolition of existing rear extension, erection of three storey rear extension and conversion of existing building into six 2 bedroom and one 1 bedroom flats with three parking spaces, refuse store and cycle store.

Other planning applications at the site include ref. 96/02434 in which planning permission was granted for the change of use from Hotel (class C1) to residential care home for children (class C2), and ref. 98/01381 Certificate of lawfulness for an existing use was granted for the change of use from Guest House (class C1) to Hostel.

Members will note that planning permission was granted at the adjacent site under ref. 08/03098 for the demolition of the existing infill between 117 and 119 Widmore Road and erection of a four storey infill and rear extension together with the conversion of 117 and 119 Widmore Road to provide a total of 16 units (7 one bedroom flats and 9 two bedroom flats) with 8 car parking spaces, along with refuse and cycle storage.

## **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 as well as the effects on road safety conditions.

The principle of converting the property into flats has already been established on appeal under ref. 09/00847. This application seeks to revise the previous permission by increasing the number of bedrooms of the top floor flat from one to three. The increase in the size of this unit would be achieved by extending to the side over an existing extension and adding an addition section to the rear to form a fourth storey.

In terms of the effects of the proposed extensions on the amenities of neighbouring residents, Members may agree that the fourth storey addition to the rear is unlikely to impact further on the amenities of No.119 given that a 3.3m separation is maintained to the boundary. There is a substantial distance maintained between the proposed side extension and The Laurels. No flank windows are proposed and a condition may be added to ensure that no windows are added at a later date.



In terms of Policy H9, the existing extension to the side is constructed up to the boundary of The Laurels. As the proposed side extension is to be constructed above the existing extension, the 1m side space which is normally sought for side extensions cannot be provided. The view is taken by officers that although a side space has not been provided, given the separation that would still be maintained to The Laurels, the proposed extension would not appear cramped and would not result in a terracing effect. The proposed extension has been designed with minimal roof bulk and would be in-keeping with the host building.

In terms of highways considerations, the Highways engineer has stated that given the similar level of car parking provision that was allowed under ref. 09/00847 and 08/03098 (at the adjacent site) it would be difficult to resist. Under ref. 09/00847, a condition was added by the Inspector no residents should apply for a parking permit within Outer Area North Zone B.

On balance, given the manner of development proposed and given that the principle of converting the site into 7 units has been established under ref.09/00847, Members may consider that the current application is acceptable as it is unlikely to detrimentally impact adjoining residents and will be in-keeping with the host building and streetscene.

Background papers referred to during production of this report comprise all correspondence on file refs. 11/01022, 09/00847 and 08/03098, excluding exempt information.

**RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- |    |        |  |
|----|--------|--|
| 1  | ACA01  | Commencement of development within 3 yrs |
|    | ACA01R | A01 Reason 3 years                       |
| 2  | ACD02  | Surface water drainage - no det. submitt |
|    | ADD02R | Reason D02                               |
| 3  | ACH03  | Satisfactory parking - full application  |
|    | ACH03R | Reason H03                               |
| 4  | ACH22  | Bicycle Parking                          |
|    | ACH22R | Reason H22                               |
| 5  | ACH29  | Construction Management Plan             |
|    | ACH29R | Reason H29                               |
| 6  | ACH32  | Highway Drainage                         |
|    | ADH32R | Reason H32                               |
| 7  | ACH33  | Car Free Housing                         |
|    | ACH33R | Reason H33                               |
| 8  | ACI13  | No windows (2 inserts) flank extensions  |
|    | ACI13R | I13 reason (1 insert) BE1                |
| 9  | ACI21  | Secured By Design                        |
|    | ACI21R | I21 reason                               |
| 10 | ACB19  | Trees - App'ment of Arboricultural Super |
|    | ACB19R | Reason B19                               |

11 Development shall not begin until details of an opaque privacy screen on the west side of the proposed roof terraces have been submitted to and approved in writing by the local planning authority. The screen shall be erected in accordance with the approved details before first occupation of any part of the development hereby permitted and shall be retained permanently thereafter.

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

12 Development shall not begin until details of the matching materials to be used in the external construction of the extension hereby permitted, and of the restoration of the front elevation and the reinstatement of the east flank elevation of the building, including the materials to be used, have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details.

**Reason:** In the interest of the visual amenities of the host building and streetscene and in order to comply with Policies BE1 and H8 of the Unitary Development Plan.

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

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

BE1 Design of New Development  
H1 Housing Supply  
H7 Housing Density and Design  
H8 Residential Extensions  
H9 Side Space  
NE7 Development and Trees  
T3 Parking  
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 adjacent property
- (c) the character of the development in the surrounding area
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties
- (e) the light and outlook of occupiers of adjacent and nearby properties
- (f) the privacy of occupiers of adjacent and nearby properties
- (g) the relationship of the development to trees to be retained
- (h) the housing policies of the development plan
- (i) the transport policies of the development plan
- (j) the provision of satisfactory living accommodation for future residents of the flats

and having regard to all other matters raised.

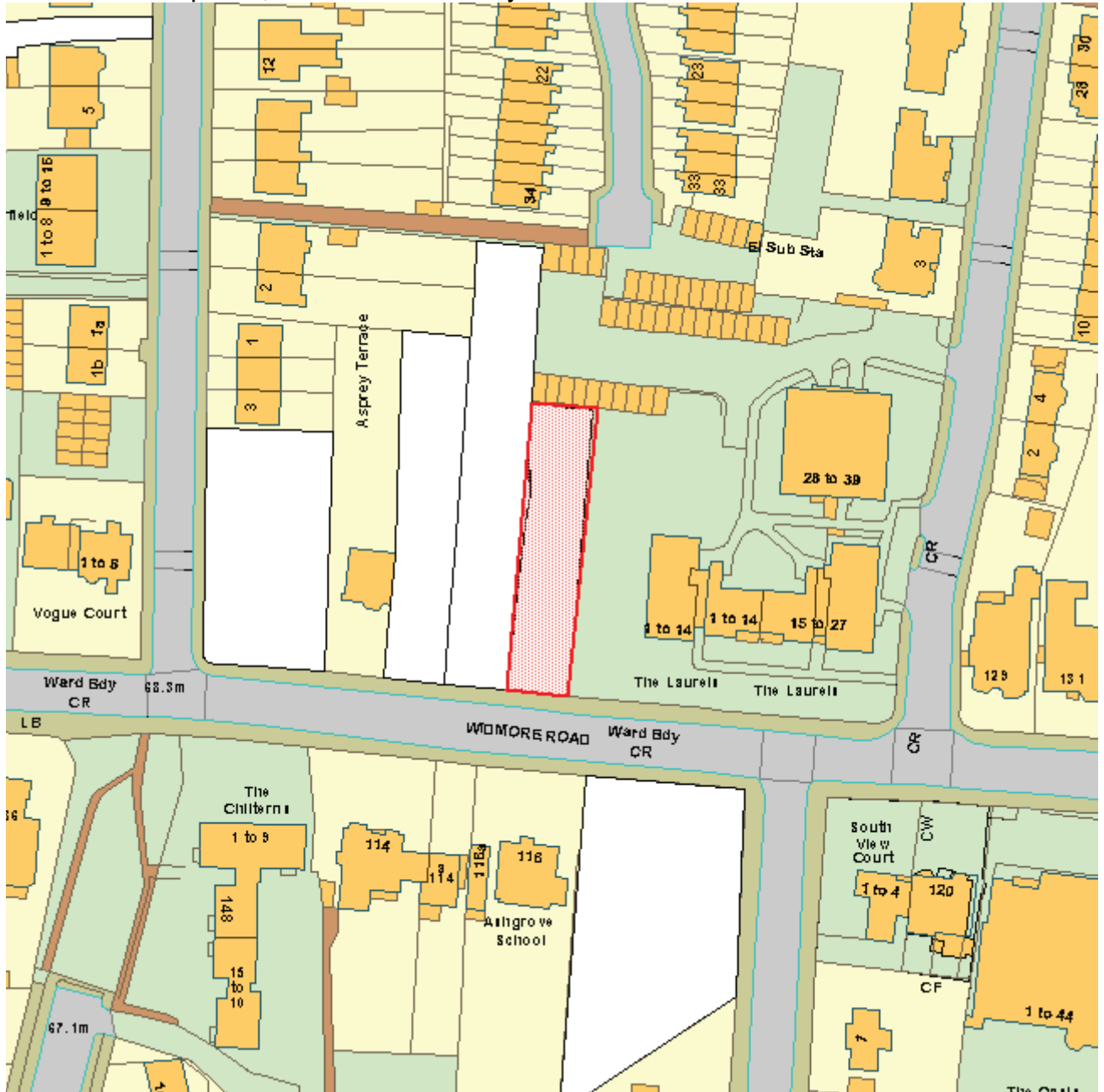
## INFORMATIVE(S)

- 1 RDI10 Consult Land Charges/Street Numbering
- 2 The applicant should be aware that with regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or 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. N/S1 (Reason) To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 3 Where a developer proposes to discharge groundwater unto a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- 4 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/ minute at the point where it leaves Thames Water pipes. The developer should take into account of this minimum pressure in the design of the proposed development.

Reference: 11/01022/FULL3

Address: 121 Widmore Road Bromley BR1 3AH

Proposal: Demolition of existing rear extension, erection of part three / four storey rear extension, third storey side extension and conversion of existing building into 6 two bedroom and 1 three bedroom flats with 3 car parking spaces, refuse stores and cycle store



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

**Application No :** 11/01609/FULL6

**Ward:**  
Hayes And Coney Hall

**Address :** 167 Hayes Lane Hayes Bromley BR2  
9EJ

**OS Grid Ref:** E: 540508 N: 167018

**Applicant :** Ms Claire Maidana

**Objections :** NO

### **Description of Development:**

Part one/two storey side and rear extension. Alterations to front and rear dormer extensions

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Local Distributor Roads

### **Proposal**

This scheme proposes the demolition of a series of single storey outbuildings to be replaced by a part one/two storey side and rear extension with extension to the front and rear dormers.

### **Comments from Local Residents**

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

### **Comments from Consultees**

The Councils' Highways Engineers were consulted on the proposal but given available on-site parking raised no concerns.

### **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
- G6 Land Adjoining Green Belt

## 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.

This is a prominent site which sits at a raised level from the road and with Green Belt to the side and rear. The house which sits to the north is a larger plot and has a higher ridge line than that of the application site although the land raises to the south and therefore the garden of No. 167 sits at a slightly higher level than that of No. 165. This smaller plot and development allows for a gentle buffer to the adjacent Green Belt.

No planning objection is raised to the principle of the extended dormers nor to the single storey rear element. However the two storey side element appears to sit tightly on the site boundary (which is somewhat difficult to distinguish) and therefore does not comply with Policy H9 regarding side space. Requirements of Policy G6 (which requires for such garden land to be retained as a buffer between built development and the open land) and Policy BE1 (which requires for space about buildings to provide opportunities to create attractive settings with hard or soft landscaping) are also to be considered. However, as there is no built development to the south of this boundary and not likely to be coupled with the fact that there is no raising of the ridge height the potential impact of the proposed development may not be considered sufficient to warrant a planning refusal.

Background papers referred to during production of this report comprise all correspondence on file ref. 11/01609, excluding exempt information.

## RECOMMENDATION: PERMISSION

Subject to the following conditions:

- |   |                 |  |
|---|-----------------|--|
| 1 | ACA01<br>ACA01R | Commencement of development within 3 yrs<br>A01 Reason 3 years             |
| 2 | ACC04<br>ACC04R | Matching materials<br>Reason C04   |
| 3 | ACI13<br>ACI13R | No windows (2 inserts) north extension<br>I13 reason (1 insert) BE1 and H8 |
| 4 | AJ02B           | Justification UNIQUE reason OTHER apps                                     |

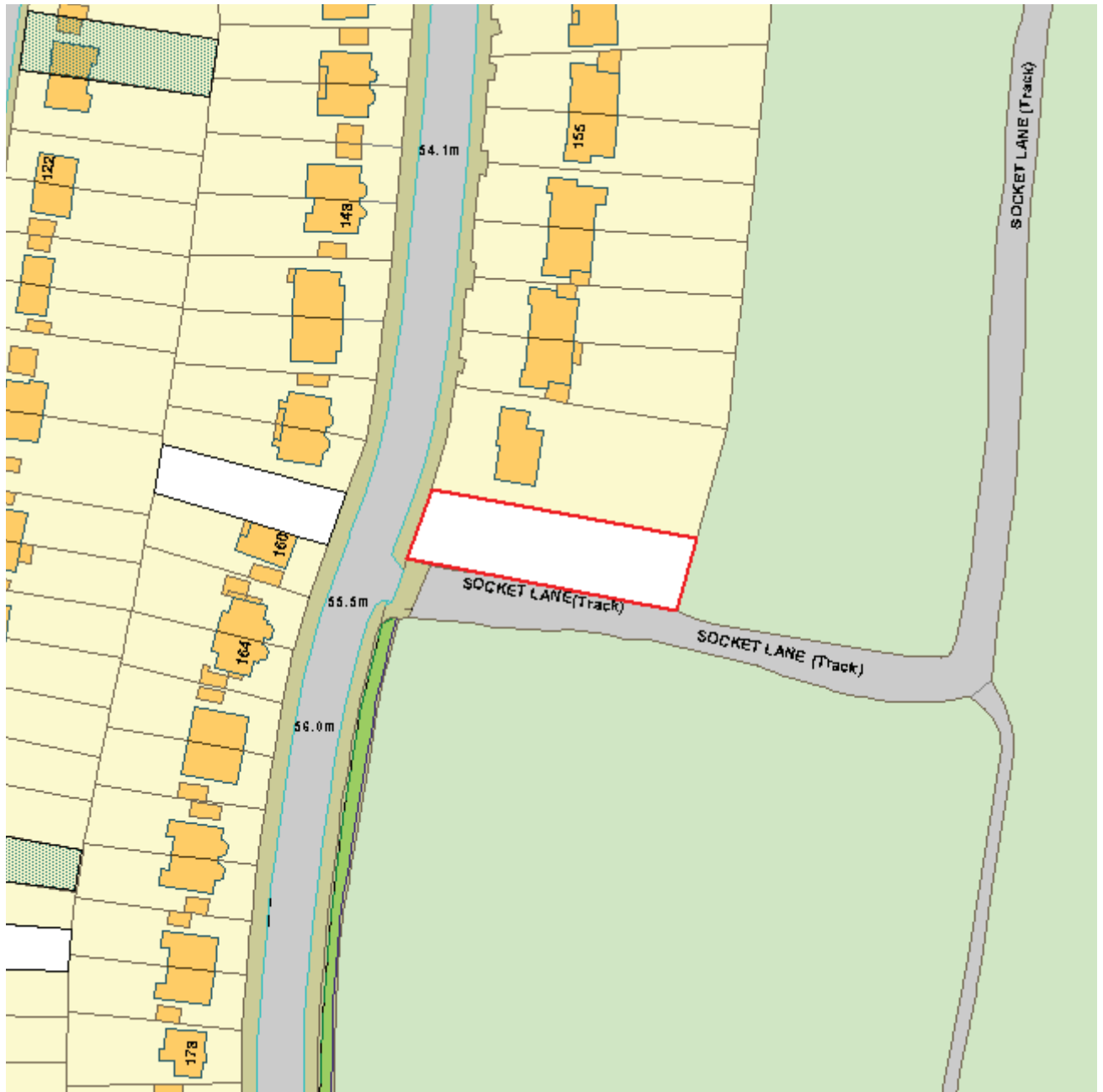
### Policies (UDP)

- BE1 Design of New Development
- H8 Residential Extensions
- H9 Side Space
- G6 Land adjoining Green Belt

Reference: 11/01609/FULL6

Address: 167 Hayes Lane Hayes Bromley BR2 9EJ

Proposal: Part one/two storey side and rear extension. Alterations to front and rear dormer extensions



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

**Application No :** 11/01701/OUT

**Ward:**  
**Plaistow And Sundridge**

**Address :** 51 Palace Road Bromley BR1 3JU

**OS Grid Ref:** E: 540639 N: 169843

**Applicant :** Ashvale Property Ltd.

**Objections :** YES

### **Description of Development:**

6 two bedroom terraced houses with associated vehicular access and car parking fronting Palace Road, 2 two bedroom semi detached houses with associated vehicular access and car parking fronting Hawes Road and 1 detached four bedroom house on land at 51 - 54 Palace Road

OUTLINE APPLICATION

Key designations:

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

### **Proposal**

Full planning consent was granted on this site in May 2002 for the construction of 6 two bedroom terraced houses, 2 two bedroom semi detached houses and 1 four bedroom detached house with associated car parking. The current application is essentially a similar redevelopment scheme although now in outline together with various minor changes to the dwellings. This application indicates that approval is sought for access, layout and scale.

The terraced houses at plots 1 – 6 have been reduced in width by around 0.7 metres making each property of equal width. As a result of this reduction the terrace has been repositioned to maintain the 1 metre separation from the boundaries without the need for the rear corner of plot 1 to be splayed. This repositioning has allowed for access to the side garden of plot 6 from the rear garden area providing more useable private amenity space. There is a slight increase in the overall footprint of the terrace to allow the provision of ground floor toilets and this equates to an increase of 2.3 square metres per property. The depth of the main body of the terrace has increased by around 1.2 metres, however the rearmost walls are no closer to the boundary than previously

approved. The symmetrical appearance of the terrace has been improved with the internal layouts revised to provide more useable room layouts. The car parking layout reflects the previously approved scheme.

The two semi detached houses now include a slight increase in their footprint towards the front of the site to accommodate a new downstairs toilet. The footprint of the detached house is to remain as approved

### **Location**

51 – 54 Palace Road is a triangular site with an apex formed by the junctions of Hawes Road and Palace Road. It is situated within an area characterised by closely arranged Victorian cottage development to the south and east, whilst to the north and west are more spacious developments of Hawes Road and Rodway Road.

The site is currently part commercial and part residential. No's 53 – 54 comprise of the commercial element in the north eastern corner which is long established and has been used since the early 1990s for trailer repair and servicing activities. No's 51 -52 are a pair of Victorian dwelling houses occupying narrow plots which stretch into Rodway Road towards the rear.

### **Comments from Local Residents**

- No objections to the proposal if the 1 metre separation is to remain.
- In principle this would be much better than the existing light industrial uses at the site.
- The site seems too small to cater for the amount of properties that are proposed.

### **Comments from Consultees**

From a highway planning perspective no technical objections are raised subject to appropriate planning conditions on any approval to ensure highway and pedestrian safety is maintained.

From an environmental health perspective no technical objections are raised

From a drainage perspective no technical objections are raised.

In terms of Designing Out Crime no technical objections are raised from the Metropolitan Police subject to a condition on any approval ensuring Designing Out Crime criteria is satisfactorily achieved.

### **Planning Considerations**

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

- H1 Housing Supply
- H7 Housing density and Design

- T3 Parking
- T6 Pedestrians
- T11 New Accesses
- T18 Road Safety
- BE1 Design of New Development

## London Plan

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 5.3 Sustainable Design and Construction
- 5.13 Sustainable drainage
- 7.3 Designing Out Crime
- 7.4 Local Character

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

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

## Planning History

Under planning application ref. 01/02686, planning permission was granted for 6 two bedroom terraced houses, 2 two bedroom semi detached houses and 1 detached four bedroom house with associated car parking.

## Conclusions

The main issues in this case are whether the current amendments to the approved development 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 and whether the development would result in increased on street parking detrimental to highway safety.

The proposed layout and scale of the building is similar to the approved development and reflects the prevailing form of development surrounding the site. The development proposed is of a similar height to adjacent properties and appears to be accommodated satisfactorily within the street scene. The proposed building is of a similar footprint as that previously permitted with this revised scheme including different internal layouts to accommodate downstairs toilets, more useable room layouts and better privacy. Whilst there is a slight increase in

the footprint of the terrace by around 14 square metres to accommodate ground floor toilets, the rearmost walls of the dwellings are no closer to the rear boundary than previously approved.

The proposed development would result in the removal of the long established commercial non conforming use given the predominantly residential character of the area with the additional redevelopment of numbers 51 and 52 enabling a more efficient redevelopment of the site overall. The principle of residential redevelopment of this site has already been accepted.

The proposed development would appear to reflect more accordingly the character of the road as a whole improving its appearance by removing the existing untidy commercial site which is of no specific architectural merit. The design of the scheme provides an appropriate solution which would not overwhelm the remaining dwellings close by.

Policies H7 and BE1 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.

In terms of the amenity of the local residents, the proposal maintains adequate distances between the surrounding properties and appears to have a minimal impact on the immediate neighbours, given the general pattern of development in the area.

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

Members will therefore need to consider whether the layout of the site leaves adequate separation between buildings and whether considering the changes proposed, the development is still in keeping with the character and appearance of the area or significantly harms residential amenity.

It is considered that there may be some impact on nearby properties and existing spatial standards as a result of this proposal; however, a judgement needs to be made about whether the impact is unduly harmful. Accordingly Members will need to consider, taking into account the approved development, whether this proposal is satisfactory.

On balance, Members may consider that these specific proposals in this location are acceptable.

Background papers referred to during production of this report comprise all correspondence on files refs. 01/02686, and 11/01701 excluding exempt information.

**RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- |    |  |  |                  |     |
|----|--|--|------------------|-----|
| 1  | ACA02  | Details req. pursuant outline permission | appearance       | and |
|    | landscaping  |  |                  |     |
|    | ACA02R   | Reason A02                               |                  |     |
| 2  | ACA07  | Boundary enclosure - no detail submitted |                  |     |
|    | ACA07R   | Reason A07                               |                  |     |
| 3  | ACB01  | Trees to be retained during building op. |                  |     |
|    | ACB01R   | Reason B01                               |                  |     |
| 4  | ACB02  | Trees - protective fencing               |                  |     |
|    | ACB02R   | Reason B02                               |                  |     |
| 5  | ACB03  | Trees - no bonfires                      |                  |     |
|    | ACB03R   | Reason B03                               |                  |     |
| 6  | ACB04  | Trees - no trenches, pipelines or drains |                  |     |
|    | ACB04R   | Reason B04                               |                  |     |
| 7  | ACB16  | Trees - no excavation                    |                  |     |
|    | ACB16R   | Reason B16                               |                  |     |
| 8  | ACC01  | Satisfactory materials (ext'nl surfaces) |                  |     |
|    | ACC01R   | Reason C01                               |                  |     |
| 9  | ACC03  | Details of windows                       |                  |     |
|    | ACC03R   | Reason C03                               |                  |     |
| 10 | ACD02  | Surface water drainage - no det. submitt |                  |     |
|    | ADD02R   | Reason D02                               |                  |     |
| 11 | ACD04  | Foul water drainage - no details submitt |                  |     |
|    | ADD04R   | Reason D04                               |                  |     |
| 12 | ACH02  | Satisfactory parking - no details submit |                  |     |
|    | ACH02R   | Reason H02                               |                  |     |
| 13 | ACH22  | Bicycle Parking                          |                  |     |
|    | ACH22R   | Reason H22                               |                  |     |
| 14 | ACH12  | Vis. splays (vehicular access) (2 in)    | 3.3 x 2.4 x 3.3m |     |
|    | 1m   |  |                  |     |
|    | ACH12R   | Reason H12                               |                  |     |
| 15 | ACH32  | Highway Drainage                         |                  |     |
|    | ADH32R   | Reason H32                               |                  |     |
| 16 | The existing access to the site on the corner of Rodway Road and Hawes Road shall be permanently stopped up and extinguished and the highway reinstated to the satisfaction of the Local Authority before the development is occupied. |  |                  |     |
|    | ACH24R   | Reason H24                               |                  |     |
| 17 | ACH29  | Construction Management Plan             |                  |     |
|    | ACH29R   | Reason H29                               |                  |     |
| 18 | ACI21  | Secured By Design                        |                  |     |
|    | ACI21R   | I21 reason                               |                  |     |

**Reasons for granting permission:**

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

- H1 Housing Supply

- H7 Housing density and Design
- T3 Parking
- T6 Pedestrians
- T11 New Accesses
- T18 Road Safety
- BE1 Design of New Development

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

- (a) the appearance of the development in the street scene
- (b) the relationship of the development to adjacent property
- (c) the character of the development in the surrounding area
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties
- (e) the light and outlook of occupiers of adjacent and nearby properties
- (f) the privacy of occupiers of adjacent and nearby properties
- (g) the safety of pedestrians and motorists on the adjacent highway
- (h) accessibility to buildings
- (i) the housing policies of the development plan
- (j) the urban design policies of the development plan

and having regard to all other matters raised.

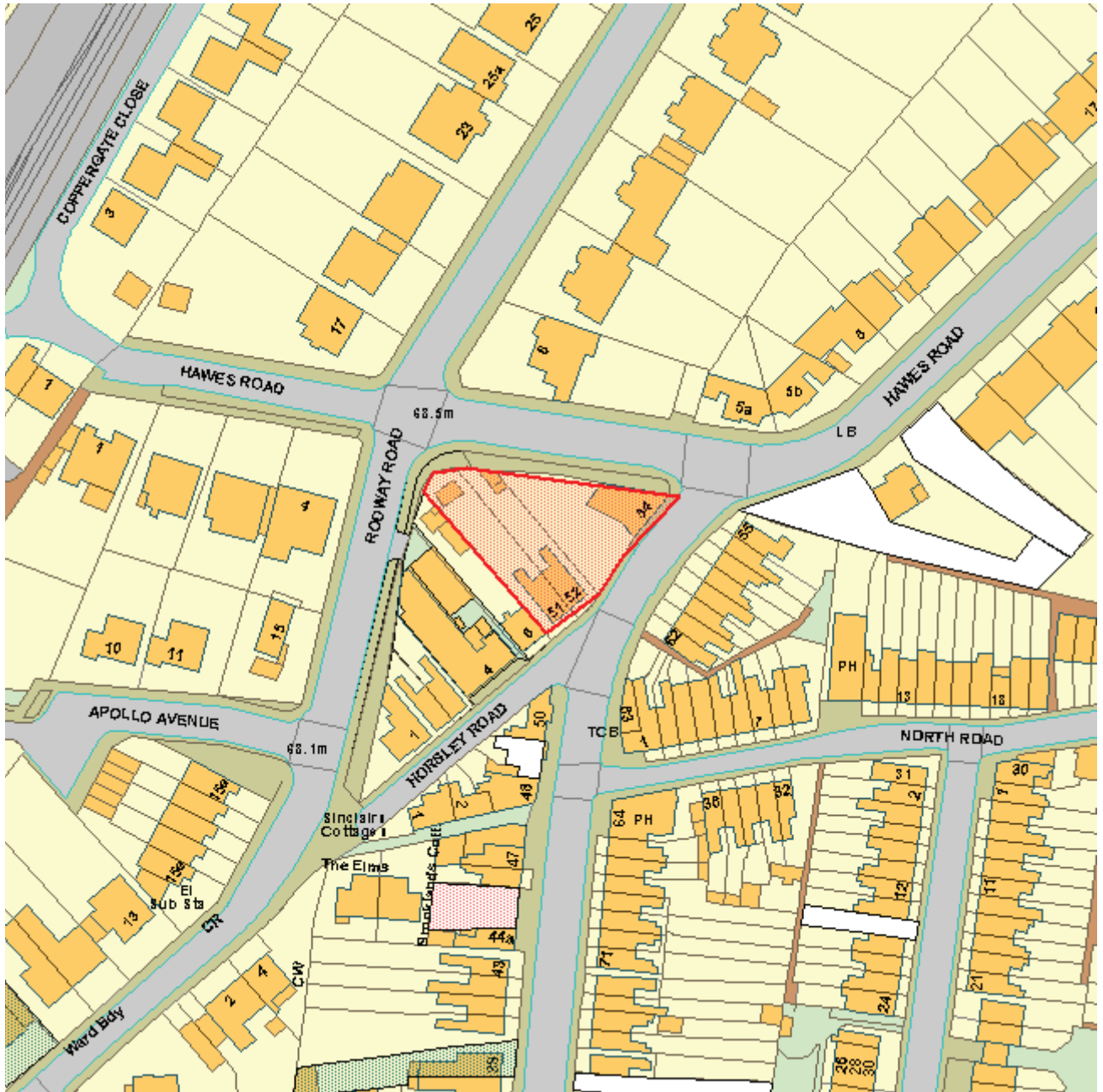
#### INFORMATIVE(S)

- 1 RDI06 Notify Building Control re. Demolition
- 2 RDI10 Consult Land Charges/Street Numbering
- 3 RDI16 Contact Highways re. Crossover
- 4 RDI23 Notification re. Sewer Realignment
- 5 Before the development commences, the applicant is advised to contact the Pollution Team of Environmental Health and Trading Standards regarding compliance with the Control of Pollution Act 1974 and / or the Environmental Protection Act 1990. The applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.
- 6 If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

Reference: 11/01701/OUT

Address: 51 Palace Road Bromley BR1 3JU

Proposal: 6 two bedroom terraced houses with associated vehicular access and car parking fronting Palace Road, 2 two bedroom semi detached houses with associated vehicular access and car parking fronting Hawes Road and 1 detached four bedroom house on land at 51 - 54 Palace Road  
OUTLINE APPLICATION



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

**Application No :** 11/01789/OUT

**Ward:**  
Orpington

**Address :** Garage Compound Adjacent 111 Eldred Drive Orpington

**OS Grid Ref:** E: 547664 N: 165994

**Applicant :** Ms L Buchan

**Objections :** NO

### **Description of Development:**

Demolition of existing garage block and erection of terrace of 3 two storey dwellings incorporating roof space accommodation

Key designations:

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

### **Proposal**

This outline application relates to layout, scale and access. It should be noted that the elevations shown on the plan are for massing purposes only.

The proposed terrace would incorporate a footprint measuring approximately 16.6m in width and a maximum 11.2m in depth. The left-hand (western) dwelling would be wider and inset in relation to the two other dwellings with the front elevation set approximately 5.0m behind in order to maintain a wider separation from a protected maple tree fronting Eldred Drive. The indicative front elevation shows that the terrace would maintain a similar height and roof design as the neighbouring dwelling at No 111.

### **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 at the time that this report was written no representations had been 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).

No objections have been raised by the Trees Officer subject to conditions.

### **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. This was on the basis that the proposal would constitute a cramped overdevelopment of the site, out of character with the area and lacking in adequate amenity area for future occupants. In addition, it was considered that 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.

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.”

Under application ref. 10/00750 an outline application for a terrace of three houses fronting Eldred Drive was refused on the basis that this 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. No other objection was raised.

## **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 its impact on an adjacent protected maple tree.

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, to a large extent, been resolved. The rear of the application site will comprise garden areas which will conform to surrounding spatial standards. It is considered that an adequate separation will be maintained between the proposed and existing houses surrounding the site. In the case of the dwelling at No 111, the site plan shows that a 45° line of vision will be maintained from the rear of the main two storey part of the dwelling and the application site.

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.

Background papers referred to during production of this report comprise all correspondence on files refs. 08/03875, 10/00750 and 11/01789, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- |   |                 |  |
|---|-----------------|--|
| 1 | ACA01<br>ACA01R | Commencement of development within 3 yrs<br>A01 Reason 3 years |
| 2 | ACA02<br>ACA02R | Details req. pursuant outline permission<br>Reason A02         |
| 3 | ACA07<br>ACA07R | Boundary enclosure - no detail submitted<br>Reason A07         |
| 4 | ACC01<br>ACC01R | Satisfactory materials (ext'nl surfaces)<br>Reason C01         |

- 5 ACC03 Details of windows  
ACC03R Reason C03
- 6 ACI02 Rest of "pd" Rights - Class A, B,C and E

**Reason:**In order to control future development on the site in the interest of neighbouring amenity and to prevent overdevelopment, in accordance with Policies BE1 and H7 of the Unitary Development Plan.

**Reasons for permission:**

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

- BE1 Design of New Development
- H7 Housing Density and Design
- NE1 Development and Trees
- T3 Parking

The development is considered satisfactory in relation to the following:

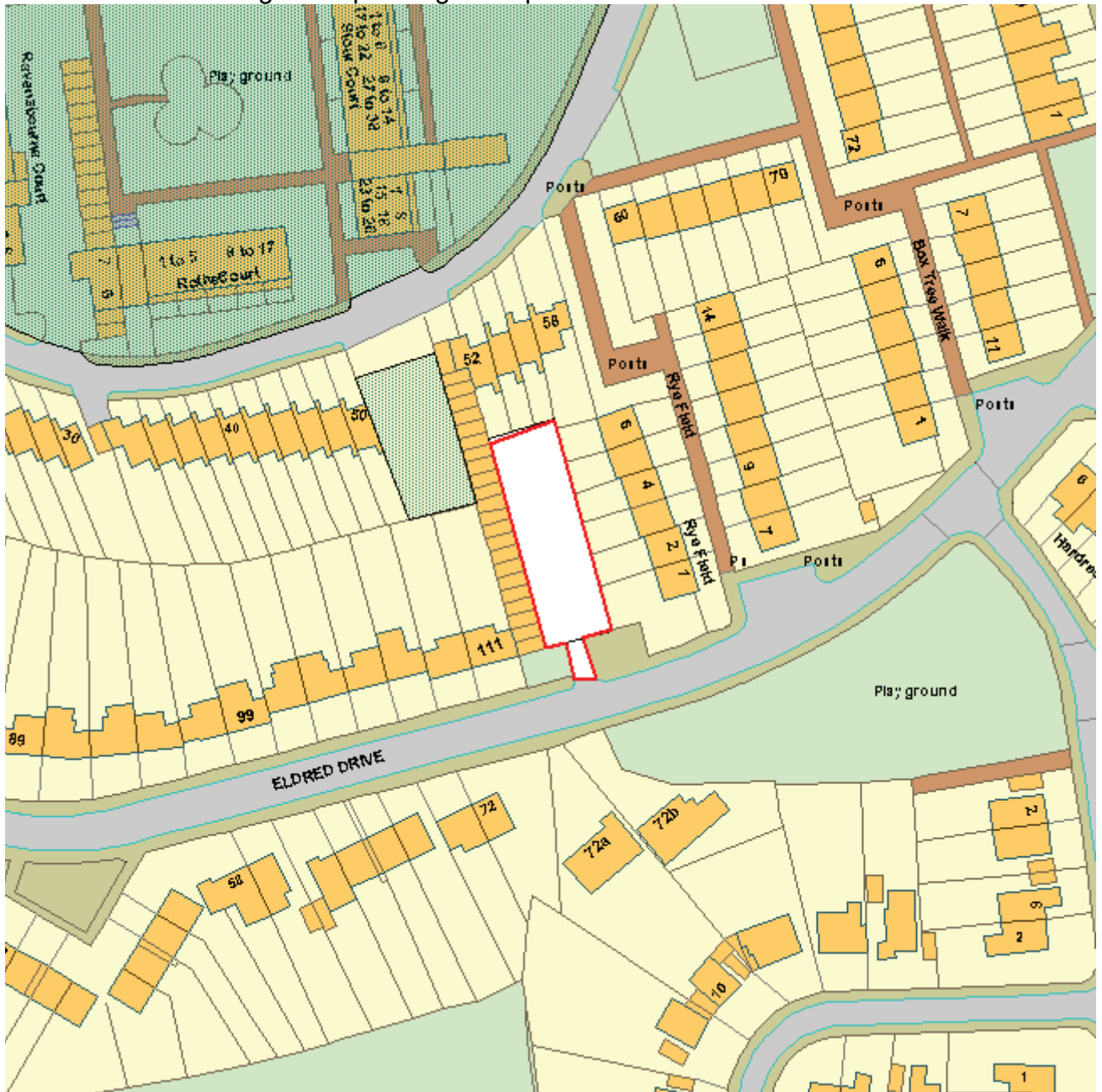
- (a) the appearance of the development in the street scene;
- (b) the relation of the development to the adjacent properties;
- (c) the character of the development in the surrounding area;
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (e) the light and outlook of occupiers of adjacent and nearby properties;
- (f) the privacy of occupiers of adjacent and nearby properties

and having regard to all other matters raised.

Reference: 11/01789/OUT

Address: Garage Compound Adjacent 111 Eldred Drive Orpington

Proposal: Demolition of existing garage block and erection of terrace of 3 two storey dwellings incorporating roof space accommodation



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# Agenda Item 5.1

## LONDON BOROUGH OF BROMLEY

Report No. DRR11/075

PART 1 - PUBLIC

Title:	12 Kemerton Road, Beckenham. Details of Materials to comply with Condition 4 of planning permission reference 09/01141.	
Decision Maker:	Plans Sub Committee No. 2	Decision Date: 18 August 2011
Decision Type:	Non-Urgent                      Non-Executive	Key
Budget/Policy Framework:	Within policy and budget	
Chief Officer:	CHIEF PLANNER	
Contact Officer:	Simon Greenwood Tel: 020 8461 7696 Email: simon.greenwood@bromley.gov.uk	
Ward:	Kelsey and Eden Park	

### 1. SUMMARY

- 1.1 Retrospective approval of details of materials is sought in relation to condition 4 of planning permission ref. 09/01141 granted for a three storey block with accommodation in roof comprising 12 two bedroom and 2 three bedroom flats and including basement for 16 car parking spaces. Local residents have expressed concern regarding the appearance of the light red concrete roof tiles.

### 2. RECOMMENDATION

- 2.1 Approval of details of materials to comply with condition 4 of planning permission ref. 09/01141.

### 3. COMMENTARY

- 3.1 The site is located on the southern side of Kemerton Road, Beckenham, which is a residential cul-de-sac linking to Wickham Road. The site is irregular in shape with a frontage to Kemerton Road .
- 3.2 There is an extensive planning history relating to the site. Outline planning permission was granted in September 2009 for a three storey block with accommodation in roof comprising 12 two bedroom and 2 three bedroom flats and including basement for 16 car parking spaces (ref. 09/01141). Detailed approval of landscaping and appearance was granted in January 2010 (ref. 09/02956). The approved elevation plans indicated that the roof would feature artificial slate, however Members will note that such information is indicative only. Condition 4 of the outline permission required that:

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

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

- 3.3 Retrospective approval of the following materials is sought:
- Ibstock London Yellow Multi Stock bricks
  - light red concrete roof tiles
  - Portland Stone colour string courses, cills and window
  - white glass reinforced plastic cornice below mansard roof.
- 3.4 Local residents have not been formally consulted, however a number of representations have been received which can be summarised as follows:

- roof tiles out of keeping with area
- striking visual impact of roof tiles
- tiles are very bright / garish
- roof tiles are not as indicated on approved plans.

- 3.5 The surrounding area features a mixture of building materials although the predominant roof material is slate.

- 3.6 Whilst the roof appears quite bright in colour the tiles will weather and the colour will fade over time. The applicant has submitted a picture of a 10 year old block in Compass Lane, Bromley featuring the same materials to demonstrate the effect of weathering on the colour. The roof materials are not considered to result in harm to the character and appearance of the area and are considered acceptable. Furthermore, it is not considered expedient to pursue the replacement of the roof tiles if the materials were disapproved.

- 3.7 Members are recommended to approve details of materials to comply with condition 4 of planning permission ref. 09/01141.

<b>Non-Applicable Sections:</b>	Financial, Legal and Personnal implications
<b>Background Documents: (Access via Contact Officer)</b>	Details of planning conditions file containing exempt information as defined by Schedule 12a of the Local Government (Access to Information) Act 1985 are not available for public inspection.



# Agenda Item 6.1

Report No.  
TPO 2407

London Borough of Bromley

PART 1 - PUBLIC

<Please select>

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**Decision Maker:** Plans Sub Committee No.2

**Date:** 18<sup>th</sup> August 2011

**Decision Type:** Non-Urgent Non-Executive Non-Key

**Title:** **OBJECTIONS TO TREE PRESERVATION ORDER 2407 AT  
MAYFIELD LODGE, BRACKLEY ROAD, BECKENHAM**

**Contact Officer:** Coral Gibson, Principal Tree Officer  
Tel: 020 8313 4516 E-mail: coral.gibson@bromley.gov.uk

**Chief Officer:** Bob McQuillan - Chief Planner

**Ward:** Copers Cope

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1. Reason for report

To consider objections that have been made in respect of the making of a tree preservation order.

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2. **RECOMMENDATION(S)**

The Chief Planner advises that the tree makes an important contribution to the visual amenity of the surrounding area and that the order should be confirmed.

### 3. COMMENTARY

3.1. This order was made on 4<sup>th</sup> April 2011 and relates to one oak tree in the front garden at the junction of Brackley Road and Copers Cope Road. The property is in use as flats and an objection has been made on behalf of the residents. The comments are as follows:

1. Roots of the oak tree have damaged the boundary wall resulting in the complete rebuilding of the wall. – it was noted that there is some displacement of the wall but there would appear to be sufficient space to allow for the wall to be rebuilt without the need to fell the tree. The wall was completely replaced on 8<sup>th</sup> April this year and an up to date photograph is included to the file however the objector remains concerned that the wall will need to be replaced again in three years time.

2. The residents tree surgeon could not guarantee that this would not happen again if the tree were left in place. The tree is mature but it is accepted that it is likely that there will be some further growth which may affect a replacement wall. The “rules” regarding compensation were set out - a claim can be made if an application to the Council to carry out work to a protected tree has been refused or given consent subject to conditions. Claims have to be made within 12 months of the Council's decision and are only payable if an owner has suffered loss or damage as a result of the Council's decision to refuse or grant consent.

3. The tree has grown and is in a difficult position to prune. The tree is in the front garden of the property and whilst it overhangs the footway it is not in such a position that a tree surgeon could not prune the tree.

4. The tree is on a corner site and visibility for traffic is important. The tree does not obstruct visibility, although the residents state that they remain concerned that the tree obstructs visibility when driving in and out of the drive and it is particularly difficult to see pedestrians.

5. The branches of the tree overhang the pavement and this presents a serious risk for users of the path and road in heavy winds or storms. The matter of safety is of course an important one. If branches overhanging the pavement pose a high degree of risk, and the only remedy is removal, then it is unlikely that the Council would insist on their retention. Whilst it is never possible to guarantee the trees' safety, provided the tree is in good health then this is normally accepted as a low risk. The Council's consent must first be gained prior to almost any tree works. One exemption specified in the Tree Preservation Order is that of dead wood, and the formal consent of the Council is not required for the removal of dead wood from the tree.

6 and 7. No other plants can grow under the tree making it a barren area of land. They have expressed a willingness to plant 3 flowering trees or shrubs as replacements. They have been advised that the tree will restrict the types of plants that will grow. However, there remain a variety of species which tolerate dry shady conditions, which they might like to consider.

8. Their tree surgeon has advised that the tree had been cut down at some stage in the past which is why it has six separate trunks. They consider that this is unsightly and unlike other trees in the area. It is agreed that the tree is multi stemmed and this may be the result of previous work to it or it may be the natural growth of the tree. In respect of the appearance of the tree it occupies a prominent location at the junction of Brackley Road and Copers Cope Road and is a feature in the local landscape. The amenity value of a tree depends on many factors, and a tree may be appropriate in one location, but out of place or unattractive in another. Trees do not lend themselves to classification into high or low landscape value categories. In this case the size, potential growth, location and intrinsic characteristics of the tree is not considered to lessen its amenity value.

9. They consider that the tree when in leaf considerably restricts light into flats at the front of the building and hence more power is “unnecessarily” used when the emphasis is on energy saving.

They also advise that the Management Committee point out that there has been an enormous number of seedlings from the tree in the last 2 years. Even the smallest seedling has a very deep root and the larger ones have to be removed by a professional gardener. This has become a time consuming nuisance and if not removed oak trees would be growing up all over the place. However this would not be sufficient reason not to confirm the making of the order.

**3. POLICY IMPLICATIONS**

This report is in accordance with Policy NE6 of the Council's adopted Unitary Development Plan

**4. FINANCIAL IMPLICATIONS**

None

**5. LEGAL IMPLICATIONS**

If not confirmed the order will expire on 22nd September 2011.

**6. PERSONNEL IMPLICATIONS**

None

<b>Non-Applicable Sections:</b>	Financial and Personnel implications.
Background Documents: (Access via Contact Officer)	

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# Agenda Item 6.2

Report No.  
TPO 2405r

London Borough of Bromley

PART 1 - PUBLIC

<Please select>

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**Decision Maker:** Plans Sub Committee no.2

**Date:** 18<sup>th</sup> August 2011

**Decision Type:** Non-Urgent Non-Executive Non-Key

**Title:** **OBJECTIONS TO TREE PRESERVATION ORDER 2405 AT ST MARYS CHURCH, ST MARYS AVENUE, SHORTLANDS**

**Contact Officer:** Coral Gibson, Principal Tree Officer  
Tel: 020 8313 4516 E-mail: coral.gibson@bromley.gov.uk

**Chief Officer:** Bob McQuillan - Chief Planner

**Ward:** Shortlands

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1. Reason for report

To consider objections that have been made in respect of the making of a tree preservation order.

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2. **RECOMMENDATION(S)**

The Chief Planner advises that the trees makes an important contribution to the visual amenity of this part of the Shortlands conservation area and that the order should be confirmed.

### **3. COMMENTARY**

3.1. This order was made on 24<sup>th</sup> March 2011 and relates to a area of trees to the east of the Church hall and to the west of 1 St Marys Avenue, Shortlands. An objection has been made by arboricultural consultants acting for insurers of 1 St Marys Avenue.

2. They have objected to the making of the order on the basis that the reasons for making the order have not been explained and the Council has not provided any evidence or assessed the amenity value of the tree, they are implicated in alleged subsidence of the adjoining property and the fact that the designation of an area order has been used.

3. The order was made following a six weeks notice of intention submitted by the arboricultural consultants for the felling of two groups of trees, one group of 12 stems of ash and oak and a second group including goat willow, cherry and hawthorn. The notice sent to the Council was a follow up to an earlier notification which had referred to one oak and one ash. The property at 1 St Marys Avenue has suffered some structural movement and this is described as being within the Building Research Establishment category 3 (moderate damage) and was considered to be due to clay shrinkage subsidence. It was considered that vegetation growing within the grounds of St Marys Church was a contributory factor. Roots were found in the borehole to a depth of 2.9 metres and were identified as oak with some being too immature to identify. The Council therefore considers that no evidence has been shown to link the damage to any tree other than oak.

4. The value of the trees to the conservation area was assessed – the Church and its grounds is at the entrance to the Shortlands Road conservation area from St Marys Avenue. The conservation area is characterised by large Victorian houses set amongst mature trees. St Marys Church dates from 1953 and provides a strong termination beyond the triangular intersection with Kingswood Road which features the centrally positioned War Memorial cross. The church and memorial make particularly important contributions to the urban form and sense of locality. The grounds to the east of the Church provide an informal break between the 1930s houses in St Marys Avenue and the Church and Church Hall and the trees help to give a natural setting to the architecturally simple 1950s buildings, It is for these reasons that the trees have been protected. There has been no use of the various methods of assessment that exist because of the obvious amenity value of the trees due to their location.

5. In respect of the use of an area order – it is accepted that the trees are individually of limited merit and their value is collective. However they could not be described as a woodland and it is accepted that it may be more appropriate to describe the trees as a group.

6. A site meeting has taken place with the arboricultural consultant and Canon Miller. It was unclear as to which trees it was proposed to fell and whether this would resolve the subsidence problem. The consultants have confirmed that they are not withdrawing their objections.

### **3. POLICY IMPLICATIONS**

This report is in accordance with Policy NE6 of the Council's adopted Unitary Development Plan

### **4. FINANCIAL IMPLICATIONS**

None

### **5. LEGAL IMPLICATIONS**

If not confirmed the order will expire on 24<sup>th</sup> September 2011.

**6. PERSONNEL IMPLICATIONS**

None

<b>Non-Applicable Sections:</b>	Financial and Personnel implications.
Background Documents: (Access via Contact Officer)	

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