



THE LONDON BOROUGH  
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DATE: 16 October 2012

To: Members of the  
**PLANS SUB-COMMITTEE NO. 1**

Councillor Alexa Michael (Chairman)  
Councillor John Ince (Vice-Chairman)  
Councillors Douglas Auld, Katy Boughey, John Canvin, Peter Fookes,  
Samaris Huntington-Thresher, Mrs Anne Manning and Harry Stranger

A meeting of the Plans Sub-Committee No. 1 will be held at Bromley Civic Centre on  
**THURSDAY 25 OCTOBER 2012 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 SUBSTITUTE MEMBERS**
- 2 DECLARATIONS OF INTEREST**
- 3 CONFIRMATION OF MINUTES OF MEETING HELD ON 30 AUGUST 2012**  
(Pages 1 - 12)
- 4 PLANNING APPLICATIONS**

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

Report No.	Ward	Page No.	Application Number and Address
4.1	Bromley Town	13 - 16	(12/02619/FULL1) - Street Record, Mitre Close, Bromley.

### SECTION 2 (Applications meriting special consideration)

Report No.	Ward	Page No.	Application Number and Address
4.2	Copers Cope	17 - 24	(12/01693/VAR) - Sunnyfields Day Nursery, 19 Bromley Grove, Shortlands.
4.3	Darwin	25 - 32	(12/01934/FULL1) - 131 Cudham Lane North, Orpington.
4.4	Bromley Common and Keston Conservation Area	33 - 40	(12/02162/FULL1) - Land at Westerham Road Entrance to Forest Drive, Keston.
4.5	Bromley Common and Keston	41 - 48	(12/02601/FULL1) - Keston Garden Centre, Oakley Road, Bromley.
4.6	Plaistow and Sundridge	49 - 56	(12/02751/FULL6) - 10 Park Grove, Bromley.

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

Report No.	Ward	Page No.	Application Number and Address
4.7	Chislehurst Conservation Area	57 - 68	(12/00102/FULL1) - Graham Chiesman House, St Pauls Cray Road, Chislehurst.

4.8	Bromley Town	69 - 80	(12/01838/FULL1) - 47 Homesdale Road, Bromley.
4.9	Penge and Cator	81 - 88	(12/01971/FULL3) - 2-4 Raleigh Road, Penge.
4.10	Farnborough and Crofton	89 - 94	(12/02113/FULL6) - 4 Lansdowne Avenue, Orpington.
4.11	Shortlands	95 - 100	(12/02405/FULL6) - 139 Hayes Way, Beckenham.
4.12	Petts Wood and Knoll	101 - 106	(12/02545/FULL6) - 25 Priory Avenue, Petts Wood.
4.13	West Wickham	107 - 110	(12/02571/FULL6) - 86 Copse Avenue, West Wickham.
4.14	Penge and Cator	111 - 114	(12/02656/PLUD) - 5 Wiverton Road, Sydenham.

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

Report No.	Ward	Page No.	Application Number and Address
4.15	Chelsfield and Pratts Bottom Conservation Area	115 - 124	(12/02558/FULL1) - Lilly's Farm, Chelsfield Lane, Orpington.
4.16	Chelsfield and Pratts Bottom Conservation Area	125 - 128	(12/02559/CAC) - Lilly's Farm, Chelsfield Lane, Orpington.

#### **5 CONTRAVENTIONS AND OTHER ISSUES**

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

## 6 TREE PRESERVATION ORDERS

Report No.	Ward	Page No.	Application Number and Address
6.1	Shortlands	129 - 132	(DRR12/121) - Objections to Tree Preservation Order 2484 at 20 Elwill Way, Beckenham.
6.2	Bromley Common and Keston	133 - 136	(DRR/12/122) - Objections to Tree Preservation Order 2485 at 8 Beech Dell, Keston.

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

NO REPORT

## PLANS SUB-COMMITTEE NO. 1

Minutes of the meeting held at 7.00 pm on 30 August 2012

### Present:

Councillor Alexa Michael (Chairman)  
Councillor John Ince (Vice-Chairman)  
Councillors Douglas Auld, Katy Boughey, John Carvin,  
Peter Fookes, Samaris Huntington-Thresher and  
Mrs Anne Manning

## 6 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Harry Stranger.

## 7 DECLARATIONS OF INTEREST

Councillor Mrs Anne Manning declared a pecuniary interest in Item 4.20; she spoke and left the room for the debate and vote.

## 8 CONFIRMATION OF MINUTES OF MEETING HELD ON 5 JULY 2012

**RESOLVED** that the Minutes of the meeting held on 5 July 2012 be confirmed and signed as a correct record.

## 9 PLANNING APPLICATIONS

### SECTION 1

(Applications submitted by the London Borough of Bromley)

### NO REPORTS

### SECTION 2

(Applications meriting special consideration)

#### 9.1 ORPINGTON

#### **(12/01109/FULL6) - 5 Magdalen Grove, Orpington.**

Description of application – Two storey rear and single storey side extensions, roof alterations incorporating rear and front dormer window extensions and elevational alterations (REVISED PLANS RECEIVED).

Oral representations in support of the application were received at the meeting. It was reported that further objections to the application had been received. 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.

**9.2  
CHISLEHURST  
CONSERVATION AREA**

**(12/01496/FULL6) - 4 Queensgate Gardens,  
Chislehurst.**

Description of application – Single storey side extension with accommodation in roof space to join existing garage to side.

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

**9.3  
CHELSFIELD AND PRATTS  
BOTTOM**

**(12/01598/FULL6) - 72 Cloonmore Avenue,  
Orpington.**

Description of application – Two storey side and rear extension.

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

**9.4  
PENGE AND CATOR**

**(12/01721/VAR) - 4 Green Lane, Penge.**

Description of application – Variation of condition 7 of planning permission 10/02385 (granted for change of use from cafe (class A1) to pasta bar (class A3) installation of ventilation duct together with seating area to the front) to allow customers to use area to rear of property between 12:00 and 16:00.

Members having considered the report, **RESOLVED THAT PERMISSION BE GRANTED** as recommended, for the reasons and subject to the conditions set out in the report of the Chief Planner with the deletion of condition 1 and with three further conditions to read:-  
“3. The premises shall be used for a Pasta Bar and for no other purpose (including any other purpose in

Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: In order to comply with Policy S9 of the Unitary Development Plan and in the interest of the amenities of the area.”

4. Customers shall not be admitted to the premises before 07.00 hours on any day, and all customers shall have left the premises by 23.00 hours.

REASON: In order to comply with Policy S9 of the Unitary Development Plan and in the interest of the amenities of nearby residential properties.

5. Customers shall not occupy the outdoor seating areas at the front property before 09:00 and after 20:00 on any day.

REASON: In order to comply with Policy S9 of the Unitary Development Plan and in the interest of the amenities of the area.”

**9.5  
BROMLEY COMMON AND  
KESTON CONSERVATION  
AREA**

**(12/01779/FULL6) - 19 Forest Drive, Keston.**

Description of application – Part one/two storey side and rear extension.

It was reported that the application had been amended by documents received on 8 August 2012. Comments from the Tree Officer were also reported. Members having considered the report, **RESOLVED** that **PERMISSION BE REFUSED** for the reason set out in the report of the Chief Planner.

**9.6  
CHISLEHURST  
CONSERVATION AREA**

**(12/01844/FULL6) - Piermont, Kemnal Road, Chislehurst.**

Description of application – Part one/two storey side extension and roof alterations to incorporate rear dormers.

Oral representations in support of the application were received at the meeting. It was reported that four letters of support had been received.

Members having considered the report and representations, **RESOLVED THAT PERMISSION BE GRANTED** as recommended, for the reasons and subject to the conditions set out in the report of the

Chief Planner.

**9.7  
HAYES AND CONEY HALL**

**(12/01862/FULL1) - South Gate, Layhams Road,  
West Wickham.**

Description of application – Demolition of Nos 1 and 2 South Gate and erection of two storey building comprising of 5 two bedroom maisonettes with 5 car parking spaces to front, single storey grounds maintenance building and removal of existing car parking area.

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

**9.8  
DARWIN**

**(12/01872/FULL6) - 13 Cudham Park Road,  
Cudham.**

Description of application – Single storey rear extension with pitched roof and porch to rear.

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

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

“4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A, B, C or D of Part 1 of Schedule 2 of the 1995 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

REASON: To prevent overdevelopment of the site and to preserve the openness and character of the Green Belt, in line with Policies G1 and G4 of the Unitary Development Plan.”

**9.9  
PENGE AND CATOR**

**(12/02049/OUT) - 44-45 Green Lane, Penge.**

Description of application – Demolition of existing buildings and erection of a 3 storey building for mixed use development comprising 2 commercial units (Classes A1, A2, A3, B1 and D1) with 8 residential



units above, including associated cycle and refuse storage and 8 parking spaces OUTLINE APPLICATION.

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

Members having considered the report, objections and representations, **RESOLVED THAT PERMISSION BE GRANTED** as recommended, for the reasons and subject to the conditions and informatives set out in the report of the Chief Planner with an amendments to conditions 20 and 22 to read: "20. The ground floor premises shall be used for Use Class A1, A2, A3, B1 and D1 and for no other purpose.

REASON: In order to protect the residential amenities, vitality and viability of the area, and to comply with Policies BE1 and S2 of the Unitary Development Plan.

22. Details of parking submitted pursuant to condition 1 shall show at least 2 car parking spaces with provision for electric vehicle charging points and at least 1 car parking space allocated for blue badge parking.

REASON: In order to comply with the London Plan Policy 6.13."

**9.10  
PETTS WOOD AND KNOLL  
CONSERVATION AREA**

**(12/02145/FULL1) - 261 Chislehurst Road,  
Orpington.**

Description of application – Formation of vehicular access.

Oral representations in support of the application were received at the meeting. Comments from Highways Division were reported.

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

**SECTION 3**

(Applications recommended for permission, approval or consent)

**9.11  
PETTS WOOD AND KNOLL  
CONSERVATION AREA**

**(11/03231/FULL1) - 20A Station Square, Petts  
Wood.**

Description of application – Installation of rear patio doors and creation of balcony with decking and security railings.

Members having considered the report, **RESOLVED** that **PERMISSION BE REFUSED** for the following reason:-

1. The proposal would be detrimental to the residential amenities of No. 22a by reason of loss of privacy and sense of overlooking and is thereby contrary to Policy BE1 of the Unitary Development Plan.

**9.12  
CRAY VALLEY WEST**

**(12/01045/VAR) - The Broomwood, Sevenoaks Way, Orpington.**

Description of application – Change of use from public house (Class A4) to restaurant with takeaway and drive through facility (Class A3/A5) Single storey extensions, elevational alterations, disabled ramp, ventilation ducting, formation of vehicular access to Broomwood Road and associated car parking and landscaping (Revisions to permission ref 10/02456 granted on appeal to allow changes to the car parking layout and drive through lane, including a reduction in the number of spaces from 29 to 28, and extension of the acoustic fencing).

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

**9.13  
CRAY VALLEY WEST**

**(12/01117/ADV) - The Broomwood, Sevenoaks Way, Orpington.**

Description of application – 4 Internally illuminated freestanding signs adjacent to drive-through lane.

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

**9.14  
BROMLEY COMMON AND  
KESTON**

**(12/01123/FULL6) - 38 Randolph Road, Bromley.**

Description of application – Single storey rear extension and roof alterations to garage to create summer house with mezzanine floor. single storey link extension between house and garage.

Members having considered the report and objections, **RESOLVED THAT PERMISSION BE GRANTED** as recommended, for the reasons and

subject to the conditions set out in the report of the Chief Planner.

**9.15  
PENGE AND CATOR**

**(12/01425/FULL6) - 5 Wiverton Road, Sydenham.**

Description of application – Single storey side extension.

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

**9.16  
CHISLEHURST**

**(12/01624/FULL6) - 52A Elmstead Lane, Chislehurst.**

Description of application – Redevelopment to provide a first floor extension with balcony area to master bedroom 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 REFUSED**, for the following reason:-

1. The proposed first floor extension is of poor design, bulky in appearance, out of character with surrounding development and harmful to the appearance of the host dwelling, thereby contrary to Policies BE1 and H8 of the Unitary Development Plan.

**9.17  
CRAY VALLEY WEST**

**(12/01645/FULL6) - 15 Spring Shaw Road, Orpington.**

Description of application – Single storey side and rear extensions.

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

**9.18  
CHELSFIELD AND PRATTS  
BOTTOM**

**(12/01706/FULL1) - Brackley, The Hillside, Orpington.**

Description of application – Demolition of existing dwelling and erection of a two storey five bedroom detached house with integral double garage and accommodation in roofspace.

Oral representations in support of the application were received at the meeting. Comments from Ward Member, Julian Grainger, were reported.

Members having considered the report, objections

and representations, **RESOLVED** that the application **BE DEFERRED** without prejudice to any future consideration to seek an increase in the side space towards the southern boundary with Agricola.

**9.19  
FARNBOROUGH AND  
CROFTON**

**(12/01827/PLUD) - 9 Nutfield Way, Orpington.**

Description of application – Two storey rear extension, single storey side extension and alterations to roof to incorporate rear dormer. 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 set out in the report of the Chief Planner.

**9.20  
HAYES AND CONEY HALL**

**(12/01845/FULL1) - 56 Bourne Way, Hayes.**

Description of application – Single storey/two storey extensions; cladding and elevational alterations; external first floor access provision; resurfacing and laying out of parking area.

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

1. The extensions and provision of first floor access would, by reason of the close proximity to neighbouring properties, be detrimental to the residential amenities currently enjoyed, including increased noise and disturbance, thereby contrary to Policy BE1 of the Unitary Development Plan.

**9.21  
CRYSTAL PALACE**

**(12/01849/FULL1) - 39 Selby Road, Penge.**

Description of application – Removal of unauthorised rear extensions, replacement single storey rear extension and conversion into 1 one bedroom and 2 two bedroom flats.

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

**9.22  
CHELSFIELD AND PRATTS  
BOTTOM**

**(12/01859/FULL6) - 8 Edith Road, Orpington.**

Description of application – Single and first floor rear extensions.

It was reported that objections to the application had been received.

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

**9.23  
PENGE AND CATOR**

**(12/01971/FULL3) - 2-4 Raleigh Road, Penge.**

Description of application – Three storey side extension to accommodate new entrance lobby and staircase, elevational alterations and conversion of first and second floor from snooker club to form 6 two bedroom flats together with amenity space, communal roof terrace and pergola.

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

Members having considered the report and representations, **RESOLVED** that the application **BE DEFERRED** without prejudice to any future consideration to seek a reduction by one unit.

**9.24  
PENGE AND CATOR**

**(12/01973/FULL1) - Penge Police Station, 175 High Street, Penge.**

Description of application – Elevational alterations and conversion of former stable block to 1 one bedroom dwelling with associated garden and car parking space and new entrance gates and wall.

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

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

**9.25  
BICKLEY**

**(12/01998/FULL1) - Jasmin, Chislehurst Road, Bromley.**

Description of application – Demolition of existing dwelling and erection of a detached two storey six bedroom house with accommodation in roof space.

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

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

**9.26  
PENGE AND CATOR**

**(12/02013/FULL6) - 43 Reddons Road, Beckenham.**

Description of application – Part one/two storey rear extension and alterations to existing side/rear element and elevational alterations and pitch roof over existing first floor flat roof extension.

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

**9.27  
FARNBOROUGH AND  
CROFTON**

**(12/02235/PLUD) - 9 Nutfield Way, Orpington.**

Description of application – Two storey rear and single storey side extensions. 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 set out in the report of the Chief Planner.

**10 CONTRAVENTIONS AND OTHER ISSUES**

**10.1  
CHISLEHURST**

**(DRR12/102) - 97 Empress Drive Chislehurst .**

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

**10.2  
PENGE AND CATOR**

**(DRR12/00095) - 14 Morland Road, Penge.**

Oral representations in support of no further action were received at the meeting.

Members having considered the report and representations **RESOLVED THAT NO FURTHER ACTION BE TAKEN AT PRESENT**, pending the outcome of appeal for planning application DC/12//00551.

**11 TREE PRESERVATION ORDERS**

**11.1 (DRR12/103) - Objections to Tree Preservation  
PETTS WOOD AND KNOLL Order 2474 at 29 Rolleston Avenue, Petts Wood**

Oral representations in objection to the tree preservation order being confirmed were received at the meeting.

Members having considered the report, **RESOLVED** that **Tree Preservation Order No 2474** relating to one ash tree **BE CONFIRMED**, as recommended, in the report of the Chief Planner.

The Meeting ended at 9.35 pm

Chairman

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# Agenda Item 4.1

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

**Application No :** 12/02619/FULL1

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

**Address :** Street Record Mitre Close Bromley

**OS Grid Ref:** E: 540013 N: 169436

**Applicant :** London Borough Of Bromley

**Objections : NO**

## **Description of Development:**

Demolition of existing toilet block and construction of a car park and landscaping

Key designations:

Conservation Area:

Biggin Hill Safeguarding Birds

Biggin Hill Safeguarding Area

London City Airport Safeguarding

London City Airport Safeguarding Birds

## **Proposal**

Planning permission is sought for a 28 space car park on what is currently Mitre Close and a disused toilet block. The car park would be public, with pay and display style payment style payment.

The car park surface would be tarmac and there would also be a new landscaping scheme implemented.

## **Location**

To the east and south the application site abuts the boundaries of 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**

Planning Policy – No objections.

Highways – No objections.

Streetscape - No objections.

Trees – No objections in principle.

Environmental Health (Public Protection) – No objections.

Transport for London – No objections in principle.

### **Planning Considerations**

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

BE1 Design of New Development

BE13 Development adjacent to a conservation area

T3 Parking

There is no planning history available.

### **Conclusions**

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

The Council made a decision in June 2011 to roll out a controlled closure of public toilets across the Borough; and those situated at this site were identified as suitable for closure and demolition. As such, the proposal is considered as acceptable in land use terms.

The proposal to create a car park at this site would appear to have a negligible impact on traffic density on Beckenham lane, given the amount of traffic currently using the junction and already entering/exiting The Hill car park. Additional off street parking is likely to improve the vitality of Bromley North Village which is currently the subject of a Renewal Strategy and a significant upgrade to the public realm.

With regard to the residential amenity, the nature of the proposal is such that no adjacent occupier would suffer unacceptable daylight or sunlight, outlook, or privacy loss through the implementation of an approved scheme. In terms of noise and disturbance it is noted that the application site is located within the Bromley Town Centre and the very nature of this designation acknowledges that the location experiences and encourages activity. It is also noted that background noise levels within this location are high throughout the day and into the night. The proposal is therefore considered to be acceptable in this regard and compliant with policy objectives.

This application would mean the loss of a young mature plane tree but no objection has been raised in that respect.

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

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

### **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- 1      ACA01      Commencement of development within 3 yrs  
          ACA01R      A01 Reason 3 years
- 2      ACA09      Landscaping scheme (inc.street furniture  
          ACA09R      Reason A09
- 3      ACD02      Surface water drainage - no det. submitt  
          ADD02R      Reason D02
- 4      ACK01      Compliance with submitted plan  
          ACC01R      Reason C01
- 5      ACH03      Satisfactory parking - full application  
          ACH03R      Reason H03
- 6      ACH32      Highway Drainage  
          ADH32R      Reason H32
- 7      AJ02B      Justification UNIQUE reason OTHER apps

#### Policies (UDP)

- BE1 Design of New Development
- BE13 Development adjacent to a conservation area
- T3 Parking

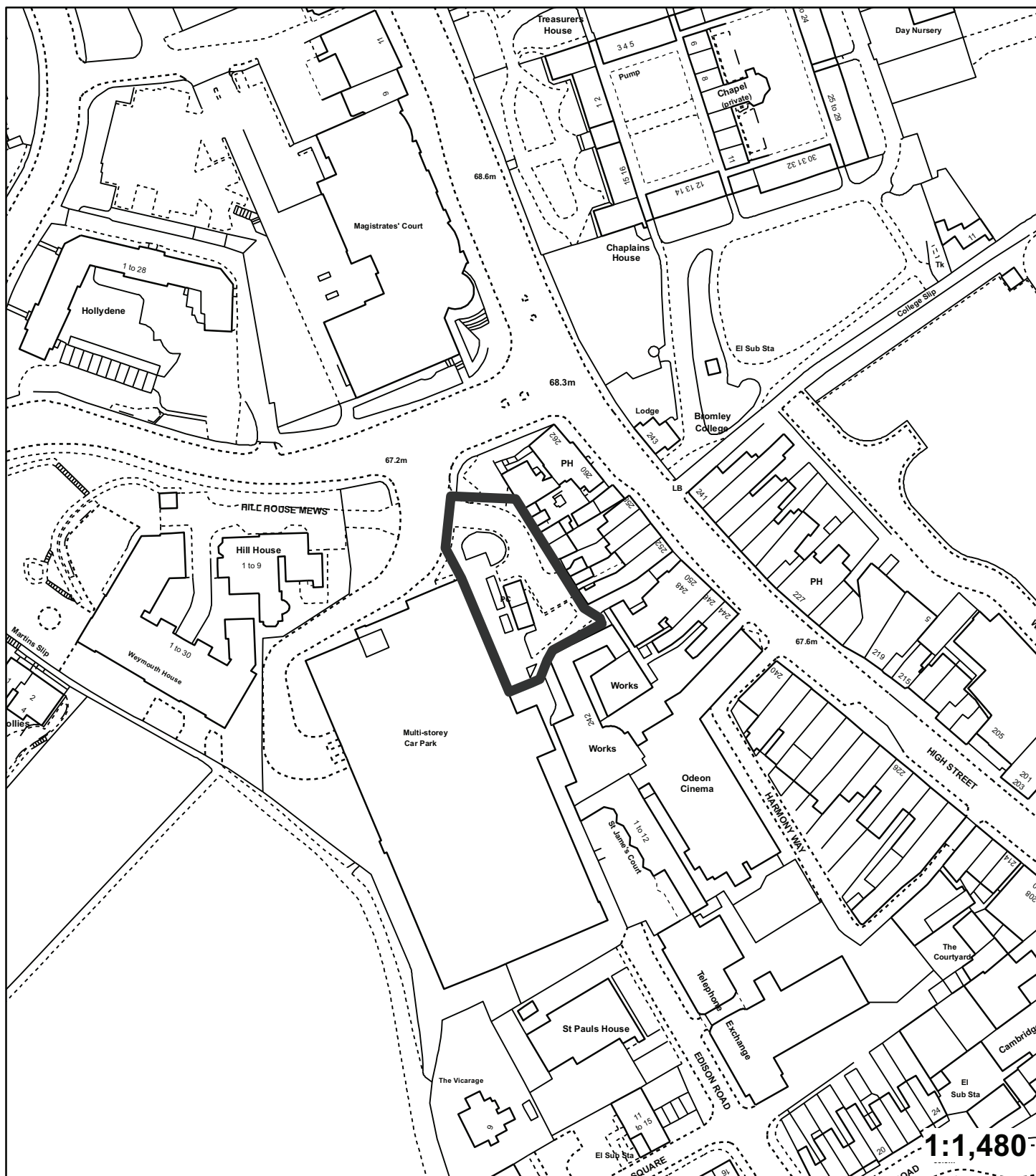
#### INFORMATIVE(S)

- 1      You should be advised that as the site is located to the south of Mitre Close, this section of Mitre Close should be stopped up.
- 2      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.
- 3      TfL request that within the proposed car park, adequate provision for Electric Vehicles is made. In line with standards set out in the London Plan for retail parking, 10 per cent of all spaces must be for electric vehicles with a further 10 per cent passive provision for secured future use.

**Application:**12/02619/FULL1

**Address:** Street Record Mitre Close Bromley

**Proposal:** Demolition of existing toilet block and construction of a car park and landscaping



## SECTION '2' – Applications meriting special consideration

**Application No :** 12/01693/VAR

**Ward:**  
Copers Cope

**Address :** Sunnyfields Day Nursery 19 Bromley  
Grove Shortlands Bromley BR2 0LP

**OS Grid Ref:** E: 538882 N: 169019

**Applicant :** Anna Bailey

**Objections :** YES

### **Description of Development:**

Variation of condition 3 of permission ref. 01/03390 to increase the number to children aged between 3 months and 7 years attending the day nursery to 45 with the use being restricted to between 0730 and 1830 Monday to Friday.

This application was deferred without prejudice by the Plans Sub Committee of 27th September for further investigation into the parking survey and associated numbers attending the nursery, to investigate whether Environmental Health have received any complaints, to take further advice from cleansing re difficulties of refuse collection and to seek clarification in respect of the use of the flat.

The previous report has been amended and updated as below:

### **Proposal**

This application seeks to vary Condition 3 of planning permission 01/03390 to increase the number of children aged between 3 months and 7 years attending the day nursery from 33 children to 45 with the use being restricted to between 0730 hours and 1830 hours Monday to Friday.

### **Location**

The site is a detached building with accommodation over three floors and is located on the south side of Bromley Grove.

### **Comments from Local Residents**

- creates local parking problems
- 'drop-offs' arise in blocked drives; although for short time periods it does create annoyance
- added congestion from parking creates problems with refuse collection
- suggested on-site parking appears impractical and conflicts with other areas of use on site
- excessive noise from the outside play areas

- although some improvements since Committee meeting in April there is an overriding concern that should numbers be permitted to increase to 45 the problems previously experienced will return
- committee required numbers to be reduced to 32 children prior to any further applications
- restrict times of use of the garden area to help address noise issues
- CRB clearance for residents of flats

### **Comments from Consultees**

Technical Highways comments note the parking surveys carried out indicate that there are parking capacities available during the morning and evening peaks within 200m of the site and therefore the residual level of traffic generation would not have a significant impact on local traffic flows. It is suggested that the internal parking layout may need to be redesigned to avoid on-site conflicts with other areas. In response to Committee's enquiry with the submitted survey Highways advise that the survey is a reasonable survey and whilst they have not carried out one themselves this type of submission by applicants is quite typical. Any additional comments in respect of the 'drop off' information supplied by the applicant will be reported verbally to Committee.

Bromley Early Years Team advise that Sunnyfields Day Nursery is an established childcare provider in the Borough, running two provisions with overall OfSTED ratings of 'Good' with 'Outstanding' for partnership with parents/carers. The application for a variation in the number of children is strongly supported by Early Years. Full day care in the Borough continues to be insufficient and with the impact of one form entry to schools and the proposed increased government funding for two year olds, childcare provision for 0 – 3 year olds will be in demand. They advise that the applicant has addressed local and national childcare developments and the proposed increase of places for 0 – 3 year olds would offer additional places in an area that is limited of full-time childcare and support locally, the government's commitment to families.

The Waste Advisor for the area notes that there are issues with the adjacent properties refuse collections due to parking in the road. Detailed comments in response to Committee's enquiry are awaited and will be reported verbally.

No Environmental Health objections are raised. In response to Committee's enquiry Environmental Health confirm that there are no noise complaints recorded against this address.

### **Planning Considerations**

The application falls to be determined in accordance with the National Planning Policy Framework (NPPF), the London Plan and the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- BE11 Conservation Areas
- C7 Educational and Pre-School Facilities

- T1 Transport Demand
- T2 Assessment of Transport Effects
- T18 Road Safety

## **Planning History**

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

97/03152/FUL – Change of use from nursing home to day nursery. Permission granted subject to conditions.

99/00775/VAR - variation of condition 03 of permission 97/3152 granted for use as day nursery to increase number of children from 20 to 28. Permission granted subject to conditions.

11/02839 - Side dormer extension and conversion of second floor from one 3 bedroom residential unit associated with nursery to one 1 bedroom and one 2 bedroom self contained units not associated with nursery in order to remove Condition 2 of permission 01/03390.

01/03390/VAR - Variation of Condition 04 of permission 99.00775 granted for use as day nursery which limits number of children to 28 and their ages to between 3 months and 7 years with the use being restricted to between 0800 and 1800 Mondays to Fridays, to permit 33 children between the ages of 3 months and 7 years with the additional uses of after school club in school terms between 1500 – 1800 and holiday club in school holidays between 0800 – 1800 for 12 children aged 4 to 11 years. Permission granted subject to conditions.

12/00441 - Variation of condition 3 of permission ref. 01/03390/VAR to increase the number of children, aged between 3 months and 7 years, attending the day nursery to 62, with the use being restricted to between 07:30 and 18:30 Monday to Friday. This was refused due to detrimental impact on neighbouring amenities and detrimental impact resulting from increased vehicle movements. As well as the refusal of the application authorisation for enforcement action was given to regularise the number of children currently using the day nursery to be in accordance with permission 01/03390.

## **Conclusions**

Following planning application ref. 12/00441, which sought to increase the numbers of children aged between 3 months and 7 years attending the day nursery from 45 to 62, it came to light that the nursery was operating in breach of Condition 3 of permission 01/03390:

- 3 (a) The children attending the day nursery/play group shall be between the ages of 3 months and 7 years and not more than 33 children shall be accommodated at any one time.
- (b) The use of the premises for the purpose permitted shall be limited to Mondays to Fridays inclusive between the hours of 0800 and 1800.

The applicant had reasoned that as planning permission was granted for 45 children, albeit broken down as 33 day nursery attendees and 12 for the after school club, that when the after school club closed in 2008 the number of children from the after school club could be added to the day nursery, hence the submission of application ref. 12/00441 seeking an increase from 45 children to 62.

As seen above this application was refused and whilst enforcement action was authorised it is understood the Committee suggested a time lapse before proceeding with any action in order to allow for an element of 'natural reduction' in children numbers. Additional information has been received to show the current day nursery attendance, with 28 children at the lowest and 33 at the highest.

The applicant has submitted a supporting statement which highlights their desire to combine the numbers of 45 children, previously allowed but under different categories (ie 12 in the after school club and 33 in the day nursery) whilst offering the extended operational hours of 0730 and 1830 Monday to Friday in order to offer flexibility and to help stagger the arrival/departure times.

A number of objections have been received to the application. Concerns have been raised around CRB requirements for residents of the flats. Whilst restrictions were originally applied to the residential accommodation, planning permission ref. 11/02839 gave consent for residential units not associated with the nursery. In response to Committee's enquiry re clarification of the use of the flats the applicant has confirmed that they have a residential use completely separate from the nursery. The applicant has also advised that they had received a noise complaint in respect of loud music from the flats. This was dealt with immediately and to date she has received no further complaints.

Objections are raised in respect of local parking, access and collection of refuse problems. Highways comments in respect of the parking survey state that there are parking capacities available during the morning and evening peaks within 200m of the site and therefore the residual level of traffic generation would not have a significant impact on local traffic flows. The waste advisor has confirmed that there are problems with waste collection to the flats opposite due to parking in the road. There is no evidence to say that this parking is by users of the nursery but rather an assumption. It should be noted that there are no on street parking restrictions in this location. Any further information/evidence on this point will be reported verbally to Committee.

Objections are also raised in respect of the noise levels of children playing in the garden area. As noted above the Council's Environmental Health section have no noise complaints recorded against the property. Within the supporting statement the applicant has suggested that older children will generally make more noise than younger (with the use of the site now concentrating more on younger children). It also suggests that a garden curriculum and rota is employed which would help control the noise from the children.

Planning Policy C7 advises that applications for extensions to existing pre-school facilities will be permitted provided that they are located so as to maximise access by means of transport other than the car. The policy seeks to give appropriate



support to the Council's wider objectives for education, including its early years' strategy. It recognises that pre-school facilities will often be provided in residential properties and seeks appropriate safeguarding of amenities.

There is clearly a balance to be sought between the extension of the existing pre-school facility, the Council's wider objectives for Early Years' Strategy and safeguarding nearby residential amenities. It would appear that the facility has been operating with up to 45 children since the afterschool and holiday clubs ceased in 2008. The proposal is supported by the Council's Early Years Team and no Environmental Health objections are raised. However given the objections received there are clearly local concerns with the impact of the increased numbers.

Subject to any additional comments received in respect of Highways/Cleansing, given the above and that previous planning permissions have considered it appropriate for a greater number of children to use the facilities (via the after school/holiday club) it may, given the circumstances, be appropriate to consider a temporary variance of condition in order to assess the impacts of the use of the existing facilities for up to 45 children for the extended times requested.

Background papers referred to during production of this report comprise all correspondence on files refs. 12/01693, 12/00441, 01/03390, 11/02839, 99/00775 and 97/03152, excluding exempt information.

as amended by documents received on 09.07.2012 17.07.2012 12.09.2012 05.10.2012

## **RECOMMENDATION: APPROVAL**

subject to the following conditions:

- 1 a) The children attending the day nursery/play group shall be between the ages of 3 months and 7 years and not more than 45 children shall be accommodated at any one time for a limited period ending 31st October 2013.  
b) The use of the premises for the purpose permitted shall be limited to Mondays to Fridays inclusive between the hours of 0730 and 1830 for a limited period ending 31st October 2013.

**Reason:** In order that the impact from the increased number of children can be fully assessed and to comply with Policy C7 of the Unitary Development Plan and in the interest of the amenities of the area.

- 2 The premises shall be used for a children's day nursery and for no other purpose (including any other purpose in Class D1 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

**Reason:** In order to comply with Policies BE1 and C7 of the Unitary Development Plan and in the interest of the amenities of nearby residential properties.

- 3 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

BE1 Design of New Development  
BE11 Conservation Areas  
C7 Educational and Pre-School Facilities  
T1 Transport Demand  
T2 Assessment of Transport Effects  
T18 Road Safety

**Application:**12/01693/VAR

**Address:** Sunnyfields Day Nursery 19 Bromley Grove Shortlands Bromley BR2 0LP

**Proposal:** Variation of condition 3 of permission ref. 01/03390 to increase the number to children aged between 3 months and 7 years attending the day nursery to 45 with the use being restricted to between 0730 and 1830 Monday to Friday.



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## SECTION '2' – Applications meriting special consideration

**Application No :** 12/01934/FULL1

**Ward:**  
Darwin

**Address :** 131 Cudham Lane North Orpington BR6  
6BY

**OS Grid Ref:** E: 545189 N: 162629

**Applicant :** Mr Brian Piggott

**Objections :** NO

### **Description of Development:**

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

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Flood Zone 3  
Green Belt  
London City Airport Safeguarding  
Local Distributor Roads  
Tree Preservation Order

### **Proposal**

It is proposed to demolish the commercial buildings on this strip of land, and erect 2 detached two storey 4 bedroom dwellings, each with a detached double garage. Access to the dwellings would be from the existing access road which serves the commercial buildings. The total floorspace provided by each dwelling would be 203sq.m., including the detached garages.

The application is accompanied by a Planning, Design and Access Statement, and an Arboricultural Report.

### **Location**

This site is located within the Green Belt, and is occupied by a number of workshop/storage buildings which have a longstanding permission for commercial use, and total 790.85sq.m. in floorspace. The land comprises a 150m long strip, approximately 11m wide, which slopes down from Cudham Lane North from the west, and rises gently towards the east.

The main dwelling at No.131 is located to the north-west of the application site, and has been extended in the past. The site is surrounded by open countryside and woodland.

The eastern part of the site is covered by a blanket Tree Preservation Order (194).

### **Comments from Local Residents**

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

### **Comments from Consultees**

The Council's highway engineer considers that it is unlikely that the proposed new dwellings would result in a significant increase in vehicular trips to the site compared with the existing commercial units, and that the sightlines to the access onto Cudham Lane North are relatively good, therefore, no objections are raised to the proposals.

Drainage comments suggest that soakaways would need to be installed to dispose of surface water run-off as there is no public surface water sewer in close proximity to the site.

Thames Water raise no objections to the proposals in principle.

Environmental Health comment that although no objections are raised in principle, due to the lack of information regarding the past land use, a standard condition should be imposed requiring a contaminated land assessment.

The Council's Waste department requires refuse to be taken to Cudham Lane North on the day of collection, while Crime Prevention have requested that a "secure by design" condition be imposed.

With regard to the trees on the site, the land to the east of the dwelling shown on Plot 2 is covered by a TPO, and these trees would not be affected by the proposals. However, trees to the north and south of the site are important for screening, and although they would not be directly affected by the proposals, they should be retained if the site is to be developed.

### **Planning Considerations**

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

- BE1 Design of New Development
- BE3 Buildings in Rural Areas
- H7 Housing Density and Design
- G1 The Green Belt
- EMP5 Development Outside Business Areas
- T3 Parking

T18 Road Safety  
NE7 Development and Trees

The National Planning Policy Framework (NPPF) was introduced in March 2012 and supersedes Government's guidance previously given in PPGs and PPSs. As with previous Green Belt policy, the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. In general, the construction of new buildings in the Green Belt should still be regarded as inappropriate, however, the NPPF does allow for "limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

### **Planning History**

Permission was originally granted for these agricultural buildings in 1974, but later permissions (most recently ref. 94/02692) allowed their use for storage and workshop purposes, as they were considered to be appropriate uses for the re-use of redundant farm buildings.

Permission was refused in June 2011 (ref.11/00445) for the demolition of the existing commercial buildings and the 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, on the following grounds:

- 1 The site is located within the Green Belt wherein there is a presumption against inappropriate residential development, and the Council sees no very special circumstances in this case which might justify the grant of planning permission as an exception to Policy G1 of the Unitary Development Plan.
- 2 The proposals would result in the unacceptable loss of a business site which could continue to be used, with or without adaptation, for business purposes, thereby contrary to policy EMP5 of the Unitary Development Plan.
- 3 In the absence of adequate information to demonstrate the impact on the protected trees, the proposals would be harmful to the protection and well-being of trees on the site, which would be detrimental to the character, appearance and openness of the Green Belt, thereby contrary to Policies G1 and NE7 of the Unitary Development Plan.

### **Conclusions**

The primary considerations in this case are, in the first instance, whether the proposal would constitute inappropriate development within an area designated as Green Belt, and if so, its effect on the openness and visual amenities of and the purposes for including land in the Green Belt, and whether any benefits of the scheme would clearly outweigh any harm by reason of inappropriateness and any

other harm, and thus justify the development on the basis of very special circumstances.

If the principle of the scheme is accepted, the other main considerations are the impact of the proposals on the character and spatial standards of the surrounding area, on the amenities of neighbouring residents, on protected trees on the site, and on pedestrian and vehicular safety in the close vicinity.

The main differences between the current and refused schemes are that an arboricultural statement has now been submitted to address the third ground for refusal, and the NPPF has been introduced which, in the applicant's view, reclassifies the proposals as appropriate development within the Green Belt.

UDP Policy G1 states that the construction of new buildings within the Green Belt is inappropriate unless it is for purposes including agriculture, forestry, essential facilities for outdoor sport and recreation, and limited extensions, alterations or replacement of existing dwellings. In this regard, the permitted use of the site is for commercial purposes, and its redevelopment for residential purposes would constitute inappropriate development in the Green Belt, which is, by definition, harmful to the openness of the Green Belt. Although the NPPF now allows for limited infilling or the partial or complete redevelopment of previously developed sites in the Green Belt, the definition of "previously developed land" given in Annex 2 of the NPPF excludes "land that is or has been occupied by agricultural or forestry buildings". As the previous use of the commercial buildings was for agricultural purposes, the current proposals would still, therefore, constitute inappropriate development in the Green Belt.

The applicant considers that as the proposals are appropriate development, they do not need to demonstrate special circumstances to justify the development, however, the following points (summarised) have been put forward to support the application:

- the redevelopment of the site would result in an overall reduction in floorspace of 49% (from 791sq.m. to 406sq.m.), and an overall reduction in the volume of built development of 49% (from 2620cu.m. to 1276cu.m.) thus resulting in a significant increase in openness which would be of benefit to the Green Belt
- the reduced level of vehicular movements to and from the site compared with the existing commercial units would result in a less intensive use of the land
- the existing unattractive buildings which are of poor quality and out of character with the area would be replaced with high quality dwellings which would respect the landscape character of the surrounding area
- the surrounding area is largely residential, therefore the proposals would not be out of character with the area
- the current commercial use of the buildings is considered inappropriate within the Green Belt, and they are situated in an unsustainable location
- the proposals would maximise the use of a previously developed site in accordance with the NPPF.



The current buildings are of a rustic design typical to a rural location, and the existing workshop and storage uses of the buildings are considered appropriate (rather than inappropriate) uses for the re-use of agricultural buildings. Therefore, the benefits of reducing the overall amount of built development on the site, would not outweigh the harm caused by replacing an appropriate use with an inappropriate residential use of the site which has a more suburban than rural character with individual curtilages and higher buildings. Therefore, it is considered that no very special circumstances exist to justify the scheme in principle.

The applicant has also addressed the issue of the loss of employment land in respect of Policy EMP5 of the UDP which allows for the loss of such land where the particular characteristics of the site make it unsuitable for business uses within Use Classes B1, B2 or B8, and that marketing of the site confirms the unsuitability and financial non-viability of the site for such uses. In this respect, the applicant states that the commercial units are poor quality and do not provide adequate accommodation for modern business needs. Furthermore, the site was run for a long period of time as a family business by the occupiers of the dwelling at No.131, and the applicant considers that to subdivide the commercial units into separate ownership would have a detrimental impact on the amenities of the occupiers of No.131 to a degree that would not occur if the commercial units were replaced by two dwellings.

With regard to the marketing of the site, the applicant previously submitted details of a large number of commercial units available to let, mainly in the Bromley and Croydon areas, which were considered by the applicant to be of a higher standard of accommodation than the existing units on this site. It is not clear whether the application site has been actively marketed for commercial uses, however, the applicant states that units of this nature are currently in low demand, and provide little to the local economy.

There is no evidence that the buildings could not continue to be used, with or without adaptation, for workshop/storage purposes, nor that there is no longer a need for low-key rural business units. Such units are not uncommon and can provide an ideal location for small rural enterprises which are supported by planning policy. In addition, the premises are conveniently sited in relation to the A21, Bromley Town Centre and the M25, and therefore offer a sustainable location for an employment use.

With regard to the trees on the site, an arboricultural report was submitted which shows that no important trees on the site would be lost as a result of the development.

Notwithstanding the provisions of the NPPF, the proposals are still considered to constitute inappropriate development within the Green Belt, and would result in the unacceptable loss of a business site.

Background papers referred to during production of this report comprise all correspondence on files refs. 11/00445 and 12/01934, excluding exempt information.

## **RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

- 1 The site is located within the Green Belt wherein there is a presumption against inappropriate residential development, and the Council sees no very special circumstances in this case which might justify the grant of planning permission as an exception to Policy G1 of the Unitary Development Plan.
- 2 The proposals would result in the unacceptable loss of a business site which could continue to be used, with or without adaptation, for business purposes, thereby contrary to Policy EMP5 of the Unitary Development Plan.

### INFORMATIVE(S)

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

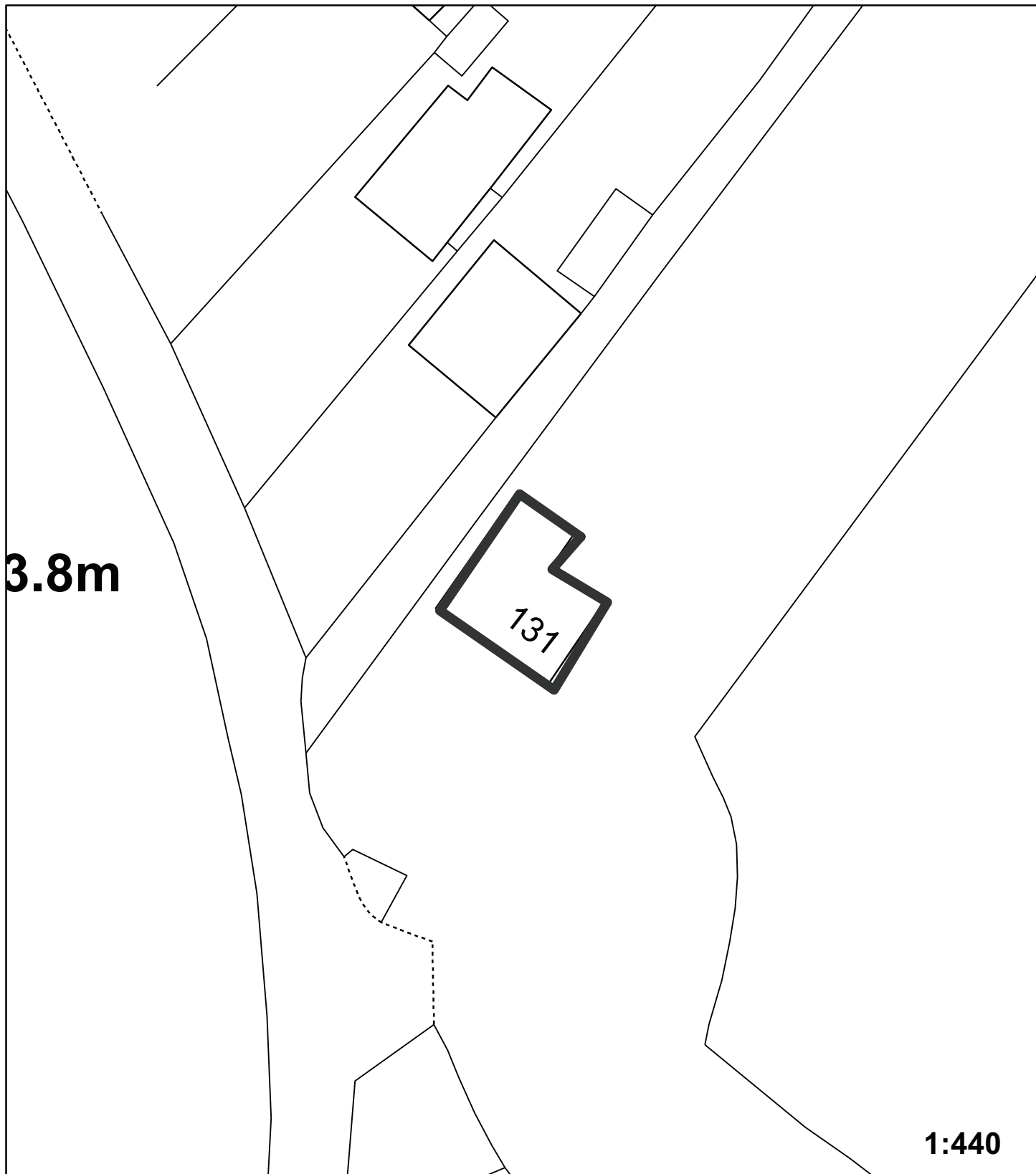
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)

**Application:**12/01934/FULL1

**Address:** 131 Cudham Lane North Orpington BR6 6BY

**Proposal:** 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



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## SECTION '2' – Applications meriting special consideration

**Application No :** 12/02162/FULL1

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

**Address :** Land At Westerham Road Entrance To  
Forest Drive Keston

**OS Grid Ref:** E: 542079 N: 164534

**Applicant :** Keston Park (1975) Ltd

**Objections :** YES

### **Description of Development:**

Entrance gates and columns (max height 2.275m) to Forest Drive (at junction with Westerham Road)

Key designations:

Conservation Area: Keston Park  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding

### **Proposal**

The proposal is for the five columns (with a height of 2.27m) between which two pedestrian and two vehicular gates (3.33m in width) are proposed to be constructed. The vehicular gate to the north would provide access to the estate with the gate to the south for egress. The gates are proposed to be kept shut with electronically controlled access via a keypad/fob operating system. The gates are proposed to be wrought iron set between stone columns which would replace a timber post and gate which is manually operated and according to the Design and Access Statement is periodically locked to prevent through traffic.

On the 21st July 2012 revised plans were received which removed the central island and resulted in the relocation of the concierge panel to the pillars adjoining the footpath. On the 17th September 2012 confirmation was received that the applicant wished to revert to the original proposal with central island containing concierge panel, as such the application shall be determined on the basis of the Drawing No. KPRA-604-PD-01 received on 4th July 2012. On 21st July 2012 additional information was received to indicate the swept paths for vehicles entering Forest Drive including that for a 10m vehicle. These swept paths did not include illustrations for a 10.3m vehicle (the size of a refuse collection unit) and as such further plans were submitted on 17th September which demonstrated the swept paths as requested.

The Design and Access Statement states the gates are required due to the high volume of through traffic when surrounding roads from Croydon Road/Locksbottom to Westerham Road (in order to avoid traffic lights at Keston Mark) are congested and to improve security for residents.

### **Location**

The proposed entrance gates and columns would according to the accompanying Design and Access Statement be set back approximately 13.6m from the junction with Westerham Road within Keston Park Conservation Area. The Keston Park Conservation Area is comprised of mainly inter-war detached houses produced by developers within the Arts and Crafts or Garden City movements set on large plots within a mature sylvan landscape.

### **Comments from Local Residents**

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

- concerns from No. 1 Forest Drive that will no longer be able to exit their property via entrance closest to Westerham Road due to raised island for control keypad.
- concerns that pedestrians will walk onto No. 1 Forest Drive to bypass the electric gate as garden wall of No. 1 adjacent to proposed pedestrian entrance is less the 0.5m high.
- no details have been proposed in relation to lighting which could affect No. 1.
- residents will suffer light nuisance from intense lighting equipment required to permanently illuminate gates to enable traffic to see automated gates and security cameras which are an insurance requirement.
- concerns no plans have been provided showing measurements of gates, pillars and control panel in relation to driveway of No. 1.
- once gates have been installed parking for visitors will be restricted outside adjoining properties as this would restrict entry/exit of traffic into/out of Keston Park.
- concerns in relation noise and disturbance due to gates opening and closing 24 hours a day.
- nuisance and loss of amenity for residents adjacent to entrance and proposed gates which will be opening up to 200 times per day according to recent traffic survey.
- application fails to mention loud intercom system required to provide means for non-resident traffic (approximately 50% of all traffic) to exit through automated gates.
- one resident will lose ability to turn from drive and exit through gates in one movement.
- entrance provides widest access for 2.8m wide HGVs and wider articulated lorries and is preferred route in and out of Keston Park. Halving the width from 8m to 3m will prevent large vehicles from entering in one sweep. Busy

Westerham Road will be dangerously affected by HGVs and lorries reversing into the road in order to attempt straight entry.

- there are currently approximately 40 active construction projects in Keston Park requiring regular deliveries from large HGVs on a daily basis.
- if permitted large vehicle traffic will be required to enter at next widest point Croydon Road/Forest Ridge concealed entrance which is recognised as a dangerous blackspot.

Any further representations received shall be reported verbally.

### **Comments from Consultees**

The Advisory Panel for Conservation Areas object to the proposal which is not in keeping with the Arcadian nature of the estate, contrary to Policy BE1 paragraph 1.1 and Policy BE11 of the Unitary Development Plan.

From a Heritage and Urban Design perspective it is considered that these gates are inconsistent with the Arcadian character of Keston Park. It is recommended that a less ornate painted timber gate would be suitable for this location. In the accompanying Design and Access Statement makes reference to the proposed gates being similar in appearance to that at the entrance at Holwood Park Avenue. This entrance is one of the original entrances to the Holwood estate and therefore is different in character to later entrances such as Forest Drive which were created in the 1930s. Therefore it would be more historically accurate for the entrance at Forest Drive to take its design from this later phase of development, which was very much in the Arcadian Arts and Crafts style.

No comments have been raised from the Council's Waste Advisors.

The Council's Highways Division have been consulted who state the proposal is to replace the existing barrier with a pair of remotely controlled gates. The proposed gates are set on the same line as the previous barrier. Each vehicular gate is about 3.5m wide with separate pedestrian gates. There is a central island on which is a key pad and intercom.

Swept paths of various size vehicles were provided with the application. These show that that, due to the kerb radius, larger vehicles have to swing across the carriageway of Westerham Road in order to be able to make the turn through the gates in one movement which will still be tight. If vehicles do not make this movement then they will have to reverse and manoeuvre within Forest Drive in order to line up with the entrance gate. There is 10m between the new central island in Forest Drive and the carriageway of Westerham Road so vehicles of this length or longer will protrude into the carriageway.

Westerham Road is a classified road, part of the A233, and a London Distribution Route. This section of road has a 40mph speed limit. Either lorries crossing over to the opposite side of the road or reversing back out while manoeuvring will cause a road safety hazard. It will also block the footway in Westerham Road. Given that the full width of Forest Drive is available at present this is introducing a problem that is not there at present.

No indication of the likely number of such vehicles using the entrance has been given. Any control of delivery vehicles would need the participation of all residents and delivery companies.

Based on these circumstances, the proposal is introducing a road safety hazard on a busy classified road and as such from a highways perspective it is suggested this is contrary to policy T18 of the UDP 2006.

Any further comments from consultees shall be reported verbally.

### **Planning Considerations**

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

BE1 Design of New Development  
BE7 Railings, Boundary Walls and Other Means of Enclosure  
BE11 Conservation Areas  
T14 Unadopted Highways  
T18 Road Safety  
Supplementary Planning 1 General Design Principles  
Supplementary Planning Guidance for Keston Park Conservation Area

The London Plan and National Planning Policy Framework are also a key consideration in the determination of this application.

### **Planning History**

In 2009 under planning ref. 09/01663, permission was granted for entrance columns to entrances in Ninhams Wood, Longdon Wood and Forest Drive (Keston Park).

In 2012 under planning ref. 12/00426, was submitted entrance columns and gates to Keston Park entrances in Ninhams Wood, Longdon Wood, Holwood Park and Forest Drive (facing both Keston Road and Croydon Road) which was subsequently withdrawn.

### **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.

Policy BE7 of the Unitary Development Plan would be a key consideration in the determination of this application, it states:

The Council will:



- (i) seek to ensure the retention of railings, walls, plantings and hedgerows of native species and other means of enclosure where they form an important feature of the streetscape; and
- (ii) resist the construction or erection of high or inappropriate enclosures where such boundary enclosures would erode the open nature of the area, or would adversely impact on local townscape character.

In 2009 under planning ref. 09/01663, permission was granted for the erection of entrance columns (to a height of 2.5m) which included the entrance to Forest Drive. Effectively it may be considered that the principle of constructing entrance columns at this location has been established. On balance, it is not considered that the construction of an additional central entrance column and gates at this location would significantly erode the open character of the Keston Park Conservation Area.

Concerns have been raised by APCA and from a heritage perspective in relation to the proposed design of the gates and columns being Victorian in appearance in contrast to the Arts and Crafts character of the area. While wooden gates may be most appropriate in this instance it is not considered that the wrought iron gates proposed would be sufficiently detrimental to the visual amenities or character of the Keston Park Conservation Area to such an extent as to warrant refusal.

The applicant has raised the issue that were the gates to be reduced in height by approximately 0.27m to a height of 2m that planning permission may not be required as the proposal would constitute permitted development. Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), Class A, states that the following is permitted development:

- A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

A.1 states that development is not permitted by Class A if –

- (a) the height of any gate, fence, wall or other means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would after the carrying out of the development exceed one metre above ground level in height; and
- (b) the height of any other gate, fence, wall or other means of enclosure erected or constructed would exceed two metres above ground level.

The applicant contends that given Forest Drive is a private road and does not front a public highway the height limit of 2m as opposed to 1m is applicable in this instance. While the only way of formally determining whether or not planning permission would be required for a 2m high gate and entrance columns would be by way of a Certificate of Lawfulness, an Appeal Decision (APP/G1580/C/08/2076403) at No. 28 Camden Park Road against an enforcement notice issued by the London Borough of Bromley for a front boundary wall, railings and gates above 1m and below 2m in height is of interest.

In this case the Planning Inspector found that given Camden Park Road is an unadopted highway with public right between the gates at the western end of road and those at the eastern end being by foot only with the gates preventing the public in vehicular traffic passing or repassing as of right that there was no restriction for boundary enclosures to be less than 1m in height at this location, with the result that the Planning Inspector quashed the enforcement notice. Therefore, Members are asked to consider whether the impact of the current proposal for entrance column and gates to a height of 2.25m would be excessively detrimental to vehicular and pedestrian safety and to the character of the area to such an extent as to warrant refusal given that such a proposal with a height of 2m may constitute permitted development.

In terms of the impacts on residential amenity the proposal will revert back to the original plan which proposes to locate the concierge panel on a central island. The now superseded scheme with concierge panel located to the left of vehicles entering/exiting the site would have required drivers to exit their vehicle to reach the panel which would have increased noise and disturbance for adjoining properties, contrary to Policy BE1 (v). The current proposal with central island is not anticipated to result in a significant loss of amenity for neighbouring properties particularly given the front elevations of Nos. 1 and 4 Forest Drive would be located approximately 13m distance from the gates. No information has been supplied in relation to the lighting at the gate, however, were permission to be granted a condition could be attached requiring the submission of means and level of lighting to the Local Planning Authority for approval prior to construction to ensure this does not adversely affect the residential amenities of neighbouring properties.

Concerns have been raised that were the proposal to be permitted parking would be restricted for visitors along Forest Drive, there is however, sufficient space for the parking of a number of vehicles on the forecourts of Nos. 1 and 4 Forest Drive at present with both properties having double garages on their front elevations and as such it is not considered planning permission could be refused solely on this basis.

The technical highways issues have been raised above and Members are asked to consider whether these would be sufficiently detrimental to vehicular and pedestrian safety to such an extent as to warrant refusal.

Having had regard to the above it was considered that the development in the manner proposed is not acceptable in that it would result in a loss of amenity to local residents or impact detrimentally upon the character of the Conservation Area. While permission has been recommended from a planning perspective Members are requested to consider the potential impact of the proposal on highway safety in the area.

Background papers referred to during production of this report comprise all correspondence on files refs. 12/02162 and 12/00426,, excluding exempt information.

As amended by documents received on 21.07.12 and 17.09.12

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- 1      ACA01      Commencement of development within 3 yrs  
          ACA01R    A01 Reason 3 years
- 2      ACK01      Compliance with submitted plan

**Reason:** In the interests of the residential amenities of the adjoining properties and the visual amenities of the area, in line with Policies BE1 and BE11 of the Unitary Development Plan.

- 3      Details of materials to be used for the external surfaces of the entrance gates and columns 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 BE11 of the Unitary Development Plan and in the interest of the visual amenities of the Conservation Area.

- 4      Should lighting be provided, details of the method of lighting including level of luminance for the hereby permitted entrance gates and columns shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.

**Reason:** In the interests of the residential amenities of the adjoining properties, in line with Policy BE1 of the Unitary Development Plan.

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

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

BE1    Design of New Development  
BE7    Railings, Boundary Walls and Other Means of Enclosure  
BE11   Conservation Areas  
T14    Unadopted Highways  
T18    Road Safety  
Supplementary Planning 1 General Design Principles  
Supplementary Planning Guidance for Keston Park Conservation Area

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

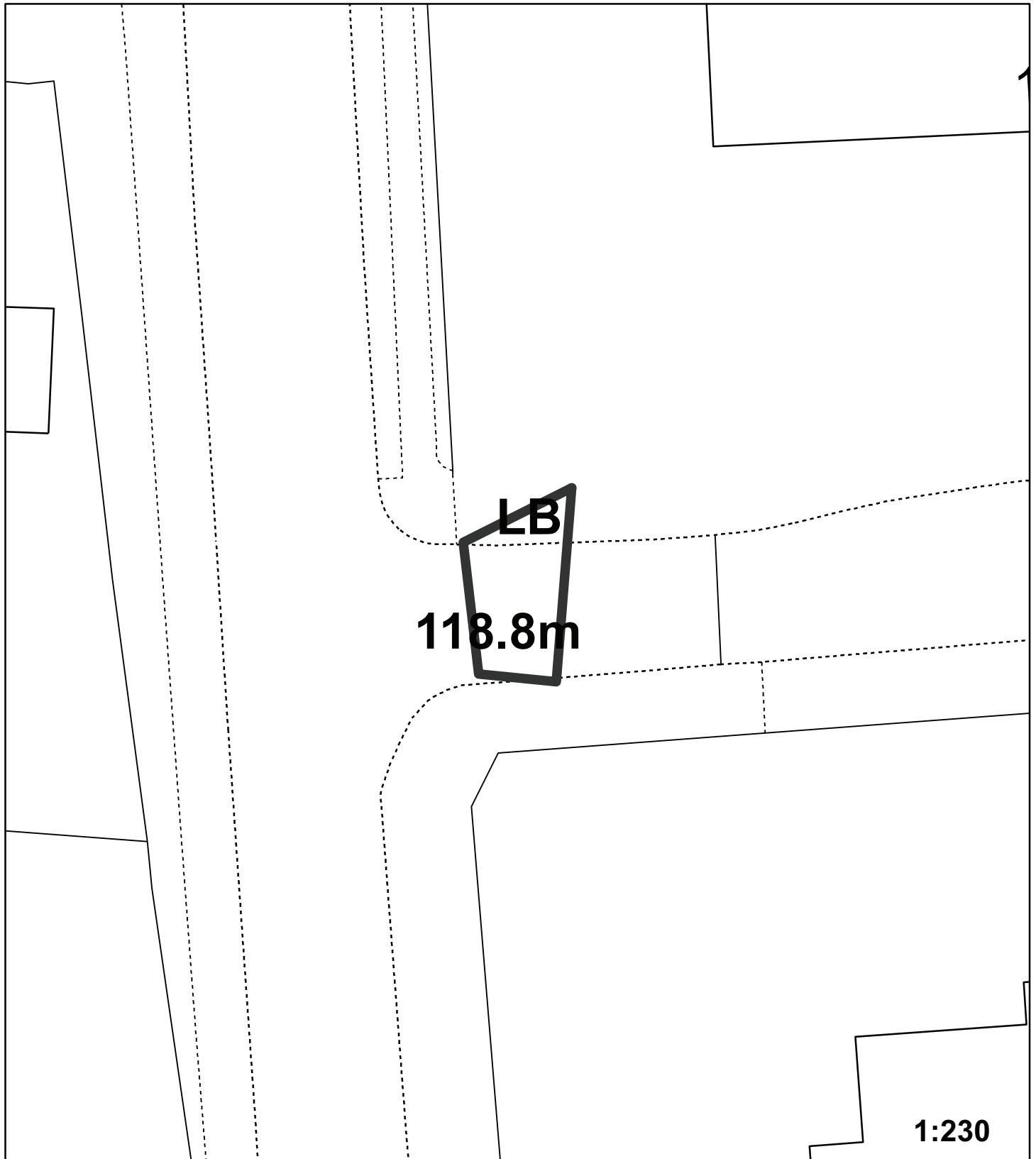
- (a)    the appearance of the development in the street scene;
- (b)    the relationship of the development to adjacent properties;
- (c)    the character of the development in the surrounding Conservation Area;
- (d)    the impact on the amenities of the occupiers of adjacent and nearby properties;
- (e)    the implications on highways safety.

and having regard to all other matters raised.

**Application:**12/02162/FULL1

**Address:** Land At Westerham Road Entrance To Forest Drive Keston

**Proposal:** Entrance gates and columns (max height 2.275m) to Forest Drive (at junction with Westerham Road)



## SECTION '2' – Applications meriting special consideration

**Application No :** 12/02601/FULL1

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

**Address :** Keston Garden Centre Oakley Road  
Bromley BR2 8HD

**OS Grid Ref:** E: 541988 N: 165177

**Applicant :** Keston Garden Centre

**Objections :** YES

### **Description of Development:**

Open sided canopy over existing plant sales and display area.

Key designations:

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

### **Proposal**

Planning permission is sought for an open sided canopy to the side of the main garden centre building, over the existing plant sales and display area. The full details of the proposal are as follows:

- 10.8m in depth, 6m in width and maximum height of 3.5m
- adjacent to existing pergola, to east of main garden centre building
- constructed from timber supports with opaque UPVC membrane roof.

The application includes a planning, design and access statement, which makes the following summary points in support of the proposal:

- the previous reasons for refusal have been demonstrably overcome in this application by further reducing the scale of the canopy and maintaining a substantial separation to the eastern site boundary
- there would be no material impact on the openness of the Green Belt, or detrimental visual impact
- the proposed development should be considered 'appropriate' development in accordance with the National Planning Policy Framework (NPPF) since it represents limited infilling on a previously developed site which would not

have a greater impact on the openness of the Green Belt and is also a proportionate extension to an existing building

- however, should the Council not accept this view, very special circumstances by virtue of economic, social and environmental benefits offered by the scheme, in conjunction with the NPPF's presumption in favour of such sustainable development, exist sufficient to outweigh the harm caused by virtue of the development's inappropriateness alone
- taking all of the above into account, permission can be granted for this development on its merits and having regard to all relevant material considerations.

With particular regard to the economic, social and environmental benefits of the scheme, the planning, design and access statement is as follows:

- canopy would allow a greater range of plant stock to be displayed throughout the year without risk of damage, which will improve the viability of the existing business and support the local horticultural and rural economy (much of the stock is sourced from nursery businesses in Kent, and nearby Essex and West Sussex)
- the economic benefits will derive from both money saved through the reduction of stock losses, and through improvements to the business resulting from increased plant quality and range, to attract customers and improve satisfaction and loyalty
- these benefits will not only safeguard employment opportunities at the Garden Centre but will also support and potentially increase that provided by local suppliers as a result of the extended plant range demanded
- the improved viability of the business will safeguard local employment, thereby meeting the communities needs as a social benefit
- the environmental benefits derive from provision of a more appropriate growing environment which will allow a reduction in stock losses, by virtue of the protection the canopies offer, thereby decreasing the demand for new plant stock to be brought to the site, which in turn will have the potential to reduce the number of journeys (both for suppliers and customers) to the site with a consequential beneficial impact upon congestion and carbon emissions.

## **Location**

The application site is located on the western side of Oakley Road, at the junction with Croydon Road. The site benefits from a long established garden centre use. The entire site is located within the Metropolitan Green Belt.

## **Comments from Local Residents**

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

- strong objection - proposal will have negative impact on the character of the area.

## **Comments from Consultees**

No consultations were made in respect of this application.

## **Planning Considerations**

Unitary Development Plan

BE1 Design of New Development  
G1 The Green Belt

London Plan

7.16 Green Belt

Also of relevance is Section 9 'Protecting Green Belt Land', of the National Planning Policy Framework (NPPF).

The NPPF supersedes the majority of existing policy guidance, including guidance in respect of Green Belts. The NPPF advises that the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building, would not constitute inappropriate development. This is also the case for that limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

## **Planning History**

There is extensive planning history at the site. Under ref. 09/01224, planning permission was refused for an open sided roof over part of plant display area, for the following reasons:

'The site is located in the Green Belt wherein there is a presumption against development not associated with the essential needs of agriculture, horticulture, forestry or predominantly open air recreation and the Council sees no special circumstances which might justify the grant of planning permission as an exception to Policy G1 of the Unitary Development Plan.

The proposed extension would, by virtue of its size and location, have a detrimental impact on the visual amenity of the area and be contrary to Policy G1 and BE1 of the Unitary Development Plan regarding development in the Green Belt.'

Under ref. 09/03528, planning permission was refused for an open sided canopy over area used for display of plants for sale of reduced scale, for the same grounds as the earlier scheme. An appeal against this decision was dismissed. At appeal, the Inspector found that the canopy would constitute inappropriate development which would result in actual harm to the openness of the Green Belt, as well as

harm to the character and appearance of the area in general terms. At that time no very special circumstances were found to exist that would clearly outweigh the harm by reason of inappropriateness and the actual harm. It was not considered that the canopy would give rise to a loss of amenity to local residents.

Specifically, the Inspector found that the canopy would diminish the openness of the site by closing the gap between the existing pergola and the Oakley Road boundary, resulting in built development that would fill the entire width of the site. In addition, he found that the structure would be readily visible from Croydon Road, with the materials discordantly accentuating the prominence of the canopy, in contrast to the low key appearance of the pergola area.

Most recently, planning permission was refused under ref. 12/00686 for an open sided canopy over the existing plant sales and display area. The canopy was of a reduced size and scale when compared to the proposal which was refused planning permission by the Council and at appeal under ref. 09/03528, covering an area approximately half the size, however was still considered to constitute inappropriate development in the Green Belt, giving rise to a detrimental impact on openness in closing up the gap between the existing built development and the eastern site boundary. The reasons for refusal were as follows:

‘The site is located in the Green Belt wherein there is a presumption against development not associated with the essential needs of agriculture, horticulture, forestry or predominantly open air recreation and the Council sees no very special circumstances which might justify the grant of planning permission for such inappropriate development as an exception to Policy G1 of the Unitary Development Plan.

The proposed extension would, by virtue of its size and location, have a detrimental impact on the openness of the Green Belt and be contrary to Policy G1 of the Unitary Development Plan.’

## **Conclusions**

The main issues for consideration in this case will be the impact of the proposed canopy on the character and appearance of the area, the amenities of local residents and to the openness and visual amenities of the Green Belt, having regard to the planning history relating to similar proposals on this site, as well as the recent changes to national planning policy in the form of the NPPF.

The proposed canopy is of a reduced size and scale when compared to the proposal which was refused planning permission by the Council under ref. 12/00686, and would cover an area approximately half the size. This proposal would not result in a detrimental impact to neighbouring properties given its siting and scale, and the existing vegetation which serves to screen the canopy along the Oakley Road site frontage. In view of the reduction in width, which will afford a greater degree of separation to the eastern site boundary, it is considered that the development will result in a lesser degree of actual harm to the openness of the Green Belt in comparison to the proposal which was recently refused under ref.



12/00686, to the extent that the openness of the Green Belt would not now be significantly harmed as a result of the development.

When assessed against UDP Policy G1, the development would continue to constitute inappropriate development by definition, and as a consequence very special circumstances would need to clearly exist to outweigh any harm by reason of inappropriateness, or indeed any other harm, to allow planning permission to be granted. Within the context of the NPPF however, the extension could be considered to fall within the definition of 'appropriate' Green Belt development as an extension which would not result in disproportionate additions over and above the size of the original building.

Taking any limited degree of conflict between the NPPF and the Council's UDP Policy G1 aside, the applicant considers that very special circumstances can be demonstrated to outweigh any harm by reason of inappropriateness as well as any actual harm, on the basis of the economic, social and environmental benefits it is submitted that the development would result in, as set out at the start of the report.

On balance, having regard to the limited degree of actual harm that would arise from the canopy, the economic, social and environmental benefits of the canopy would clearly outweigh any harm to the Green Belt in this instance. On this basis Members may agree that the applicant has demonstrated very special circumstances, which would on balance clearly outweigh any harm by reason of inappropriateness (should the development be considered in line with Policy G1) or any other harm. Having regard to the above, it is recommended that planning permission is granted.

Background papers referred to during production of this report comprise all correspondence on files refs. 12/02601, 12/00686, 09/03528 and 09/01224, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- |   |        |  |
|---|--------|--|
| 1 | ACA01  | Commencement of development within 3 yrs |
|   | ACA01R | A01 Reason 3 years                       |
| 2 | ACC07  | Materials as set out in application      |
|   | ACC07R | Reason C07                               |
| 3 | ACK01  | Compliance with submitted plan           |
|   | ACC01R | Reason C01                               |

## **Reasons for granting permission:**

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

Unitary Development Plan

BE1 Design of New Development

G1 The Green Belt

London Plan

7.16 Green Belt

The National Planning Policy Framework (NPPF).

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

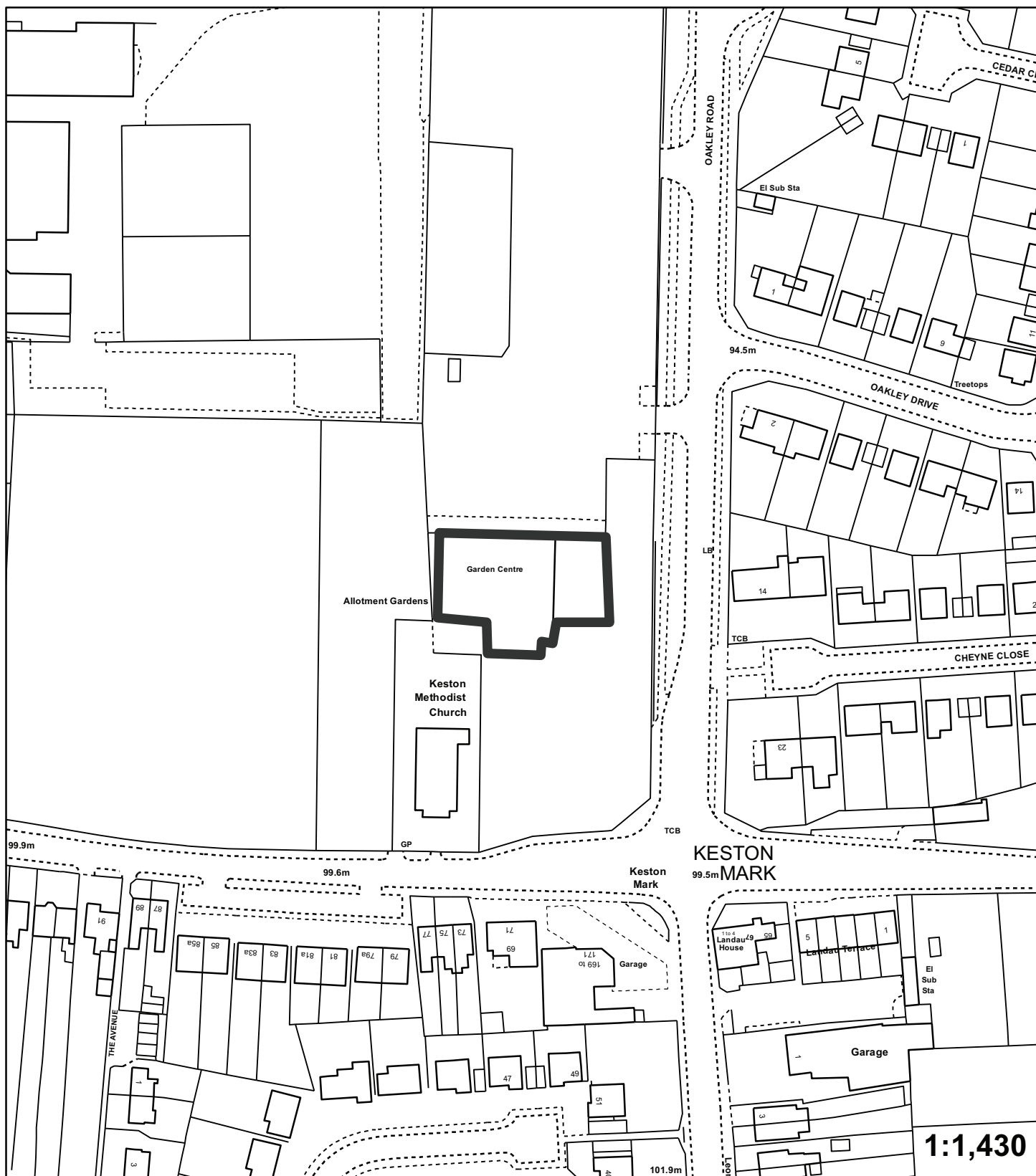
- (a) the relationship of the development to adjacent property
- (b) the character of the development in the surrounding area
- (c) the impact on the openness and visual amenities of the area
- (d) the design policies of the development plan
- (e) the conservation policies of the Unitary Development Plan

and having regard to all other matters raised.

**Application:**12/02601/FULL1

**Address:** Keston Garden Centre Oakley Road Bromley BR2 8HD

**Proposal:** Open sided canopy over existing plant sales and display area.



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## SECTION '2' – Applications meriting special consideration

**Application No :** 12/02751/FULL6

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

**Address :** 10 Park Grove Bromley BR1 3HR

**OS Grid Ref:** E: 540845 N: 169778

**Applicant :** Mr And Mrs Reid Farah

**Objections :** YES

### **Description of Development:**

Single storey detached outbuilding at rear. RETROSPECTIVE APPLICATION.

Key designations:

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

### **Proposal**

- The application seeks retrospective permission for a single storey detached outbuilding at the rear of the garden.
- Permission was previously granted under ref. 12/00142 for part one/part two storey rear extension (amendment to permission ref. 11/02014 granted at appeal to include additional single storey element) and single storey detached outbuilding to rear, however upon commencement of development for the detached outbuilding, discrepancies have come to light between what was approved and what is being built.
- The applicant has stated that the original plans have been deviated from through building error, but that the land level at the rear of the garden has already been reduced by approximately 0.5 metres, and a photograph has been submitted to illustrate the garden prior to commencement of development, so that Members can compare the garden before and after building works started.
- The plans approved under ref. 12/00142 stated that the structure would measure 5.2 metres in width, 4.25 metres in depth, the eaves would measure 2.4 metres from ground level and the overall height would measure 3.6 metres. From the plans, it was stated that the rear and northern elevations of the proposed single storey detached building in the rear garden would be located 1 metre away from the rear and northern property boundaries, and 2.9 metres away from the southern property boundary.

- Due to the discrepancies with the building once it was built, a site visit was carried out by the case officer and a Planning Investigations Officer on 10th October 2012 in order to measure the building as it now appears on site. The measurements were as follows:
  - From top of slab level to top of the ridge, the building measures 4.015 metres;
  - From top of slab level to top of eaves, the building measures 2.57 metres;
  - The front and rear elevations measure 5.41 metres in width;
  - The side elevations (providing the depth of the building) measure 4.6 metres.
  
- The height of the concrete slab that the structure has been built upon varies depending on where the measurements were taken. This is due to the differing land levels on the site. From the front of the building, the slab level measures 150mm from ground level at either end, closest to the property boundaries, and 180mm from ground level in the centre of the building. Along the side elevations, the top of the slab level from ground level along the boundary with No. 8 measures 200mm, and the slab level to the rear along the boundary with No. 8 measures 100mm.
- In terms of the separation between the structure and the property boundaries, the measurements were as follows:
  - distance between the front corner of structure and property boundary shared with No. 8 is 0.82 metres;
  - distance between the rear corner of structure and property boundary shared with No. 8 is 0.58 metres;
  - distance between the front corner of structure and property boundary shared with 17a Freelands Road is 0.98 metres; and
  - distance between the rear corner of structure and property boundary shared with 17a Freelands Road is 0.88 metres.
  
- The applicant showed a copy of the deeds for their property, and stated that they are to employ a surveyor in order to confirm that their rear property boundary has been reduced due to inaccurate siting of boundary fencing. Whilst the applicant accepts that this is a private matter between the parties involved, they have indicated that were the fence in the correct position, there would be a greater degree of separation between the flank elevation of the structure and the property boundary shared with No. 8.

## **Location**

The application site is located on the eastern side of Park Grove, at the end of the road. The northern flank property boundary of the application site is shared with the rear property boundaries of a number of properties along Hansom Terrace, Freelands Grove.

## **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and the following representations were received:

- building now is much bigger than was previously led to believe it would be;
- now appears to be a small dwelling rather than a garden house;
- the building is very visible from other properties along Park Grove, and during winter when leaves have fallen, the building will impose on outlook;
- the building is too large for a family garden;
- the garden house has a window and French doors which feels threatening and will result in overlooking;
- building is out of character in area;
- most gardens have a wooden shed, indeed neighbours shed now looks minute against the newly built garden house;
- structure is surely extravagant for storage purposes, all it would need is water and electricity and it would become liveable accommodation;
- position of window is unacceptable as due to the slab height and height of structure, will result in direct view into garden and house of Number 8;
- there are tall conifers at bottom of garden at Number 8, but regret that the construction of the 'garden house' did in fact involve the prior removal of trees and greenery in the garden of No.10;
- the remaining area of garden at No.10 will be extremely small in comparison to the other properties in Park Grove;
- the garden house as built at present is approximately one fifth of the total garden area;
- if permitted, could set a dangerous precedent that others in the future may take advantage of;
- building clearly not a summer house but an all-year round house which will have all the amenities to be lived in;
- concerns raised relating to rest of the development at the house if the plans for the summer house could not be complied with;
- photograph submitted of structure as built.

### **Comments from Consultees**

No internal consultations were considered necessary with this application.

### **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

### **Planning History**

In terms of relevant planning history, permission was recently refused under ref. 11/00280 for a part one/two storey side and rear extension for the following reason:

The proposed side and rear extension would, by reason of its proximity to the boundary and excessive rearward projection, have a seriously detrimental effect on the visual impact and daylighting to neighbouring properties, and the prospect which the occupants of these dwellings might reasonably expect to be able to continue to enjoy, contrary to Policies BE1, H9 and H8 of the Unitary Development Plan.

Following this, a further planning application was refused under ref. 11/02014 but allowed at Appeal.

A subsequent application was permitted under ref. 12/00142 for part one/part two storey rear extension (amendment to permission ref. 11/02014 granted at appeal to include additional single storey element) and single storey detached outbuilding to rear.

Most recently, permission was granted under ref. 12/01351 for single storey side and rear extensions.

## **Conclusions**

Members may consider that the main issues relating to the application are the effect that the structure has upon the character of the area, the impact upon the privacy, outlook and visual and residential amenities of the occupiers of neighbouring properties.

Members will be aware that the principle of a single storey detached outbuilding in the rear garden has already been granted under ref. 12/00142. However the plans of the structure that was previously approved differ to the structure that has been built on site.

The main material difference between the previously approved scheme and the current application relate to the dimensions of the structure, however the distance between the structure and the property boundaries also vary when compared to the dimensions stated on the previously approved plans.

The structure now measures 5.41 metres in width along the front and rear elevations, 4.6 metres in depth along the flank elevations (from front to rear), and 4.015 metres in height from the top of the ridge of the roof to the top of the concrete slab level that the structure has been built upon.

When looking at the structure on site, the building appears to be very prominent in the rear garden of the site due to the overall height and size of the structure. In addition, the comparison in size and height between the brick structure at the application site and the wooden shed at No. 8 is significant, and when comparing the height of the brick structure at the site to the property at 17a Freelands Road (directly to the north of the site), it can be seen that the ridge of the roof is at a similar height to the first floor windows in the rear elevation of 17a Freelands Road.

The building is also prominent from the rear garden of the adjacent property, No. 8 Park Grove, as well as when viewed from Freelands Road – from the roadside of



Freelands Road the eaves and roof can clearly be seen above the rear property boundary of the site. Not only have local residents raised concerns relating to the impact of the visually prominent structure due to the height and size, they have also raised concerns that the building could be used for habitable accommodation. However Members should note that the applicant has confirmed by email dated 21st August 2012 that the building will be used for hobbies and storage of garden furniture/tools. Should Members find the application acceptable, a condition can be imposed limiting the use of the structure and should anything deviate in the future in terms of the use of the building, this could be investigated.

Members are therefore asked to consider whether the impact of the structure as built is significant enough warrant refusal of the application and enforcement proceedings being taken to revert back to the originally approved scheme.

Members will need to consider whether the overall increase in height, size and location to the property boundaries when compared with the previously permitted scheme is significant enough to have a seriously detrimental impact upon the visual and residential amenities of the residents of the neighbouring properties by reason of loss of prospect, privacy and visual impact, and whether the structure as built has a detrimental impact upon the continued enjoyment of the properties of nearby occupiers as to warrant refusal of the application and enforcement action being taken to revert back to the originally approved scheme. Members may however consider that on balance the difference between the existing structure on site and the plans previously approved is not significant enough to justify action being taken and permission should be granted.

Background papers referred to during production of this report comprise all correspondence on files refs. 11/00280, 11/02014, 12/00142, 12/01351 and 12/02751, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

1 ACK01 Compliance with submitted plan

**Reason:** In order to protect the amenities of the occupiers of adjacent properties and 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  
H8 Residential Extensions

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

- (a) the appearance of the development in the street scene;
- (b) the appearance of the development in relation to the character of the area;

- (c) the relationship of the development to the adjacent properties;
- (d) the character of development in the surrounding area;
- (e) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (f) the outlook of occupiers of adjacent and nearby properties;
- (g) the privacy of occupiers of adjacent and nearby properties;
- (h) the housing policies of the development plan;
- (i) and having regard to all other matters raised including concerns from neighbours.

**Application:**12/02751/FULL6

**Address:** 10 Park Grove Bromley BR1 3HR

**Proposal:** Single storey detached outbuilding at rear. RETROSPECTIVE APPLICATION.



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

**Application No :** 12/00102/FULL1

**Ward:**  
Chislehurst

**Address :** Graham Chiesman House St Pauls Cray  
Road Chislehurst BR7 6QA

**OS Grid Ref:** E: 544667 N: 170035

**Applicant :** McCarthy And Stone Retirement Lifestyles Ltd and the Rochester Diocesan Society And Board Of Finance  
**Objections :** NO  
Of Diocesan Office

### **Description of Development:**

Part demolition of existing buildings and three storey extension, comprising 10 one bedroom and 32 two bedroom retirement flats, 2 guest suites, communal facilities and management offices, with 26 car parking spaces (14 covered by pergolas), and bicycle, electrical scooter and refuse storage

Key designations:

Conservation Area: Chislehurst  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding Birds

### **Proposal**

Planning permission is sought for the retention of the original Graham Chiesman House, demolition of the modern 1960's extension to the original house and the erection of a 3 storey extension (2 storey with rooms in the roof) to the east and south east of the main house, in a similar position to the existing extension. A single storey 'link' extension will join the main house and the new extension.

The accommodation will comprise 42 retirement flats (10x1 bedroom and 32x2 bedroom), a house managers office, together with communal lounge, 26 car parking spaces, parking for cycles and electric scooters and refuse storage.

Vehicular access to the site will remain as existing, with a limited widening of the driveway to provide visibility splays. The car parking will be to the south west and south east of the original house and the main entrance will be in the south east facing elevation of the main house.

The main house will be used for administrative purposes, 2 flats and 2 guest suites. The new extension will accommodate the remaining flats. Eight of the car parking spaces will be covered by a pergola structure and the cycle and electric scooters will also be covered.

The proposed extension will be larger than the existing extension measuring 57m long (compared to 41m for the existing) and 16m deep (compared to 6m). The extension will be closer to the north eastern boundary (the allotments) and marginally closer to the north western boundary (adjoining The Chestnuts).

The property is currently vacant. The applicant advises that it was previously used as a residential conference centre and more recently for refugee accommodation.

The applicant has submitted numerous supporting documents including a Planning Statement, a Design and Access Statement, a Statement of Community Involvement, an Urban Design Review, an Affordable Housing Statement, Viability Assessment and Review report a Utilities Statement, a Tree Survey and Landscape Management Plan, a Site Investigation Report, Site Appraisal Report, an Energy Statement, Survey reports relating to Bats, Badgers and Great Crested Newts, and Environmental Impact Assessment Statement, a Flood risk Assessment and a Refuse and Waste Minimisation Plan.

### **Location**

The site is located on the eastern side of St Pauls Cray Road, immediately to the south-east of residential properties, with allotments to the north-east and residential garden to the south-east. Common land extends along the south-western boundary, separating the site from St Pauls Cray Road. Opposite the site, to the south west are detached residential properties fronting St Pauls Cray Road. The site lies within the Chislehurst Conservation Area and is designated Urban Open Space in the Unitary Development Plan.

### **Comments from Local Residents**

Nearby properties were notified and representations were received which can be summarised as follows

Support for the proposal in terms of its use (much needed), the retention of the original house, the proposed extension and bringing the site back into use. Minimal impact from traffic, suitable use to enable older residents to 'downsize' from larger homes.

No letters of objection have been received.

### **Comments from Consultees**

The Council's Highways Officer raises no objection to the proposal subject to recommended conditions.

The Council's Drainage Consultant considers the site is suitable for sustainable urban drainage systems for the disposal of surface water and recommends conditions accordingly.

The Council's Environmental Health Officer raises no objections to the proposal.

Thames Water raise no objections to the proposal

The Metropolitan Police Crime Prevention Design Adviser raises no objections.

The Advisory Panel for Conservation Areas considers the proposal is acceptable in principle but the architectural design does not reflect the quality of the existing buildings (Graham Chiesman House).

### **Planning Considerations**

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

- H1 Housing Supply
- H2 Affordable Housing
- H3 Affordable Housing Payment in Lieu
- H4 Supported Housing
- H7 Housing Density
- T3 Parking
- T7 Cyclists
- T18 Road Safety
- BE1 Design of New Development
- BE11 Conservation Areas
- BE14 Trees in Conservation Areas
- NE7 Development and Trees
- G8 Urban Open Space
- C6 Residential Proposals for people with particular accommodation requirements
- IMP1 Planning Obligations

Supplementary Planning Guidance for Chislehurst Conservation Area

In strategic terms the most relevant London Plan policies are:

- 3.3 Increasing Housing Supply
- 3.8 Housing choice
- 3.10 – 3.12 Affordable Housing
- 5.1 Climate Change Migration
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.13 Sustainable Drainage
- 7.8 Heritage Assets and Archaeology

National Planning Guidance is provided through the National Planning Policy Framework 2012

From an arboricultural point of view several smaller trees are to be removed within the area of the widened vehicular access, one more near the existing entrance to the house and 2 that are adjacent to the proposed northern elevation. These are not significant trees in terms of size or impact on the public realm and there are no objections to the removal of the trees subject to conditions regarding replacement planting.

From a heritage and design point of view there are no objections to the proposal.

### **Planning History**

There is no relevant planning history for this site.

### **Conclusions**

The main issues to be considered are the acceptability of the proposed use, the impact of the demolition of part of the existing building and the proposed extension on the character and appearance of this part of the Chislehurst Conservation Area and the impact on the amenities of the occupants of neighbouring properties.

#### Acceptability of proposed use

The applicant advises that the property was previously used as a residential conference centre and more recently for refugee accommodation. The building has been vacant for several years.

The proposed use will be for 42 sheltered housing units and the proposed use is acceptable, in principle, in terms of the positive increase in housing supply in the borough (Policy H1) and the provision of supported housing (Policy H4).

In terms of housing density, the site is designated as Urban Open Space and as such there are limitations as to the extent of development permissible. Therefore the proposed density is lower than Policy 3.4 of the London Plan.

Policy G8 states that development will be permitted where it relates to the existing use and any replacement buildings do not exceed the site coverage of the existing development on the site. The supporting text states that 'the primary purpose of this policy is to protect the open character of these smaller open spaces. In addition it states that 'In all cases, the acceptability of any proposal will be dependent on its scale in relation to the size of the open space.

In this case the existing site coverage of buildings will increase – the proposed extension will be a maximum of 11m deeper and 12m longer than the existing extension. However a minimum distance of 5.7m and 14.7m is provided to boundaries to the east and north respectively, with 35m between the enlarged building and the southern boundary. Parking spaces will be extended into the rear courtyard area.



With reference to this specific point the applicant supports the proposal by stating that:

‘While the footprint and overall massing of the building would be greater than what presently exists, the key issue is whether this causes any significant harm in relation to the size of the open space be it the application site itself or on the adjoining allotments which unlike the application site can be rightly deemed to be UOS. The issue which arises in terms of Policy G8...is whether the proposed development by virtue of being different to what presently exists materially harms the Urban Open Space.

While the built form is different, the essential character of the site would be maintained...As such there would not be any significant harm to the character of the site which would continue to contribute to local bio diversity and still provide a visual break in the urban environment.’

In view of the above it is considered that the proposed extension is in broadly the same position as the existing extension and a considerable proportion of the site will remain open with landscaped gardens and significant tree coverage. The site will be well screened from the west, north and south but will be visible from the allotments to the east, as is the current site.

#### Impact on conservation area

The Councils guidance for development in Chislehurst Conservation Area is contained within the Supplementary Planning Guidance for Chislehurst Conservation Area and Policy BE11 of the Unitary Development Plan.

The application proposes to demolish the modern side/rear extension and the SPD states that :

“The Council’s attitude to demolition for redevelopment hinges on the degree of contribution of the existing building and/or surrounding spaces, both in its own right and as a component element of the Conservation Area. This will normally be assessed on a case-by-case basis in the context of specific circumstances.....The character and appearance of a Conservation Area is frequently embodied in buildings, which are not in themselves exceptional, but are contributors to the Area’s noteworthiness. Assessment of the contribution a building or space makes to the Conservation Area will generally follow the guidance provided in the English Heritage publication ‘Conservation Area Practice.’”

In this case the ‘older’ part of Graham Chiesman House will be retained and the modern 1960’s extension will be demolished. The extension is of poor quality, both in terms of design and it’s condition, and it is considered that the loss of this part of the building would not have a detrimental impact on the host building or the character and appearance of the conservation area.

The size and massing of the proposed scheme will increase but it is considered that this is in proportion with the host building and the remainder of the site. The design of the proposed extension is traditional with gabled ‘bay’ projections to alleviate the elevations, pitched roof and traditional dormers in the roofplane. The

materials are also traditional with red brick, cast stone and clay roof tiles. It is considered that this will complement the design of the original Graham Chiesman House and also the character and appearance of this part of Chislehurst.

There are also several pergolas proposed to cover cycle stores and parking bays and cycle/scooter parking areas. In terms of scale these are considered acceptable and a condition is recommended regarding the final appearance and materials.

The separation distances between the proposed extension and adjacent boundaries is considered reasonable to ensure that the development retains the open nature and spaciousness that currently characterises the site.

Members should note that it is proposed to slightly widen the existing vehicular access to improve vehicular access to the site. The applicant has served notice on the owner of the land that is needed to implement this measure and no objection has been received. In addition a condition is recommended to ensure that the visibility splays at the junction of the site and St Pauls Cray Road are provided, prior to the commencement of the development.

For the reasons above it is considered that the demolition of the existing modern extension and erection of the proposed extension and associated parking, refuse and pergolas would preserve and enhance the character and appearance of Chislehurst Conservation Area.

#### Impact on the amenities of occupants of adjoining properties

The closest residential property, and the most likely to be affected by this development, is The Chestnuts which lies to the north west of the site. The number of windows in the proposed elevation facing this property will increase as a result of the development. However due to the orientation of the proposed extension with The Chestnuts, the main bulk of windows will face the car parking area at the rear and there is also significant screening along this boundary, with a separation from the nearest windows to the boundary of 14.7m. It should be noted that the single representation received from The Chestnuts supports the scheme

It should also be noted that The Chestnuts is already overlooked by windows used for habitable accommodation.

It is considered that given the above circumstances there is unlikely to be a significantly adverse impact on the amenities of the occupants of The Chestnuts.

#### S106 contributions and Environmental Impact Assessment

With regard to the provision of affordable housing on the site (Policy H2) the applicant has submitted a Financial Viability Statement which has been independently assessed by consultants appointed by the Council. This assessment concludes that the applicants offer of a total financial contribution of £335,397 is acceptable.

It is proposed that a payment in lieu of £292,173 for affordable housing is made, together with £43,218 for health contributions.

As the site exceeds 0.5ha it is necessary to screen this application for an Environmental Impact Assessment (EIA) under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. The applicant has submitted a Phase 1 Habitat Study and several specific Species Studies and based on the evidence presented it is considered that an EIA is not required for this application.

Having regard to the above it is considered that the proposal is acceptable in terms of the demolition of the current extension, the design, scale and massing of the proposed extension, the impact of the development on the Urban Open Space and the conservation area, the highway matters relating to the vehicular access and the sightlines and the S106 contributions for affordable housing and health.

Background papers referred to during the production of this report comprise all correspondence on file ref. 12/00102 excluding exempt information.

**RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A SECTION 106 AGREEMENT relating to affordable housing and health**

and the following conditions:

- 1      ACA01      Commencement of development within 3 yrs  
ACA01R      A01 Reason 3 years
- 2      Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

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

- 3      ACA07      Boundary enclosure - no detail submitted  
ACA07R      Reason A07
- 4      ACB16      Trees - no excavation  
ACB16R      Reason B16
- 5      ACB18      Trees-Arbicultural Method Statement  
ACB18R      Reason B18
- 6      ACB19      Trees - App'ment of Arbicultural Super  
ACB19R      Reason B19
- 7      ACC01      Satisfactory materials (ext'n'l surfaces)  
ACC01R      Reason C01
- 8      ACD06      Sustainable drainage system (SuDS)

9 ADD06R Reason D06  
The development hereby permitted shall not be first occupied until sightlines of 2.4m x 43m in both directions of the site access junction with St Pauls Cray have been provided with no obstruction to visibility within the splays exceeding in height to the satisfaction of the Local Planning Authority. Such sightlines to be permanently maintained thereafter.

10 ACH11R Reason H11  
ACH16 Hardstanding for wash-down facilities  
ACH16R Reason H16

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

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

12 ACH27 Arrangements for construction period  
ACH27R Reason H27

13 ACH28 Car park management  
ACH28R Reason H28

14 ACH29 Construction Management Plan  
ACH29R Reason H29

15 ACH30 Travel Plan  
ACH30R Reason H30

16 Details of electric car charging points shall be submitted to and approved in writing by the Local Planning Authority and the charging points shall be installed in accordance with the approved details prior to first occupation of any of the residential units hereby permitted, unless otherwise agreed in writing by the Local Planning Authority and shall be permanently retained in working order thereafter.

**Reason:** In the interests of promoting more sustainable means of car travel and to comply with Policy 6.13 of the London Plan.

17 ACI21 Secured By Design  
ACI21R I21 reason

18 Details of the pergolas covering the car parking spaces, the cycle and electric scooter store and the refuse store shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the residential units and shall be implemented in accordance with the submitted plans.

**Reason:** In the interests of the amenities of the host dwelling and the surrounding area and to comply with Policy BE1 of the Unitary development Plan.

19 ACK01 Compliance with submitted plan  
ACC01R Reason C01

20 ACK03 No equipment on roof  
ACK03R K03 reason

21 ACL03 Site wide Energy statement  
ACL03R Reason L03

22 ACN10 Bat survey

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

- H1 Housing Supply
- T3 Parking
- T7 Cyclists
- T18 Road Safety
- BE1 Design of New Development
- BE11 Conservation Areas
- BE14 Trees in Conservation Areas
- NE7 Development and Trees
- G8 Urban Open Space
- C6 Residential Proposals for people with particular accommodation requirements
- IMP1 Planning Obligations

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 areas
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties, in relation to privacy, light and outlook 5. the safety of pedestrians and motorists on the adjacent highway
- (e) the safety and security of buildings and spaces around them
- (f) accessibility to buildings
- (g) the housing policies of the development plan
- (h) sustainability issues
- (i) the green belt and open space policies of the development plan
- (j) the conservation policies of the development plan
- (k) the relationship of the development to trees to be retained
- (l) the provision of satisfactory living accommodation for future residents of the flats/houses
- (m) the preservation or enhancement of the conservation area

and having regard to all other matters raised.

#### INFORMATIVE(S)

- 1 Thames Water will aim to provide customers with a minimum pressure of 10m per head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 2 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable

on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

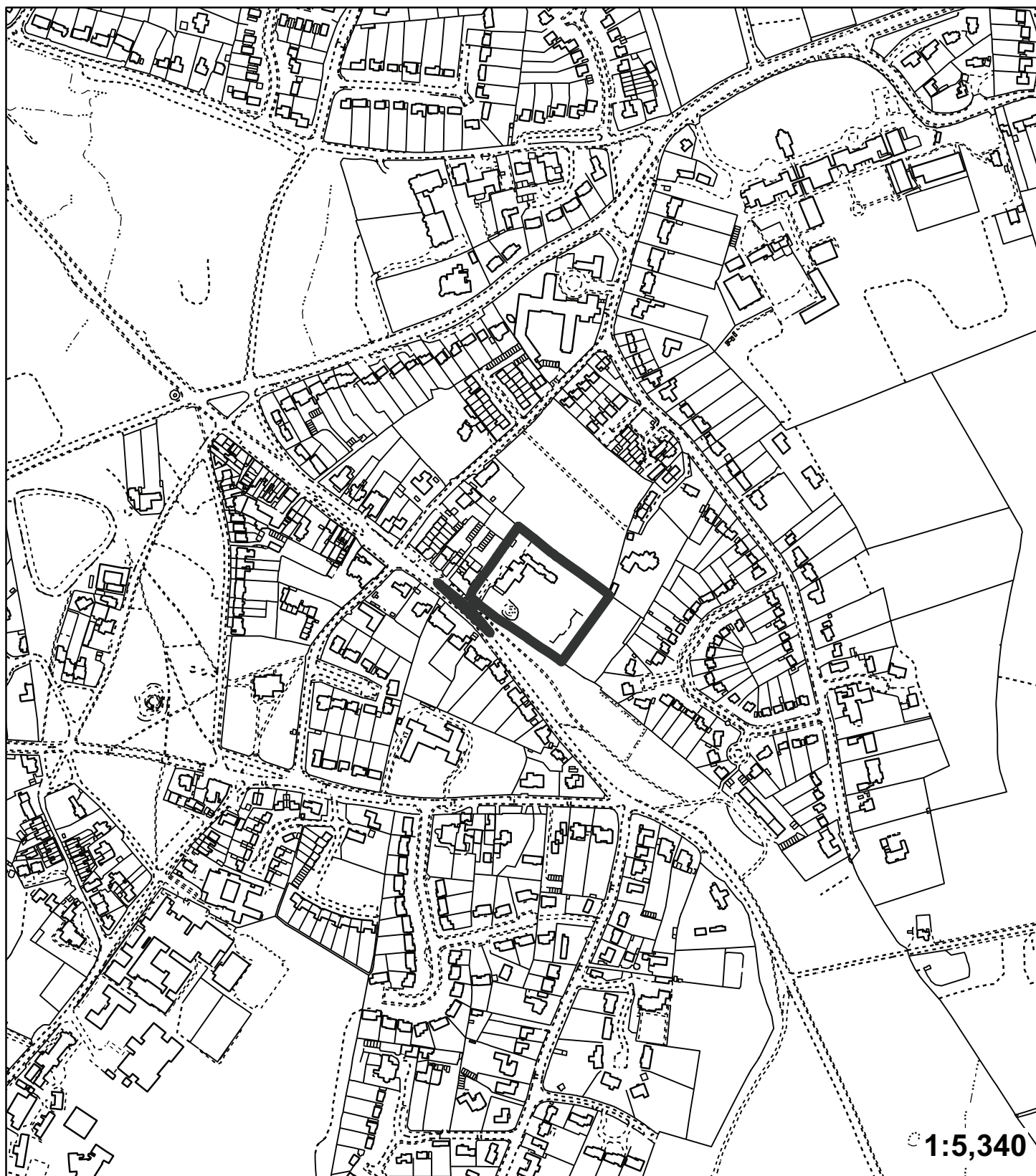
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)

**Application:**12/00102/FULL1

**Address:** Graham Chiesman House St Pauls Cray Road Chislehurst  
BR7 6QA

**Proposal:** Part demolition of existing buildings and three storey extension, comprising 10 one bedroom and 32 two bedroom retirement flats, 2 guest suites, communal facilities and management offices, with 26 car parking spaces (14 covered by pergolas), and bicycle, electrical scooter and refuse



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# Agenda Item 4.8

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

**Application No :** 12/01838/FULL1

**Ward:**  
Bromley Town

**Address :** 47 Homesdale Road Bromley BR2 9TN

**OS Grid Ref:** E: 541186 N: 168353

**Applicant :** McCullochs

**Objections :** YES

## **Description of Development:**

Change of use of existing building together with erection of an extension at rooftop level and elevational alterations to provide 14 two bed flats and 2 one bed flats, 4 surface level car parking spaces, refuse and recycling store and cycle store

Key designations:

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

## **Proposal**

- The proposal seeks permission to extend, convert and refurbish the existing office building to residential accommodation which would create a new development of 16 units.
- The extension would be located at roof level, which would be positioned as single aspect units that front onto Homesdale Road.
- The tenure split would be provided as follows:

Plot Number	Unit Type	Tenure	Minimum Gross Internal Area (m2)
1	2 bed / 4P	Rented	85
2	2 bed / 4P	Rented	76
3	2 bed / 3P	Rented	65
4	2 bed / 3P	Rented	70
5	2 bed / 3P	Private	
6	2 bed / 3P	Private	
7	1 bed / 2P	Private	
8	2 bed / 3P	Private	
9	2 bed / 3P	Private	
10	2 bed / 3P	Private	

11	2 bed / 3P	Private	
12	1 bed / 2P	Private	
13	2 bed / 3P	Private	
14	2 bed / 3P	Private	
15	2 bed / 3P	S/O	63
16	2 bed / 3P	S/O	61

- It has been provisionally indicated that the 4 ground floor units would be the rented units and Flats 15 + 16 on the second floor being the shared ownership units.
- Notwithstanding the above, the scheme is put forward as potentially 100% affordable housing, although in order to keep options open, 35% of the accommodation (by habitable rooms) will be secured by the S106 Obligation / Agreement and the remaining provision will depend on circumstances at the time.
- There are in total 14 x 2 bed flats with 3 habitable rooms which equates to 42 habitable rooms and 2 x 1 bed flats with 2 habitable rooms which equates to 4 habitable rooms, with the total provision therefore being 46 habitable rooms.
- The proposal comprises of 1 and 2 bedroom units within an urban area, therefore the residential density of the site equates to 177 dwellings per hectare.
- The proposal would include on-site car parking, utilising the existing undercroft car park to provide 14 spaces in this area, plus an additional 4 spaces at ground level in the yard at the rear of the site, which would include disabled parking spaces.
- There will be the provision of private and communal amenity areas on site, along with refuse and recycling store and bicycle storage for 16 bicycles.
- The application is accompanied by a statement demonstrating the recent history of the building, including unsuccessful efforts made to market the property for continued commercial use.

## Location

The site is located on the northern side of Homesdale Road at its junction with Great Elms Road, Woldham Road and Old Homesdale Road, adjacent to the former Enterprise House to the west, which has been demolished following the grant of planning permission for housing development. On the opposite side of the road is Garrard House and Sussex House, both office blocks, which have been subject of permissions for residential development. Permission was granted in 2006 at Garrard House for 69 flats, and for the combined site of Garrard and Sussex House for 105 flats.

The application site comprises an existing office building on three levels with a semi-basement. The existing building dates from the late 1970s and contains parking at semi basement level under the building with access from Woldham Road. Immediately abutting the rear of the site is Woldham Place comprising modern two storey semi-detached and terraced residential properties. The existing office building has brick facades and a flat roof.

## **Comments from Local Residents**

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

- shared road behind the site is used by Rosing Apartments and 47 Homesdale Road;
- is already in very poor condition;
- no mention is made of work to be done on this road, they have merely mentioned its existence;
- the condition of the road is not sufficient to support the number of vehicles that will use it;
- developers should commit to resurfacing the road during development works;
- no mention made of disabled access to 47 Homesdale Road other than 2 parking spaces for disabled users;
- at least 2 ramped entrances should be provided (one front, one rear) and level access to all properties on the ground floor;
- it is appreciated that the developers are adapting an existing building, people who cannot climb stairs should never be excluded from a building;
- resident at the rear of the site – when building was in office use at least had some privacy during evenings and weekends;
- already overlooked by residential properties, the addition of more flats will increase this feeling.

## **Comments from Consultees**

Trees and Landscaping – The proposal indicates that the three lime trees on the Homesdale Road frontage will be removed, which are a feature in this part of Homesdale Road and it would be preferable if they could be retained. However it is appreciated that they are close to the front of the building and would make residential accommodation unacceptably dark. It is considered that in view of their proximity to the building the making of a TPO would not be appropriate, so if the application is permitted a landscaping condition could be imposed so that provision could be made for the planting of replacement trees of more suitable species.

Crime Prevention – The application should be able to achieve Secured by Design accreditation in respect of design / layout and part 2 physical security, with the guidance of 'New Homes 2010' and by incorporating accredited, tested, certificated products.

Drainage – No concerns raised.

Environmental Health – No objections in principle subject to a condition relating to gas boilers.

Highways Engineer – The development would be accessed from the existing vehicular entrance at the rear from Woldham Road, leading to the car parking area which is considered to be acceptable. In terms of car parking provision, fourteen

parking spaces are located in the existing undercroft car park, with 4 spaces, including the allocated disabled spaces, being provided at ground level close to the rear door to the building. Therefore eighteen spaces are offered by the development, which is considered acceptable. 16 cycle parking spaces are also to be provided, which is considered to be satisfactory.

Housing Development stated that the scheme is located with good access to the local amenities, employment opportunities and transport links of Bromley town centre (with good connections to both central London and the rest of the borough). There is a very high demand for affordable housing in this area. As such, this is considered to be a suitable location for the provision of affordable housing.

The application is put forward as 100% affordable housing with 35% of the accommodation (by habitable rooms) secured by the S106 Obligation / Agreement, which achieves the requirement under Policy H2. The identification of specific units of affordable housing should be outlined within the S106 agreement.

The RP partner to this scheme has advised that due to the existing building limitations the provision of three bedroom units is not possible, and it is considered that this is the case. In addition, whilst SPD 6.6 expects a minimum of 10% of all housing including the affordable housing to be wheelchair accessible in larger residential developments, given the constraints of access and layout to the existing building, it is considered not possible that compliant wheelchair standard units could be provided in this scheme.

In terms of design and quality standards, as outlined within SPD 6.10-6.18 (updated), the proposed unit floor areas do meet the minimum size standards outlined within the LHDG/London Plan. However it is noted in the planning application that full compliance with the standards cannot be achieved due to the constraints arising from this being an existing building.

## **Planning Considerations**

### Planning Considerations

In considering the application the following UDP Policies are relevant:

- H1 Housing supply
- H2 Affordable housing
- H7 Housing density & design
- H12 Conversion of non-residential buildings to residential
- BE1 Design of new development
- EMP3 Conversion or redevelopment of offices
- EMP5 Development outside business areas
- T1 Transport demand
- T3 Parking
- T5 Access for people with restricted mobility
- T7 Cyclists
- T18 Road Safety
- C3 Access to buildings for people with disabilities

## IMP1 Planning Obligations

The following London Plan policies are relevant:

- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing Choice
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed-use schemes
- 3.9 Mixed and balanced communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character

The National Planning Policy Framework (NPPF) is also of relevance in the determination of this application.

### **Planning History**

In terms of the most recent property history at the site, permission was refused under ref. 08/04250/FULL1 for a six storey block comprising 7 one bedroom / 11 two bedroom / 10 three bedroom flats with 25 car parking spaces / bicycle parking / refuse and recycling storage for the following reasons:

1. The proposal constitutes an overdevelopment of the site at an excessive residential density which is out of character with the surrounding area and contrary to Policies H7 and BE1 of the Unitary Development Plan;
2. The proposed development, due to its excessive height, bulk and mass, and unsympathetic design and materials, would detract from the appearance and character of the locality, contrary to Policy BE1 of the Unitary Development Plan; and
3. The proposal would detract from the residential amenities of the area, in particular due to overlooking from the rear balconies, and would provide insufficient amenity space for future occupiers of the development, contrary to Policy BE1 of the Unitary Development Plan.

In terms of relevant planning history at nearby sites, the following summary can be provided:

At Enterprise House, 45 Homesdale Road, Bromley, BR2 9LY, permission was granted under ref. 09/02191/FULL1 for a block between two and six storeys high with semi-basement parking area comprising 82 flats (21 one bedroom/ 55 two bedroom/ 6 three bedroom) with 82 car parking spaces/ cycle parking/ refuse

storage (amendments to scheme permitted under ref 08/01469/FULL1 to change internal floor layouts and external appearance including for wheelchair accessible homes/ to windows/ increase in height to provide parapet to roof).

At Prospect House, 19-21 Homesdale Road, Bromley, BR2 9LY, permission was granted under ref. 08/00893 for five storey rear and third floor extensions to office building to extend office accommodation on ground and first floors and convert/ extend on second and third floors comprising 4 two bedroom and 2 three bedroom flats with 19 car parking spaces at basement level.

More recently at this site, permission was refused under ref. 11/01317 for five storey building comprising 23 one bedroom, 10 two bedroom and 4 three bedroom flats with 21 car parking spaces, bicycle parking and refuse/ recycling storage at basement level, due to inadequate levels of on-site car parking resulting in a detrimental impact upon nearby residents, and the proposal being an overdevelopment of the site at an excessive residential density.

At Sussex House, 8-10 Homesdale Road, Bromley, BR2 9LZ, permission was granted under ref. 10/00756 for six storey block comprising 12 one bedroom, 19 two bedroom and 1 three bedroom flats (including bicycle parking and refuse/ recycling storage within block) and 20 car parking spaces.

At Garrard House, 2-6 Homesdale Road, Bromley, BR2 9LZ, outline permission was granted under ref. 09/01137 for demolition of existing office building and erection of 69 flats together with a services building, refuse store, car and cycle parking, landscaped area, and retention of existing vehicular access from Fielding Lane.

## **Conclusions**

Members will need to carefully consider whether the proposals comply with relevant development plan policies, specifically those within the Bromley Unitary Development Plan, the London Plan and the National Planning Policy Framework.

The main issues in this case are considered to be whether residential development is acceptable in this location, particularly given the authorised office use of the building; the impact of the proposals on the amenities of adjacent occupiers, particularly in Woldham Place; the impact of the proposal upon the parking and traffic conditions in the immediate vicinity; and the visual impact of the proposal on the locality and street scene.

The site falls within the built up area of Bromley and is not allocated for any defined use within the Unitary Development Plan (UDP), nor are there any specific policy designations restricting development on the site. Therefore in principle, Members may find that the site could potentially accommodate some form of redevelopment. This would of course be subject to compliance with other relevant policies of the UDP. The residential development of this site would result in a loss of office space and an employment generating use, however marketing evidence has been submitted as part of the application which indicates that despite extensive

marketing, this building is no longer feasible as office accommodation. As a result, no concerns have been raised in terms of Planning Policy regarding this loss.

Members should be aware that permission has previously been granted for a residential development on the adjacent site 'Enterprise House' which was previously an office block. Permission has also been granted opposite at Garrard House and Sussex house for residential development. Policy EMP5 states that the redevelopment of business sites outside designated Business Areas, such as this will be permitted, provided that:(i) the size, configuration, access arrangements or other characteristics make it unsuitable for B1, B2 or B8 use; and (ii) full and proper marketing of the site confirms the unsuitability and financial non viability of the site for those uses. The applicant has submitted evidence in order to demonstrate that these policy requirements have been met.

The principle of converting office buildings into flats in this area on the opposite side of Homesdale Road has already been established, and given the evidence of the unsuccessful marketing of this property for continued office use, and the fact that it is not situated within a designated business area, Members may find that the conversion into flats is considered acceptable in principle.

The number of flats proposed is not considered excessive for a site in this location, and a S106 agreement would ensure that at least 35% of the units will be marketed for affordable accommodation, with contributions being provided for health and education.

Detailed investigation was carried out by the developer in order to provide a wheelchair accessible unit, however on further consideration and discussion with the Council's Housing Development Team and Occupational Therapists, it has been decided that the dimensions of the existing building do not lend itself to providing suitable accommodation for wheelchair users and that the resulting unit would be too compromised for suitable manoeuvrability not only within the unit itself but also in gaining access to the unit. Access issues would be raised due to the car parking at the rear but also because of the access ramp at the front, and a number of internal doors within the main entrance lobby of the building prior to arriving at the front door of the unit, along with maintenance issues relating to continued use of power assisted doors. As such, despite extensive investigation into the provision being carried out by the developer, it has been agreed that the proposal remains acceptable without any wheelchair accessible units and the application has proceeded on this basis.

The plans associated with the application which illustrate the proposed extension show that the built development will be modest in size, set back from the edge of the main building, and should therefore not have any detrimental impact upon the character and appearance of the streetscene nor the amenities of the occupiers of nearby buildings, including residents of Woldham Place.

In terms of character and appearance, it is considered that the construction of an additional level it would not be unduly harmful to the existing development. Indeed the resulting building will remain lower than some nearby buildings. Therefore as long as any proposal takes account of residential amenities of the locality,

Members may find that the design of the proposed extension is in keeping with the host building and adjacent buildings. The local context of the site comprises a mix of flatted and housing residential development alongside a mix of commercial uses and as such there is no predominant character in this location.

Furthermore, no technical objections have been raised in terms of the parking provision, the loss of the three lime trees on the Homesdale Road frontage can be mitigated for by way of landscaping condition for suitable replacement specimens elsewhere on the site.

Members may therefore consider that on balance the proposal to extend, convert and refurbish the existing building on site is considered acceptable in this location.

Any permission will require the completion of a legal agreement to ensure provision of affordable housing as well as appropriate contributions for health and education.

Background papers referred to during production of this report comprise all correspondence on files refs. 08/02553 and 12/01838, excluding exempt information.

**RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A SECTION 106 AGREEMENT relating to affordable housing, education and health contributions**

and 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  | ACC08  | Satisfactory materials (all surfaces)    |      |
|    | ACC08R | Reason C08                               |      |
| 5  | ACH03  | Satisfactory parking - full application  |      |
|    | ACH03R | Reason H03                               |      |
| 6  | ACH16  | Hardstanding for wash-down facilities    |      |
|    | ACH16R | Reason H16                               |      |
| 7  | ACH18  | Refuse storage - no details submitted    |      |
|    | ACH18R | Reason H18                               |      |
| 8  | ACH22  | Bicycle Parking                          |      |
|    | ACH22R | Reason H22                               |      |
| 9  | ACH29  | Construction Management Plan             |      |
|    | ACH29R | Reason H29                               |      |
| 10 | ACH33  | Car Free Housing                         |      |
|    | ACH33R | Reason H33                               |      |
| 11 | ACI15  | Protection from traffic noise (1 insert) | road |
|    | ADI15R | Reason I15                               |      |
| 12 | ACI21  | Secured By Design                        |      |
|    | ACI21R | I21 reason                               |      |



- 13 Details of the privacy screens including height, location and a sample of their material shall be submitted to and approved by or on behalf of the Local Planning Authority prior to first occupation of the building and the screens shall be erected in accordance with the approved details and permanently retained thereafter.  
ACI24R Reason I24R
- 14 ACK01 Compliance with submitted plan  
ACC01R Reason C01
- 15 ACK03 No equipment on roof  
ACK03R K03 reason
- 16 The application site is located within an Air Quality Management Area declared for NOx. In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx emission rate of <40mg/kWh.

**Reason:** In order to comply with London Plan Policy 7.14 and in the interest of the amenities of the occupiers of nearby residential properties.

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

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

- H1 Housing supply
- H2 Affordable housing
- H7 Housing density & design
- H12 Conversion of non-residential buildings to residential
- BE1 Design of new development
- EMP3 Conversion or redevelopment of offices
- EMP5 Development outside business areas
- T1 Transport demand
- T3 Parking
- T5 Access for people with restricted mobility
- T7 Cyclists
- T18 Road Safety
- C3 Access to buildings for people with disabilities
- IMP1 Planning Obligations

The following London Plan policies are relevant:

- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing Choice
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed-use schemes
- 3.9 Mixed and balanced communities

- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character

#### National Planning Policy Framework

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 residential properties;
- (c) the Housing policies of the development plan;
- (d) the character of the development in the surrounding areas;
- (e) the impact on the infrastructure of the wider area;
- (f) the amenities of the occupiers of adjacent and nearby properties;
- (g) and having regard to all other matters raised including concerns from neighbours.

#### 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.
- 2 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)

**Application:**12/01838/FULL1

**Address:** 47 Homesdale Road Bromley BR2 9TN

**Proposal:** Change of use of existing building together with erection of an extension at rooftop level and elevational alterations to provide 14 two bed flats and 2 one bed flats, 4 surface level car parking spaces, refuse and recycling store and cycle store



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

**Application No :** 12/01971/FULL3

**Ward:**  
Penge And Cator

**Address :** 2 - 4 Raleigh Road Penge London SE20  
7JB

**OS Grid Ref:** E: 535594 N: 170188

**Applicant :** Mr Daniel Jackson

**Objections :** NO

### **Description of Development:**

Three storey side extension to accommodate new entrance lobby and staircase, elevational alterations and conversion of first and second floor from snooker club to form 6 two bedroom flats together with amenity space, communal roof terrace and pergola.

Key designations:

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

### Update

Members will recall that this case was previously presented to the Plans Sub Committee held on the 30th August 2012. Members resolved to defer this case without prejudice to seek a reduction in the number of units proposed by one.

The agent has now responded stating that they wish the application to be determined as submitted.

Accordingly, the previous report is reported back to Members for consideration.

### **Proposal**

The proposal seeks permission for the conversion of the first and second floors of the building from a snooker club to form 6 two bedroom flats. To facilitate this conversion, a three storey side extension is to be constructed adjacent to the boundary with 1 Green Lane within what was formerly the police station yard. The extension will accommodate a new entrance hall and staircase which would be accessed from the yard.

Elevational alterations are proposed (including alterations to fenestration), and a communal roof terrace is proposed to provide amenity space for the occupiers of the flats, with a pergola and lily pool.

Although the building fronts Raleigh Road, pedestrian and vehicular access is via an existing crossover from Green Lane. The crossover provides a shared access to the old stables located to the rear of the existing redundant police station. The old stable block is subject to a separate planning application for conversion into a residential dwelling.

To address concerns raised over parking in the previous proposal an additional parking space has now been provided to accommodate off street car parking for 5 vehicles located adjacent to the existing boundary wall of the rear garden of 1 Green Lane.

### **Location**

The existing building is some three storeys in height. The ground floor is currently occupied by an electrical goods wholesaler accessed from Raleigh Road and this use is to remain as existing. The upper floors of the building were previously used as a snooker club and only had pedestrian access from a narrow alleyway off Penge High Street located adjacent to the old police station.

The police station building is Locally Listed and was constructed in the mid 19th Century. The site is bounded to the south by Green Lane. There is an alleyway to the west bounded by the rear of commercial and retail premises fronting Penge High Street. To the north the site abuts the rear gardens of terraced housing fronting Raleigh Road.

### **Comments from Local Residents**

To date no comments have been received.

### **Comments from Consultees**

With regards to highway planning issues, no technical objections are raised, subject to appropriately worded planning conditions on any approval to ensure acceptable highway and pedestrian safety.

With regards to the standard of accommodation proposed, natural ventilation should be provided to bathrooms, fire doors should be provided and balustrades may be required to the void area serving flats 2 and 5. These matters can however be resolved through the Building Regulations application and from an environmental health housing perspective the standard of accommodation provided is acceptable. A planning condition is suggested on any approval in relation to air quality management.

In terms of refuse collection, access through the gates must be available without the use of keys or a code to ensure acceptable collection of refuse.

In terms of Designing Out Crime no technical objections are raised from the Metropolitan Police.

### **Planning Considerations**

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

- BE1 Design of New Development
- H1 Housing Supply
- H7 Housing Density and Design
- H12 Conversion of non residential buildings to residential use
- T1 Transport Demand
- T3 Parking
- T18 Road Safety

### **SPG**

- No1 General Design Principles
- No2 Residential Design Guidance

### **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

National Planning Policy Framework 2012.

All other material considerations shall also be taken into account.

### **Planning History**

Under planning application ref. 10/00994, planning permission was refused and dismissed at appeal for elevational alterations and conversion of first and second floors from a snooker club to form 8 one bedroom flats together with communal roof terrace and pergola. The appeal inspector concluded that the living and dining room windows to some of the flats would not provide reasonable levels of natural light and outlook and would be harmful to the living conditions of prospective occupiers. It was therefore concluded by the Inspector that as such the proposal would not provide a high quality residential environment and would be contrary to Policies BE1 and H12. The Inspector also concluded that the pedestrian access to the flats from a narrow alleyway off the High Street would not amount to an attractive residential setting and would also fail to be safe and convenient conflicting with Policies BE1, T6 and T18.

Under planning application ref. 11/03600, planning permission was refused for a three storey side extension to accommodate new entrance lobby and staircase, elevational alterations and conversion of first and second floor from snooker club to form 6 two bedroom flats together with amenity space, communal roof terrace and pergola. The proposal was considered to be an overdevelopment of the site, out of character with the locality, thereby detrimental to its visual amenities and character, and contrary to Policies H7 and BE1 of the Unitary Development Plan, PPS 3: Housing, and Policy 3.5 of the London Plan. The proposal was also considered to lack adequate on-site car parking and likely to lead to increased demand for on-street car parking in the surrounding area detrimental to the amenities of nearby residents and prejudicial to the free flow of traffic and conditions of general safety along the highway, thereby contrary to Policy T18 of the Unitary Development Plan. An appeal has been submitted against this refusal and this is pending consideration.

## **Conclusions**

The main issues relating to the application are whether the current development proposals address the issues raised in the previous refusal and appeal decision and whether the development is acceptable in terms of character and impact on the amenities of proposed and neighbouring residents.

To address the reason for refusal concerning car parking provision, the site area has been increased in size towards the south to accommodate an additional parking space adjacent to the rear boundary with the Old Stables which is subject to a separate planning application for a change of use to residential.

With regards to the reason for refusal concerning an overdevelopment of the site, out of character with the locality, the applicant has not proposed any changes to the scheme to address this. However, in the previous proposal dismissed at appeal (ref.10/00994) the development proposed was for 8 one bedroom flats and the Inspector did not raise any concerns regarding the number of units and the impact on the character of the locality.

The development proposed appears to be accommodated satisfactorily within the street scene. The proposed extension is of a sympathetic design and scale, subservient to the host building and is considered on balance to respect the existing character and appearance of the area, street scene and surroundings. The design of the scheme is considered to provide an appropriate solution to reuse an existing redundant building.

In terms of car parking, the development is within an area of high public transport accessibility in a town centre location. To address the reason for refusal concerning car parking provision, the site layout has been changed and now includes more of the land located to the rear of the old stable block and this allows for the provision of an additional parking space. Five off street car parking spaces are provided and the proposal would therefore on balance not result in any significant harm to the area in terms of on street parking demand or highway and pedestrian safety, compliant to Policies T3, and T18.



With regards to the communal amenity space located on the roof and gated access, further landscaping, boundary enclosure details and screening to the roof area could be requested through an appropriately worded condition to ensure highway and pedestrian safety along with residential amenity is maintained if Members are minded to approve the application.

The National Planning Policy Framework and London Planning Advisory Committee (LPAC) advice suggest that buildings formerly in non residential uses can be a potential important source of extra housing. Policy H12 of the Unitary Development Plan states that the Council will normally permit the conversion of genuinely redundant office buildings and other non residential buildings to other uses subject to achieving a satisfactory quality of accommodation and amenity for future occupiers. 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 provision of additional residential accommodation in the manner proposed is acceptable in this case given the previously dismissed appeal decision and the recently refused application.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/00994, 11/03525, 11/03600 and 12/01971, 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  
ACC01         Satisfactory materials (ext'n'l surfaces)  
ACC01R        Reason C01
- 5     ACC03        Details of windows  
ACC03R        Reason C03
- 6     ACC04        Matching materials  
ACC04R        Reason C04
- 7     ACH03        Satisfactory parking - full application  
ACH03R        Reason H03
- 8     ACH12        Vis. splays (vehicular access) (2 in)           3.3 x 2.4 x 3.3m  
1m

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

- 9     ACH18        Refuse storage - no details submitted  
ACH18R        Reason H18
- 10    ACH22        Bicycle Parking  
ACH22R        Reason H22
- 11    ACH23        Lighting scheme for access/parking

- |    |  |                              |
|----|--|------------------------------|
|    | ACH23R   | Reason H23                   |
| 12 | ACH29  | Construction Management Plan |
|    | ACH29R   | Reason H29                   |
| 13 | ACH32  | Highway Drainage             |
|    | ADH32R   | Reason H32                   |
| 14 | No loose materials shall be used for the surfacing of the parking and turning area hereby permitted. |                              |

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

**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
- H1 Housing Supply
- H7 Housing Density and Design
- H12 Conversion of non residential buildings to residential use
- T1 Transport Demand
- 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 and the impact on existing buildings
- (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

**INFORMATIVE(S)**

- 1 You are advised that this application is considered to be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). The

Levy will appear as a Land Charge on the relevant land with immediate effect.

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

- 2 You should consult the Land Charges and Street Naming/Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: [address.management@bromley.gov.uk](mailto:address.management@bromley.gov.uk) regarding Street Naming and Numbering.

**Application:**12/01971/FULL3

**Address:** 2 - 4 Raleigh Road Penge London SE20 7JB

**Proposal:** Three storey side extension to accommodate new entrance lobby and staircase, elevational alterations and conversion of first and second floor from snooker club to form 6 two bedroom flats together with amenity space, communal roof terrace and pergola.



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

**Application No :** 12/02113/FULL6

**Ward:**  
Farnborough And Crofton

**Address :** 4 Lansdowne Avenue Orpington BR6  
8JU

**OS Grid Ref:** E: 544112 N: 165973

**Applicant :** Mr And Mrs Karve

**Objections :** NO

### **Description of Development:**

Part one/two storey side with bay window to front, single storey infill front extension and elevational alterations, change of roof to courtyard

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Flood Zone 2  
London City Airport Safeguarding  
Ravensbourne FZ2

### **Proposal**

This application was deferred by Members of the Plans Sub Committee which convened on 27th September in order to seek a reduction in the size of the proposed part one/two storey side extension. Amended plans have now been received and the previous report is repeated below with necessary amendments.

- The proposal has been amended to incorporate a 1.3m separation between the northern extension and the flank boundary, and the ridge line has been lowered.
- The main part of the proposal involves the provision of a part one/two storey side extension along the northern side of the dwelling which will involve the removal of an attached workshop.
- Aside from a chimney breast a minimum 1.3m gap will be maintained between the proposed extension and the northern boundary. The first floor element will fall short of the ground and first floor rear elevation by approximately 2.0m.
- Some elevation alterations will also be made, including along the frontage where the external finish will be altered, and a glazed covering will be added to the rear of the existing garage.

## **Location**

The site is situated along the eastern side of Lansdowne Avenue, an entirely residential street comprising detached houses set within generously proportioned plots.

## **Comments from Local Residents**

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

## **Comments from Consultees**

No applicable

## **Planning Considerations**

Policies BE1, H8 and H9 of the Unitary Development Plan apply to the development and should be given due consideration. These policies seek to ensure a satisfactory standard of design which complements the qualities of the surrounding area; to ensure adequate side space provision in the case of two storey development; and to safeguard the amenities of neighbouring properties.

## **Planning History**

There is no significant planning history related to the application dwelling.

## **Conclusions**

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

The proposed part one/two storey extension will be built to the northern side of the existing dwelling which is presently characterised by a generous gap currently partially occupied by single storey workshop, although obscured by shrubs. Aside from the proposed chimney breast an overall 1.3m separation will be maintained between the proposed extension and flank boundary. This is considered to represent a good level of separation, taking into account local spatial standards and the surrounding streetscene. In comparison to the superseded plans the one/two storey extension will be less bulky and prominent in the streetscene.

Turning to its impact on neighbouring amenity, it is considered that the proposed extension has been sympathetically designed to avoid an adverse impact on the neighbouring dwelling at No 6 located to the north. Under ref. 04/02096 a first floor / two storey side extension was approved which maintained a 1.0m separation to the flank boundary and resulted in the first floor extension extending a short distance further than the original first floor rear elevation. In the case of this proposal, although the proposed ground floor will align with the existing dwelling at the rear, the first floor element will fall short by approximately 2.0m, so as to avoid

affecting the neighbouring first floor rear bedroom window at No 6. In addition, it is considered that the overall separation between these properties is favourable.

With regard to the works proposed along the southern side of the dwelling, these are considered modest and unlikely to significantly affect the amenity of surrounding properties.

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

Background papers referred to during production of this report comprise all correspondence on file ref. 12/02113, excluding exempt information.

### **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- 1     ACA01        Commencement of development within 3 yrs  
      ACA01R      A01 Reason 3 years
- 2     ACC04        Matching materials  
      ACC04R      Reason C04
- 3     ACK01        Compliance with submitted plan     northern  
      ACC01R      Reason C01
- 4     Before the development hereby permitted is first occupied, the proposed window(s) along the first floor northern elevation of the proposed extension and those proposed along the first floor southern elevation of the existing dwelling shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.  
      ACI12R      I12 reason (1 insert)   BE1
- 5     ACI17        No additional windows (2 inserts)   first floor flank   extension  
      ACI17R      I17 reason (1 insert)   BE1

### **Reasons for permission:**

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

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

The development is considered satisfactory in relation to the following:

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

- (e) the light and outlook of occupiers of adjacent and nearby properties;
- (f) the privacy of occupiers of adjacent and nearby properties.



**Application:**12/02113/FULL6

**Address:** 4 Lansdowne Avenue Orpington BR6 8JU

**Proposal:** Part one/two storey side with bay window to front, single storey infill front extension and elevational alterations, change of roof to courtyard



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

**Application No :** 12/02405/FULL6

**Ward:**  
**Shortlands**

**Address :** 139 Hayes Way Beckenham BR3 6RT

**OS Grid Ref:** E: 539014 N: 168046

**Applicant :** Mr Peter Li

**Objections :** YES

**Description of Development:**

Roof alterations incorporating rear dormer extensions and single storey rear extension. Insertion of rooflights on flat elevations and elevational alterations

Key designations:

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

**Proposal**

This proposal is for roof alterations incorporating rear dormer extensions and single storey rear extension. The property is proposed to be extended by 3.5m on the ground floor with roof alterations above increasing the depth of the roof by 3.5m. Two dormer windows with a depth of 3.1m are proposed on the rear elevation one of which would feature a Juliet balcony, while rooflights are proposed on the flank elevations and elevational alterations proposed to the existing dwellinghouse.

The application site was inspected on 23rd August 2012 with a subsequent site visit undertaken at No. 100, at the request of the adjoining owner, on 13th September 2012.

**Location**

The application site is a detached bungalow with accommodation in the roofspace located within the Park Langley Area of Special Residential Character (ASRC). The original Edwardian core of the Park Langley "garden suburb" is a Conservation Area. The remainder, built sporadically between the 1920's and 1950's, whilst not of the same exceptional standard, has the character of a garden estate given by the quality and appearance of the hedges, walls, fences, and front gardens. The area, which comprises almost exclusively large detached two storey family houses on generous plots, is bounded by Wickham Way to the west, by Barnfield Wood

Road to the south, and by Hayes Lane to the north and east. It represents a coherent, continuous and easily identifiable area, which has maintained its character and unity intact.

### **Comments from Local Residents**

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

- The Park Langley Residents Association states the proposed development introduces a first floor rear enlargement of the existing property which given the orientation of the property is directly opposite rear of properties in Hayes Lane one of which would be directly overlooked detrimental to residents who have previously enjoyed a different environment. Questioned whether this is consistent with others in the area and Policies BE1 (v) and H8 (i) of the UDP.
- Concerns from No. 137 that the proposed elevation (sic) of the roof height will impact on light received in kitchen and side door access of this property. Insertion of rooflights where before there were none will invade privacy. Bungalows in the area are scarce commodity. Proposed development is one of three unique styled 'eyebrow' window bungalow.
- No. 100 Hayes Lane state the initial development of Park Langley Estate have long gardens and detached two storey buildings along Hayes Lane but the bungalows have much smaller gardens which being single storey ensures each bungalow could enjoy complete privacy and not be overlooked. Proposal would convert single storey building to two storey dwelling with the result that the property will be moved 12 feet closer to No. 100 resulting in loss of privacy and overlooking. Dormer window extension with windows and French doors will directly overlook living quarters and bedroom. Higher roof line will change outlook/view from rear of No. 100. Proposal not in keeping with character of area and set precedent for overdevelopment.

### **Comments from Consultees**

The Council's Highways Division were consulted who state the development will result in loss of one parking space by conversion of the garage to a habitable accommodation. However, there are spaces available within the site's curtilage which would be utilised for parking. Therefore, on balance as it is a small development no objections are raised to this proposal from a highways perspective.

### **Planning Considerations**

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

- BE1 Design of New Development
- H8 Residential Extensions
- H10 Areas of Special Residential Character

The London Plan and National Planning Policy Framework are also a key consideration in the determination of this application.

### **Planning History**

There is no recent planning history pertaining to this property.

### **Conclusions**

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

The proposal would not significantly alter the front elevation of the property, with minor elevational alterations such as the replacement of the main entrance doorway with a window and replacement of a garage door with a double door and full length window. These alterations are not anticipated to impact significantly on the visual amenities of the host dwelling. The roof profile would be extended by approximately 3.5m in depth to the rear which may be visible from certain positions along Hayes Way; however, this is not anticipated to appear incongruous in the streetscene or impact detrimentally on the visual amenities of the ASRC. The proposal does not intend to alter the appearance of the front eyebrow dormer window which is a characteristic of Nos. 135 – 139.

Concerns have been raised by a local resident that the proposed rooflights to be inserted in the flank elevations could result in a loss of privacy and sense of overlooking for adjoining properties. In order to ameliorate against this were permission to be granted a condition could be attached requiring these to be obscure glazed and fixed shut below 1.7m above floor level.

The proposal would involve a single storey rear extension of 3.5m in depth which would not project beyond the existing single storey element. The proposal would also involve roof alterations resulting in the proposal being 1.5m higher than the existing single storey element with an overall height of 5.75m. The development would also involve the construction of two rear dormer windows one of which would contain a Juliet balcony. Although this would add bulk to the rear elevation of the property it may be possible to construct a single storey rear extension with a depth of 4m and two dormer window extension in the rear elevation under permitted development (provided that does not exceed 50 cubic metres). The current proposal is not considered to add a significant increase in bulk compared with what could be constructed under permitted development.

The proposal would be sited 10.6m from the rear boundary with No. 100 Hayes Lane with a total separation of approximately 22m between the rear elevations of these properties (approximately 20m to the rear elevation of the conservatory at No. 100). Unlike neighbouring properties Nos. 135 – 139 are characterised by smaller rear gardens. Generally for developments for new dwellings a rear garden

with a minimum depth of 10m would be considered sufficient in such a suburban location, and as such the proposal is considered to have a satisfactory relationship with No. 100.

As previously stated the proposal would not project beyond the rear elevation of the single storey element and as such would not result in a significant increase in the footprint of the property. Although the proposal may result in some loss of privacy and sense of overlooking for No. 100 given the distance of the proposal to the rear boundary this is not anticipated to be of such an extent as to warrant refusal. The Juliet balcony proposed would not result in a raised platform on which to stand and is not considered to differ significantly in terms of its impact from a normal window. Were permission to be granted a condition could be attached requiring details of the method of screening to the rear boundary (to minimise the visual impact of the proposal when viewed from No. 100) be submitted to and approved by the Local Planning Authority prior to commencement of works on site.

The proposal would result in an increase of 1.5m in height above the existing single storey element. No. 137 is located to the north west of the application site, although the proposal may result in some increase in bulk on the rear elevation of the application site when viewed from No. 137, this would be minimised by the roof profile proposed which would hipped away from the boundary with No. 137, lessening its visual impact. On balance, the proposal is not anticipated to result in a significant loss of light for No. 137 to such an extent as to warrant refusal.

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

Background papers referred to during production of this report comprise all correspondence on file ref. 12/02405, 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     ACH03        Satisfactory parking - full application  
      ACH03R      Reason H03
- 4     No windows or doors shall at any time be inserted in the flank elevation(s) of the roof extension hereby permitted, without the prior approval in writing of the Local Planning Authority.  
      ACI13R      I13 reason (1 insert)   BE1
- 5     ACK01        Compliance with submitted plan

**Reason:** In the interests of the residential amenities of the adjoining properties and the visual amenities of the area, in line with Policy BE1.

6 The rooflights to be inserted in the flank elevations shall be obscure glazed with a minimum of Level 4 obscurity and fixed shut below 1.7m above the floor level of the room in which they are to be located.

**Reason:** In the interests of the residential amenities of neighbouring properties, in line with Policy BE1 of the Unitary Development Plan.

7 Details of the means of screening on the rear boundary, to minimise the visual impact of the proposal on the residents of No. 100 Hayes Lane, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works.

**Reason:** In the interests of the residential amenities of neighbouring properties, in line with Policy BE1 of the Unitary Development Plan.

**Reasons for granting permission:**

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

BE1 Design of New Development

H8 Residential Extensions

H10 Areas of Special Residential Character

Supplementary Planning Guidance 1 General Design Principles

Supplementary Planning Guidance 2 Residential Design Guidance

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

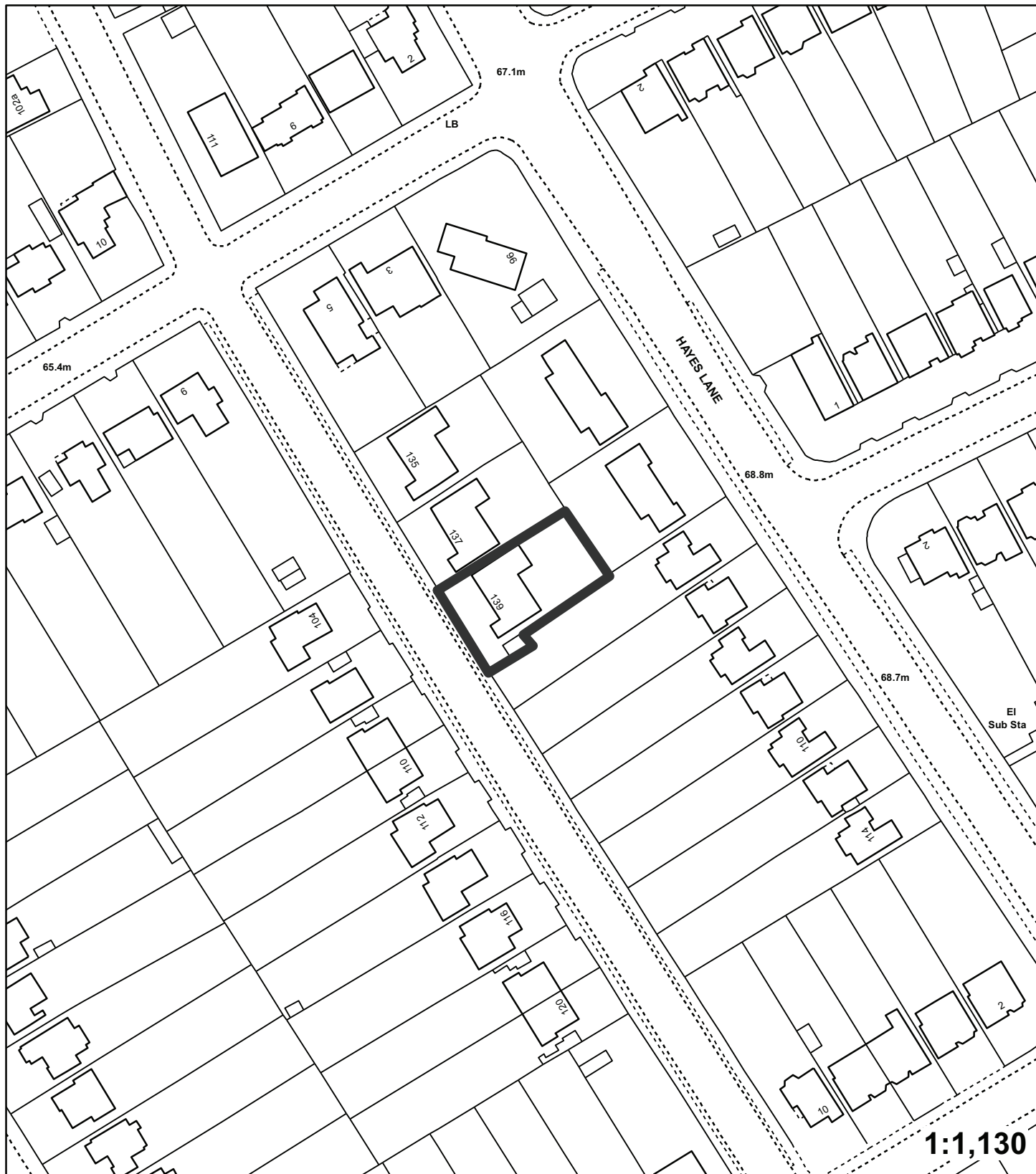
- (a) the appearance of the development in the street scene;
- (b) the relationship of the development to adjacent properties;
- (c) the impact of the development on the visual amenities of the Area of Special Residential Character;
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties;

and having regard to all other matters raised.

**Application:**12/02405/FULL6

**Address:** 139 Hayes Way Beckenham BR3 6RT

**Proposal:** Roof alterations incorporating rear dormer extensions and single storey rear extension. Insertion of rooflights on flat elevations and elevational alterations





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

**Application No :** 12/02545/FULL6

**Ward:**  
**Petts Wood And Knoll**

**Address :** 25 Priory Avenue Petts Wood Orpington  
BR5 1JE

**OS Grid Ref:** E: 544844 N: 167472

**Applicant :** Mr Rodney Shelton

**Objections :** NO

### **Description of Development:**

Part one/two storey front, side and rear extension and elevational alterations.

Key designations:

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

### **Proposal**

Permission is sought for a part one, part two storey front, side and rear extension with elevational alterations.

The side element projects 3.4 metres from the northern flank elevation and features a hipped roof to match that of the existing which extends downward so that the eaves are at the mid-point of the first floor flank elevation. This element is linked to both the rear and front extensions.

The front extension infills the current area between the front door and the existing garage (which is to be removed) and also projects forward of the front elevation by 0.9 metres. A pitched roof is included with an open porch to the front door.

To the rear the extension projects 3 metres from the rear wall for the full width of the existing dwelling and side element. A pitched roof is also included giving a height of between 2.4 metres and 3.4 metres.

### **Location**

The application site is located to the western edge of Priory Avenue and features a two storey semi-detached dwelling. The area is characterised by similar properties

of a broadly similar style and scale. The site is within the Petts Wood Area of Special Residential Character (ASRC).

### **Comments from Local Residents**

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

### **Comments from Consultees**

Highways have raised no objection subject to condition.

### **Planning Considerations**

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

BE1 Design of New Development  
H8 Residential Extensions  
H10 Areas of Special Residential Character  
H9 Side Space  
T3 Parking

Supplementary Planning guidance 1 and 2

### **Planning History**

There is no planning history for the site.

Two neighbouring properties, at No. 29 and No. 35 have previously been extended to the flank elevation by two storeys with the retention of a 1 metre side space as follows:

No. 35 was granted permission for a single storey front, two storey side and single storey rear extension under application ref. 98/02241 which allowed for a 1 metre side space to the two storey side element.

No. 29 was granted permission for a part one, part two storey front, side and rear extension under application ref. 10/00253. This allowed for a 1 metre side space at ground floor level with a 2 metre separation at first floor level

### **Conclusions**

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

The rear extension has a depth of 3 metres and due to the orientation of the property is situated to the north of the adjoining property at No. 23. To the northern boundary there is also an existing detached garage that is to be removed and occupies a large part of the footprint of this section of the proposal where it

adjoins the side element. It is therefore considered that the rear element would not have any further impact upon the amenities or outlook of the neighbouring residents at No. 27 and any impact upon the visual amenities of the residents of No. 23 is considered acceptable.

The infill extension to the front and the associated forward projection are not considered to harm the character of the host dwelling, with sufficient space remaining to the front of the curtilage to allow the parking of two vehicles and overcoming the loss of the garage and the impact of any forward extension onto the current driveway. As such this element is considered acceptable.

The two storey side extension allows for a 1 metre side space to the boundary with No. 27 and maintains the hipped design of the roof that allows for a degree of subservience to the existing gable end. No. 27 has a single window to the first floor southern flank elevation and a garage at ground floor level and it is considered that no impact would occur to the outlook or daylight of the residents of this property.

Consideration must be given to the spatial standards of the ASRC as well to the nearby two storey side extension at No. 29 and the former at No. 35. The latter is considered to be less relevant in respect of the policy changes that have taken place since that decision and the emphasis on protecting the open character of the area. The extension at No. 29 sees a 1 metre side space at ground floor level and a 2 metre separation at first floor level. The original property is very similar in design to that of the application site and the proposal, in terms of ground floor width and design is almost exactly the same. No. 29, however, included a two storey rear extension and a greater degree of first floor separation to the flank wall.

The proposal sees the roof slope being extended downward to the mid-point of the first floor flank elevation, resulting in the first floor being between 1.8 metres at the roof eaves to the boundary and 1 metre at the flank wall to the boundary. On balance it is considered that this side element would not be detrimental to the character or spatial standards of the ASRC or the character or setting of the host dwelling.

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

Background papers referred to during production of this report comprise all correspondence on files refs. 12/02545 and 10/00253, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

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

- |   |        |  |                    |                |  |
|---|--------|--|--------------------|----------------|--|
| 3 | ACH03  | Satisfactory parking - full application  |                    |                |  |
|   | ACH03R | Reason H03                               |                    |                |  |
| 4 | ACI11  | Obscure glaz'g/details of opening (1 in) | in the first floor |                |  |
|   |        | northern flank elevation                 |                    |                |  |
|   | ACI11R | Reason I11 (1 insert)                    | BE1 and H8         |                |  |
| 5 | ACI13  | No windows (2 inserts)                   | first floor        | northern flank |  |
|   |        | development                              |                    |                |  |
|   | ACI13R | I13 reason (1 insert)                    | BE1 and H8         |                |  |
| 6 | ACK01  | Compliance with submitted plan           |                    |                |  |
|   | ACC01R | Reason C01                               |                    |                |  |
| 7 | AJ02B  | Justification UNIQUE reason OTHER apps   |                    |                |  |

Policies (UDP)

- BE1 Design of New Development
- H8 Residential Extensions
- H9 Side Space
- T3 Parking

Supplementary Planning guidance 1 and 2

**Application:**12/02545/FULL6

**Address:** 25 Priory Avenue Petts Wood Orpington BR5 1JE

**Proposal:** Part one/two storey front, side and rear extension and elevational alterations.



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

**Application No :** 12/02571/FULL6

**Ward:**  
West Wickham

**Address :** 86 Copse Avenue West Wickham BR4  
9NP

**OS Grid Ref:** E: 537737 N: 165078

**Applicant :** Mrs R Day

**Objections :** YES

**Description of Development:**

First floor rear extension

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Ravensbourne FZ2

**Proposal**

Permission is sought for a first floor rear extension measuring 4.1m deep. This would be situated above an existing ground floor extension.

**Location**

The application site is set on the western edge of Copse Avenue and comprises a two storey detached dwelling.

**Comments from Local Residents**

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

- reduced light to neighbouring property, specifically the conservatory
- extension will spoil the outlook from the conservatory
- extension would spoil the outlook from the first floor bedroom, ground floor and garden
- the extension is out of keeping with the size of the property.

**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

### **Planning History**

A single storey side extension was approved under ref. 87/02109.

A single storey rear extension was approved under ref. 94/00490.

### **Conclusions**

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

The extension is set to the rear and would not be visible as part of the streetscene or wider surrounding public view points. Located at first floor within the existing building footprint, the design of the extension raises no objections.

The extension is inset 2.2m from the common boundary and would therefore this element of the proposal would comply with Policy H9, which seeks for a minimum 1m inset for two storey development.

Objection has been raised from No. 84 Copse Avenue with regard to a loss of light, visual amenity and outlook. The extension would be visible from this occupier; however, this in itself is not a reason to refuse planning permission, in this location it is common that neighbours can see adjacent dwellings. While the extension is deeper than normally permitted at first floor, and set to the south of No. 84, the properties are well separated with an orientation that faces west. The roof of the extension is set considerably lower than the existing ridge line and is not considered to result in an unacceptable impact in this instance.

It is noted that there are large two storey rear extensions to neighbouring properties, notably No.90 Copse Avenue which has a full width two storey rear extension approved under application ref. 97/00821, measuring approximately 3.5m deep. This is set south of No. 88 Copse Avenue, in the same manner proposed at No. 86.

A flank window is proposed in the extension which would face toward No. 88. This is a secondary window to the bedroom, which is obscure glazed is not considered to result in unacceptable overlooking. The main window on the rear elevation would provide outlook over the rear garden.

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



Background papers referred to during production of this report comprise all correspondence on files refs. 12/02571, 94/00490 and 87/02109, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- 1      ACA01      Commencement of development within 3 yrs  
          ACA01R      A01 Reason 3 years
- 2      ACC04      Matching materials  
          ACC04R      Reason C04
- 3      ACK01      Compliance with submitted plan

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan.

- 4      Before the development hereby permitted is first occupied, the proposed window(s) serving bathrooms on the first floor facing onto no. 4 Devonshire Road. shall be obscure glazed and fixed shut with the exception of a top hung fan light and shall subsequently be permanently retained as such.

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

- 5      AJ02B      Justification UNIQUE reason OTHER apps

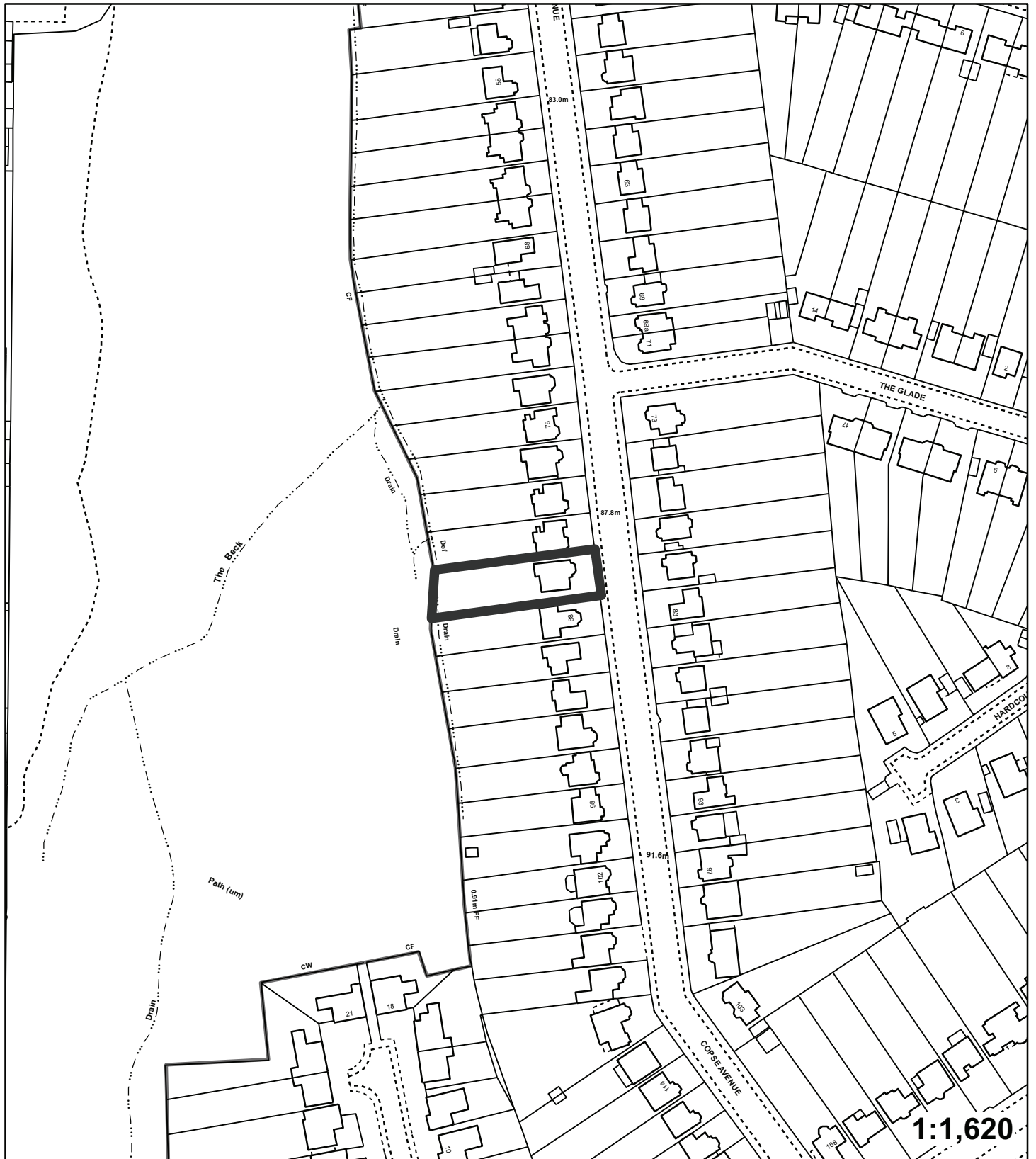
Policies (UDP)

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

**Application:**12/02571/FULL6

**Address:** 86 Copse Avenue West Wickham BR4 9NP

**Proposal:** First floor rear extension



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

**Application No :** 12/02656/PLUD

**Ward:**  
Penge And Cator

**Address :** 5 Wiverton Road Sydenham London  
SE26 5JA

**OS Grid Ref:** E: 535384 N: 170880

**Applicant :** Mrs S Starkin

**Objections :** YES

### **Description of Development:**

The formation of loft extensions to the rear roofs with the formation of box dormers within the roof space CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT

Key designations:

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

### **Proposal**

It is proposed to carry out a loft conversion at the host property, which will involve the formation of 2 rear dormer extensions (including an enlargement to the existing parapet wall) and the insertion of 3 rooflights within the front roof slope. The applicant considers that these works fall within the tolerances of 'permitted development' and is seeking a Certificate of Lawfulness from the Council to confirm this.

Amended plans were submitted to the Council on 24th September 2012 to delete a flank window within the dormer extension.

### **Location**

The application property is a semi-detached dwelling which is located on the western side of Wiverton Road.

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application as a matter of courtesy. At the time of writing 2 responses had been received, which can be summarised as follows:

- development will be out of character by virtue of bulk and design
- will be visible from the street
- application will detract from visual amenity of No. 3 Wiverton Road
- objection to removal of chimney stack between Nos. 3 and 5
- request that work be carried out during normal working hours

### **Comments from Consultees**

No consultations were made in respect of this application.

### **Planning Considerations**

This application is a legal determination and requires the Council to consider whether the proposal falls within the parameters of permitted development under Classes B and C of Schedule 2, Part 1 of the General Permitted Development Order 1995 (as amended).

Matters relating to the planning merits of the proposal are not relevant in this determination.

This application has been called-in to Committee by one of the local Ward Members.

### **Planning History**

Under ref. 12/01425, planning permission was granted for a single storey side extension.

### **Conclusions**

Having reviewed the application documents it is confirmed that the proposal would fall within the tolerances of Classes B and C and the Certificate should be granted.

The works are 'permitted development' for the following reasons:

#### **Class B**

- highest part of existing roof will not be exceeded
- works will not project beyond the plane of any existing roof slope forming the principle elevation of the dwellinghouse and fronts a highway
- the cubic content of the roof extensions will not exceed 50 cubic metres
- will not consist of or include the construction or provision of a veranda, balcony or raised platform
- the site is not within a Conservation Area

- materials will be similar in appearance to those used in the construction of the existing building
- roof enlargements will be not less than 20cm from the eaves of the original roof

#### Class C

- front rooflights will not protrude more than 150mm beyond the plane of the slope of the original roof

Having regard to the above and bearing in mind that the planning merits of the proposal will not be a determining factor in this case, Members are advised that the works will fall within the tolerances of permitted development accordingly it is recommended that a Certificate of Lawfulness be granted.

Background papers referred to during production of this report comprise all correspondence on files refs. 12/01425 and 12/02656, excluding exempt information.

as amended by documents received on 24.09.2012

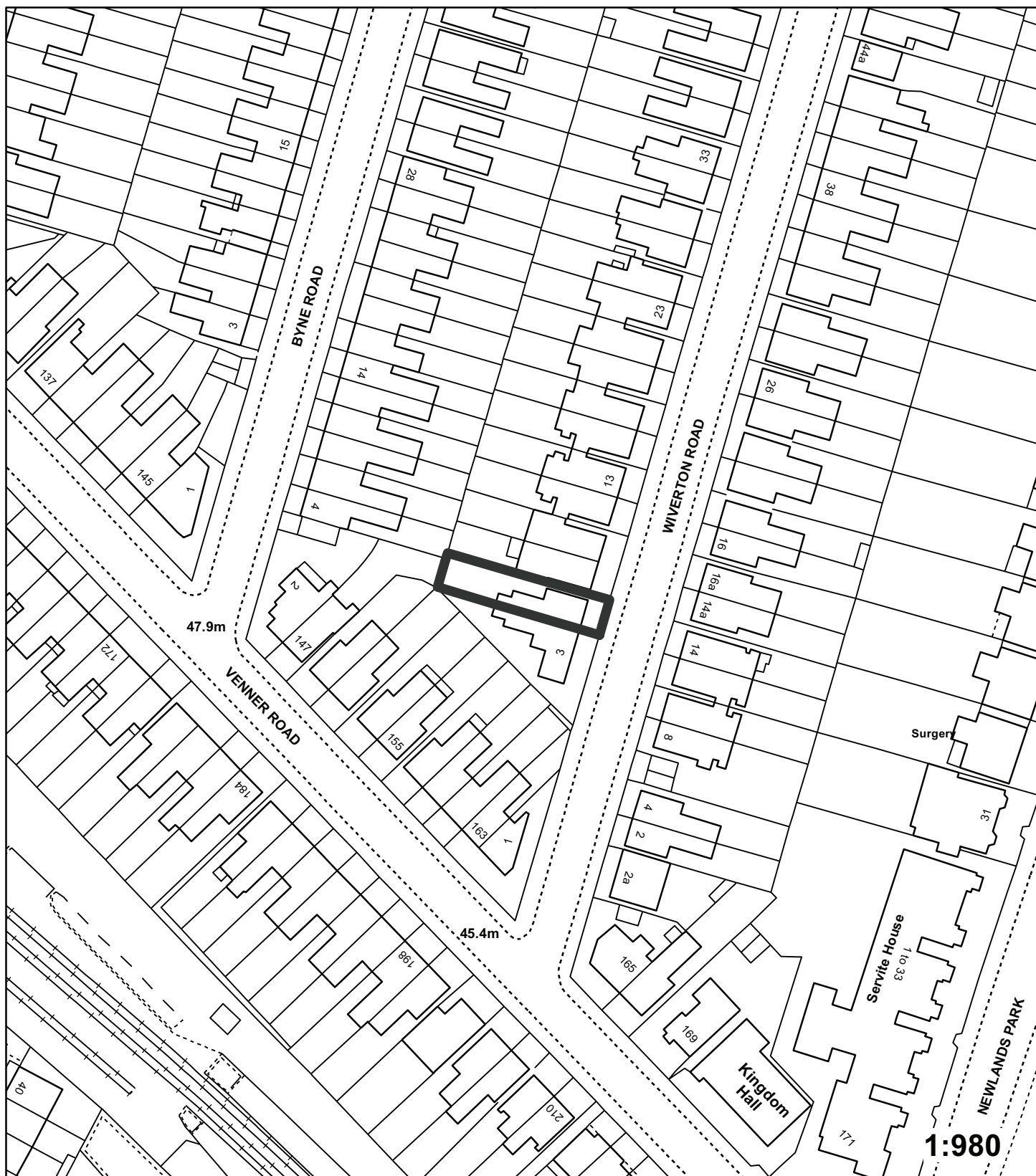
#### **RECOMMENDATION: CERTIFICATE BE GRANTED**

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

**Application:**12/02656/PLUD

**Address:** 5 Wiverton Road Sydenham London SE26 5JA

**Proposal:** The formation of loft extensions to the rear roofs with the formation of box dormers within the roof space CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT



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

**Application No :** 12/02558/FULL1

**Ward:**  
Chelsfield      And      Pratts  
Bottom

**Address :** Lilly's Farm Chelsfield Lane Orpington  
BR6 7RP

**OS Grid Ref:** E: 548176 N: 164335

**Applicant :** T Pitham Business Ltd

**Objections :** YES

### **Description of Development:**

Demolition of existing commercial buildings and erection of 5 x 4 bed residential dwellings with associated vehicular access and parking, and formation of community car parking area.

### Key designations:

Conservation Area: Chelsfield  
Areas of Archaeological Significance  
Special Advertisement Control Area  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding  
Local Distributor Roads

### **Proposal**

- It is proposed to demolish all existing buildings on this site and erect 5 residential dwellings with new access, internal access road and form a community car parking area and pond.
- The dwellings comprise 5 x four bed detached houses, generally two storeys with some accommodation within the roofspace.
- The community car parking area is to be provided to replace a current informal arrangement whereby the owner of the site allows casual use of the existing parking area by parents dropping off children at the nearby school to relieve congestion in the village
- The existing pond to the rear of the site is to be retained and a new pond created at the front of the site adjacent to Chelsfield Lane
- The proposal proposes reusing the existing access.
- The application submission includes an explanation that the current business needs to relocate to a more accessible location in order to remain viable

The applicant considers that the proposal complies with the purposes of including land within the Green Belt, including the reduction in built development particularly to the rear of the site where it adjoins open land, the lack of encroachment into the countryside, and the lack of any development on land that is not previously developed. They also suggest that the proposal would allow for the enhancement of the Green Belt and Conservation Area.

## **Location**

The site is located within Chelsfield village within the Chelsfield Village Conservation Area. The village is a rural settlement entirely within the Green Belt.

The site is currently occupied by single storey and warehouse style commercial buildings used primarily for a Koi Carp business and associated storage. A significant amount of hardstanding, including a large car parking area to the front, surrounds the buildings. There are some ponds and polytunnels located to the rear of the site. The site lies within the Green Belt.

The site is bounded to the north by open Green Belt land. To the west is a large detached residential property known as Lilly's. To the east of the site lies Rosewood Farm a residential property which has two large detached outbuildings to the rear, understood to be used for purposes ancillary to the residential use. To the south is Chelsfield Lane and the current vehicular and pedestrian access to the site joins Chelsfield Lane close to its junction with Warren Road.

## **Comments from Local Residents**

A number of objections and comments in support have been received. Points raised are summarised below:

Objections state that:

- very special circumstances need to be demonstrated as the proposal is inappropriate as proposal will have a greater impact on the Green Belt than the current development
- extent of the development is unacceptable
- buildings fall outside the current footprint
- proposal is not sympathetic to the character of the village and conservation area
- development in the Green Belt is inappropriate and unacceptable
- calculated footprint in the application includes outhouses, lean-tos and temporary structures and overstates built development by around 340sqm
- increased height and position of proposed dwellings will impact on the openness of the site
- dwellings will be visible from the road and will impact on character
- new access will be dangerous as Chelsfield Lane is a cut through
- proposal will create additional traffic movements
- applications for other dwellings in the village have been refused



- development would urbanise this part of the village due to the bulky prominent houses in a compact row and extension of the pavement into the rural lane
- proposal would set a precedent for further similar redevelopment
- no consideration has been given to biodiversity
- car park proposal should not influence the decision
- activities and uses appropriate within the Green Belt would be possible at the site
- no provision is made to access the rear land for maintenance after development

Supporting comments state that:

- proposal involves less footprint and volume than existing and will increase openness of the Green Belt
- the undeveloped land in the village would remain unaltered
- site is currently underused
- no adverse visual impact would result
- removal of existing buildings would be an improvement
- the modest increase in dwellings could be easily accommodated
- proposal would reduce the lorry and van deliveries
- additional parking for the village would be welcome
- proposal would enhance the village

### **Comments from Consultees**

The Council's Highway Engineer comments that this is a reduction of one house from the previous application but the layout is generally the same. Each of the proposed houses has a double garage and at least 2 parking spaces on the frontage. The site has an existing access onto Chelsfield Lane and it is proposed to utilise this with some alterations. The previous application had the access on a more central position on the frontage which gave a better sightline. This position may restrict the sightline to the left, although no worse than the existing situation. The access comes out onto relatively narrow lanes and is near to the junction of Chelsfield Lane and Warren Road. This junction has relatively poor sightlines so there would be concern about increasing the vehicle trips from the site and it would be helpful to have some evidence that there would be a reduction in traffic using the site with a residential development. An area of the site has been set aside for "village parking". It is unlikely that the Council would wish to take over responsibility for maintenance for this and so there would need to be a mechanism in place to safeguard future maintenance of this area. If the above matters can be agreed then the location of the site may raise issues during the construction phase and a construction management plan would be needed.

The Crime Prevention Officer comments that the application fails to clarify how the secure by design principles are to be incorporated in the development. Clear definition should be provided between the intended public car park area and the residential development, and provision for suitable boundary treatments where the development abuts open land for security.

The Advisory Panel for Conservation Areas comment that the proposal does not overcome the previous Conservation Area reason for refusal.

The Conservation Officer comments that in terms of Policy BE11, there are some concerns regarding the proposed site layout and intended level of development. Although the adjacent Orlestone Gardens has set a precedent for this type of development, the intended level of development is inconsistent with the historic pattern of the village, as it neither corresponds to the intensive level in the village centre, nor to the dispersed level of the outlying areas. From the conservation perspective, the proposal has some potential to integrate well into the local context. However, there are concerns over the issues identified above and in the present form, the proposed development is not entirely in accordance with conservation and design policies.

Waste services commented on the previous application that no turning area is shown for refuse vehicles and that a minimum 4m access is required.

The Environmental Health Officer previously confirmed that he has no objections subject to a suitable condition for a soil survey in light of the potential for land contamination, and an informative.

Drainage comment that no details of foul drainage have been submitted and request a standard condition requiring these. SUDS could be appropriate for this site for the disposal of surface water. An informative is also suggested.

Thames Water have no objections to the proposal.

From a trees perspective it is noted that this application is accompanied by an arboricultural report and its findings are accepted. No significant trees would be affected by this proposal. If permission is to be recommended standard conditions together with a landscaping condition are requested.

## **Planning Considerations**

The application falls to be considered with regard to the following UDP policies:

- H1 Housing
- H7 Housing density and design
- T3 Parking
- T11 New accesses
- BE1 Design of New Development
- BE3 Buildings in rural areas
- BE11 Conservation areas
- BE12 Demolition in conservation areas
- BE14 Trees in conservation areas
- BE16 Archaeology
- NE7 Development and trees
- G1 The Green Belt
- EMP5 Development outside business areas

The Supplementary Guidance for the Chelsfield Village Conservation Area states that: “The Council will expect all proposals for new development to conform to the general character of the area, especially with regard to materials used and the height and scale of construction. It is anticipated that all improvement work will respect the character of the buildings and the village as a whole, and alter them as little as possible. Change of use will be acceptable only where, in the opinion of the Council, they have no detrimental effect on the character of the area”.

It continues: “Chelsfield is located within the Green Belt, and opportunities for new development on infill sites will be extremely restricted. There are some significant areas of open land around the village that make a positive contribution to the character and the setting of the conservation area. The siting of new development will be considered with great care, and will not be permitted where detriment to the character of the conservation area would result. Increases in development density and height or the development of additional houses between existing frontages could damage the character of the area; therefore proposals of this nature will be strongly resisted”

### **Planning History**

The site has an extensive planning history related to the current commercial use. There have been attempts to secure planning permission for residential development at the site before. Under ref. 83/02578, permission was refused by the Council for an outline proposal for a detached bungalow and garage as the site was located in the Green Belt, an Area of Great Landscape Value and the Cray Valley Area of Special Character and no very special circumstances had been provided to warrant an exception to the policies for such areas.

A further attempt was made in 1984 under ref. 84/02587 for full planning permission for a detached three bedroom house with garage. This was refused for similar reasons as the 1983 proposal, and dismissed at appeal, as the case for an agricultural dwelling had not been suitably demonstrated and the residential development was inappropriate.

In 2003 application ref. 03/01398 was also refused for outline permission for a detached dwelling on the basis that the proposal was inappropriate development and no very special circumstances had been demonstrated, and that the proposal would harm the Area of Special Landscape Character within which the site was then located.

Application ref. 11/03108 was refused for “Demolition of existing commercial buildings and erection of 4 x four bed, 1 x five bed and 1 x six bed detached residential dwellings with associated vehicular access and parking, and formation of community car parking area and village pond.” for the following reasons:

- 1 The proposal constitutes inappropriate development in the Green Belt and no very special circumstances have been demonstrated to warrant the setting aside of normal policy considerations, contrary to Policy G1 of the Unitary Development Plan.

- 2 The proposed development by reason of its density, size and siting would result in unacceptable visual impact and harm to the openness of the Green Belt, therefore contrary to Policy G1 of the Unitary Development Plan.
- 3 The proposed development would, by reason of its density, size and siting, fail to preserve or enhance the character and appearance of the Chelsfield Village Conservation Area, contrary to Policies BE1, BE3 and BE11 of the Unitary Development Plan and the Chelsfield Village Conservation Area Supplementary Planning Guidance.

## **Conclusions**

The primary issues to be considered in the determination of this application are whether the proposal is appropriate development in the Green Belt, and if not whether very special circumstances have been demonstrated to warrant the setting aside of the normal presumption against inappropriate development within the Green Belt; secondly the impact of the proposal on the character and appearance of the Chelsfield Village Conservation Area; the loss of business premises, and finally the impact upon vehicular and pedestrian safety.

The proposal falls to be considered with regard to UDP Policy EMP5 which relates to the redevelopment of business sites or premises outside business areas. This policy states that such proposals will be permitted provided that “the size, configuration, access arrangements or other characteristics make it unsuitable for uses Classes B1, B2 or B8 use, and full and proper marketing of the site confirms the unsuitability and financial non-viability of the site or premises for those uses.” The application submission sets out the applicant’s view that the current business is not suited to the location, and that the site is more suitable for residential than business use; however no attempt appears to have been made to market the site as required by this policy or to justify the unsuitability of the site for business use.

With regard to highway safety, there are doubts expressed by the Highway Engineer regarding the claimed reduction in vehicle movements resulting from redevelopment as no information has been provided as to how this conclusion was reached. Any update on this matter will be reported verbally. Overall, it is considered that the access and parking are acceptable and detail could be conditioned should permission be forthcoming, with an additional condition requiring construction management plan.

The National Planning Policy Framework 2012 has resulted in alterations to Green Belt policy, specifically that included within appropriate development is now “limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”

The site is considered to be previously developed. The applicant has provided floorspace and volume figures and considers that these suitably demonstrate that the proposal represents an overall reduction in the footprint and volume of built development comprising buildings and hardstanding. There is some suggestion in

objections received that some of the buildings are temporary and should therefore be excluded from the calculations.

The new development is claimed to be 218sq.m less floor area and 1031cu.m less volume than the current buildings at the site. Assuming that this is correct, on the face of it, and with regard to an appeal decision submitted by the applicant (ref. 2168774 Tandridge District Council - available on the application file) the view could be taken that the proposal does not result in a greater harm to openness, however the test of impact on openness is not limited to consideration of numerical changes.

Within the appeal decision submitted by the applicant, the Inspector makes clear that a major consideration in his decision with regard to impact on the Green Belt is the layout of the buildings. He states at paragraph 24 "Compared to the existing development, the appeal scheme would have half the site coverage and the buildings would be much better located on the site being grouped and sited in a coherent and functional way that relates to the site features and adjoining development.", and then at paragraph 25 "With the closer and more satisfactory grouping of the buildings on the site, I am satisfied that the proposals would not result in sprawl and there would be no further encroachment into the countryside."

Despite their utilitarian appearance, the majority of the existing buildings are single storey and set well back into the site, resulting in little visual impact. The larger barn / warehouse style building running along the eastern boundary still maintains a relatively low profile due to its colour and location within the site, despite being taller than the other buildings. Several of the buildings have flat roofs and are timber clad. The proposed dwellings will increase the density of development on this site, altering its appearance from the street, and will result in a wider spread of built development whereas the current buildings are close together in one area of the site.

Much of the single storey floorspace is being transferred to two storey development which will additionally have a greater visual impact and consequently affect openness. The dwellings will all attract individual residential paraphernalia and car parking spread across the site. Additionally the proposed car parking area will introduce a hard surface in an area that currently acts as a buffer between the existing car park and the street, thus further increasing the perception of built development when viewed from Chelsfield Lane.

Although a finely balanced matter, because of its layout and design, it is considered that this proposal will result in a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Therefore it is considered to be inappropriate development in the Green Belt and very special circumstances would need to be demonstrated to overcome the 'in principle' harm caused.

With regard to very special circumstances the applicant considers that there will be no harm to the Green Belt with particular regard to the reduction in built development, that a benefit will accrue from the removal of the commercial use, enhanced landscaping, and the provision of car parking for the village.

The removal of the commercial use does not appear to have any significant benefit that would constitute a very special circumstance that would justify the scale and type of development proposed. The proposed village car park, the pond and landscape enhancement are all potential benefits of redevelopment, however none are such a unique or significant consideration so as to constitute very special circumstances to justify inappropriate development.

The application proposes the replacement of one inappropriate use with another, and as such it is difficult to see any benefit to the openness and character of the Green Belt from the proposal taking into account the increased prominence of development at the site, despite the numerical justification put forward by the applicant. Overall the harm caused by this proposal to the Green Belt is considered to outweigh any benefits, and none of the circumstances put forward by the applicant are considered to be very special.

The detailed quote set out above from the Council's Supplementary Planning Guidance for the Chelsfield Village Conservation Area sets out the Council's requirements for new development within the village area. It is clear that the proposed dwellings, despite the reduction in floorspace and the figures provided will result in a more prominent form of development when compared to the existing buildings, being further forward on the site and more apparent from the road. The Advisory Panel for Conservation Areas and the Council's Conservation Officer object to the scheme. There will be a significant impact on the character and appearance of the conservation area and it is considered that the proposal will fail to preserve or enhance it, contrary to Policies BE1, BE3 and BE11.

Consideration must also be given to any impact upon the amenities of adjoining residential properties. There is a good separation from the buildings to adjacent properties and there would not appear to be any potential for loss of amenity from the proposal.

On balance, the proposed residential redevelopment of this site will result in harm to the character and appearance of the Chelsfield Village Conservation Area, and represent inappropriate and harmful development within the Green Belt, and it is recommended that permission be refused.

Background papers referred to during production of this report comprise all correspondence on files refs. 83/02578, 84/02587, 03/01398 and 11/03108, excluding exempt information.

as amended by documents received on 17.09.2012 25.09.2012

## **RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

- 1 The proposal constitutes inappropriate development in the Green Belt and no very special circumstances have been demonstrated to warrant the setting aside of normal policy considerations, contrary to Policy G1 of the

Unitary Development Plan and the National Planning Policy Framework 2012.

- 2 The proposed development by reason of its density, size and siting would result in unacceptable visual impact and harm to the openness of the Green Belt, therefore contrary to Policy G1 of the Unitary Development Plan and the National Planning Policy Framework 2012.
- 3 The proposed development would, by reason of its density, size and siting, fail to preserve or enhance the character and appearance of the Chelsfield Village Conservation Area, contrary to Policies BE1, BE3 and BE11 of the Unitary Development Plan and the Chelsfield Village Conservation Area Supplementary Planning Guidance.

INFORMATIVE(S)

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

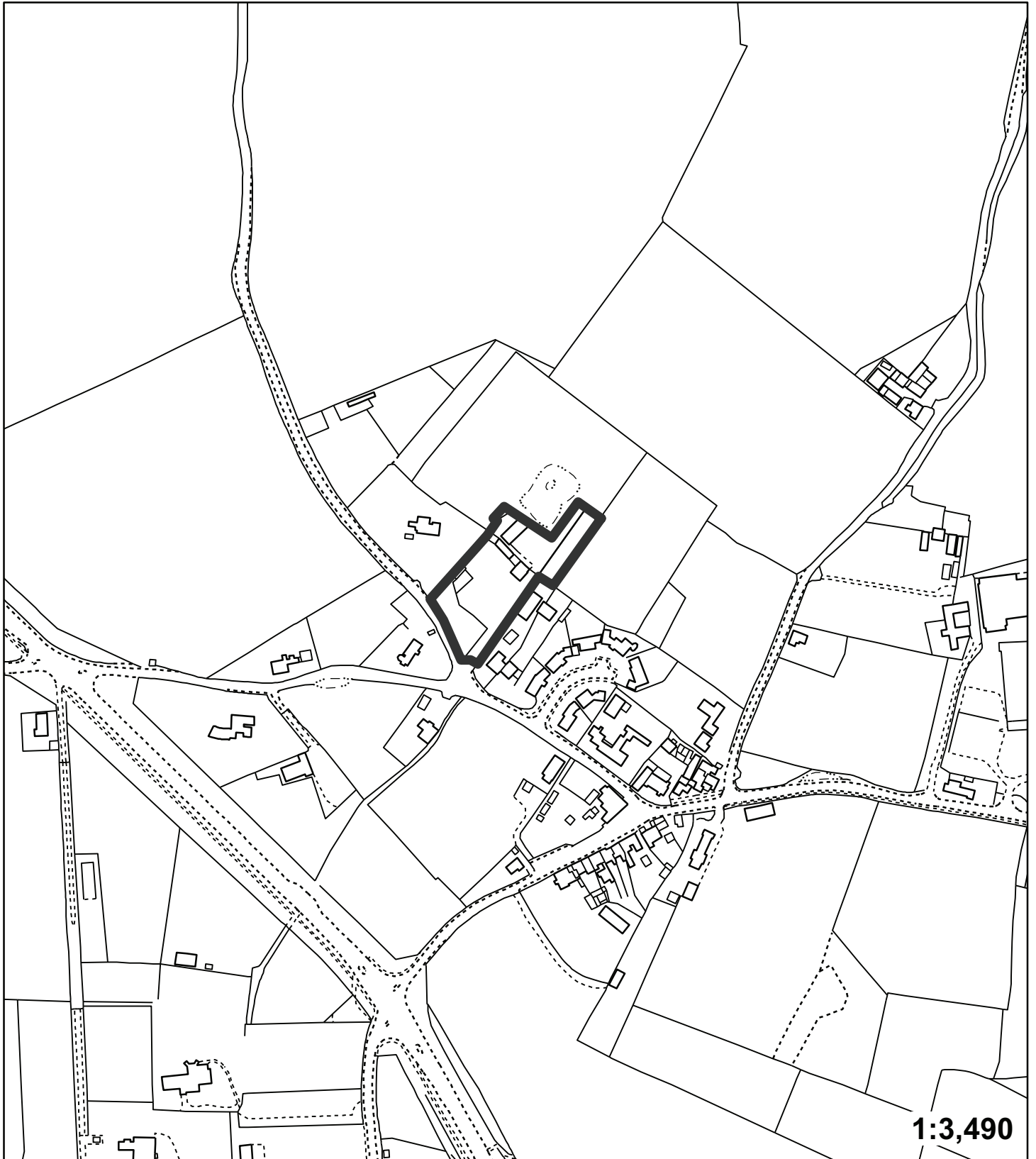
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)

**Application:**12/02558/FULL1

**Address:** Lilly's Farm Chelsfield Lane Orpington BR6 7RP

**Proposal:** Demolition of existing commercial buildings and erection of 5 x 4 bed residential dwellings with associated vehicular access and parking, and formation of community car parking area.





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

**Application No :** 12/02559/CAC

**Ward:**  
Chelsfield      And      Pratts  
Bottom

**Address :** Lilly's Farm Chelsfield Lane Orpington  
BR6 7RP

**OS Grid Ref:** E: 548176 N: 164335

**Applicant :** T Pitham Business Ltd

**Objections :** YES

### **Description of Development:**

Demolition of existing buildings CONSERVATION AREA CONSENT

Key designations:

Conservation Area: Chelsfield  
Areas of Archaeological Significance  
Special Advertisement Control Area  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding  
Local Distributor Roads

### **Proposal**

This application seeks Conservation Area Consent for the demolition of buildings at Lilly's Farm to enable the redevelopment of the site with 5 x four bedroom detached houses with associated vehicular access and parking, and formation of community car parking area.

### **Location**

The site is located within Chelsfield village within the Chelsfield Village Conservation Area. The village is a rural settlement entirely within the Green Belt.

The site is currently occupied by single storey and warehouse style commercial buildings used primarily for a Koi Carp business and associated storage. A significant amount of hardstanding, including a large car parking area to the front, surrounds the buildings. There are some ponds and polytunnels located to the rear of the site. The site lies within the Green Belt.

The site is bounded to the north by open Green Belt land. To the west is a large detached residential property known as Lilly's. To the east of the site lies Rosewood Farm a residential property which has two large detached outbuildings to the rear, understood to be used for purposes ancillary to the residential use. To the south is Chelsfield Lane and the current vehicular and pedestrian access to the site joins Chelsfield Lane close to its junction with Warren Road.

### **Consultations**

English Heritage is content for the Council to determine the application

The Advisory Panel for Conservation Areas object on the basis that the replacement scheme is not acceptable.

The Conservation Officer comments that the buildings proposed for demolition are utilitarian structures of no architectural or historic interest and they make no contribution to distinctive local character. Subject to an acceptable redevelopment scheme, the proposal may be permitted in terms of Policy BE12.

### **Planning Considerations**

The application falls to be considered primarily with regard to UDP Policy BE12 - Demolition in conservation areas

The Supplementary Guidance for the Chelsfield Village Conservation Area is also relevant

### **Conclusions**

Whilst the existing buildings are not considered to be of any significant merit in terms of their contribution to the Conservation Area, their loss would be considered inappropriate unless permission is granted for a suitable replacement scheme. The current proposed scheme is recommended for refusal on this agenda and therefore it is recommended that this application be refused as no suitable scheme exists to replace the demolished buildings

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

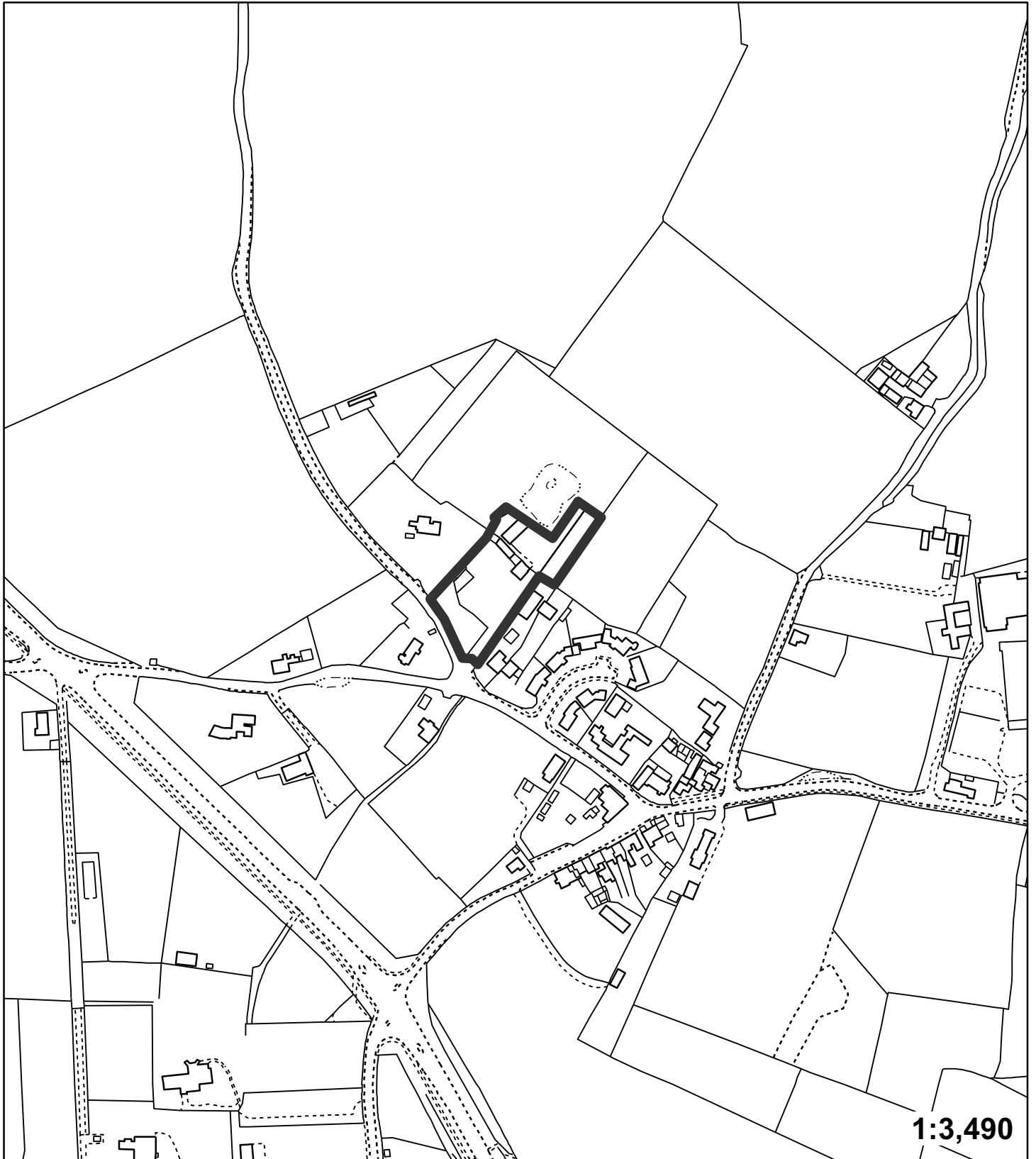
The reasons for refusal are:

- 1 In the absence of a planning permission for a suitable replacement, it would be premature to grant consent for the demolition of the existing buildings, and the proposal is therefore contrary to Policy BE12 of the Unitary Development Plan.

**Application:**12/02559/CAC

**Address:** Lilly's Farm Chelsfield Lane Orpington BR6 7RP

**Proposal:** Demolition of existing buildings CONSERVATION AREA  
CONSENT



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# Agenda Item 6.1

Report No.  
DRR 12/121

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** PLANS SUB-COMMITTEE NO. 1

**Date:** Thursday 25 October 2012

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

**Title:** **OBJECTIONS TO TREE PRESERVATION ORDER 2484 AT 20 ELWILL WAY, BECKENHAM.**

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

**Chief Officer:** 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 tree makes an important contribution to the visual amenity of this part of the Park Langley conservation area and that the order should be confirmed.

### Corporate Policy

1. Policy Status: Existing Policy
  2. BBB Priority: Quality Environment
- 

### Financial

1. Cost of proposal No Cost
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Planning Division Budget
  4. Total current budget for this head: £3.3m
  5. Source of funding: Existing revenue budget
- 

### Staff

1. Number of staff (current and additional):103.89ftes
  2. If from existing staff resources, number of staff hours: N/A
- 

### Legal

1. Legal Requirement: Statutory Requirement
  2. Call-in: Not Applicable:
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected):Those affected by the TPO
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

### **3. COMMENTARY**

3.1. This order was made on 7<sup>th</sup> June 2012 and relates to an oak tree in the back garden. Objections have been made by the owner of the property. He has expressed concern about the shading of his garden, the effect of the tree on his lawn and pond. He has stated that there is a second smaller oak tree about 15 feet from the larger oak as well as two oaks on the rear boundary of the back garden. He considers that the tree that has been protected is of low amenity value as it cannot be seen. Finally he has been advised that his son has been diagnosed as being allergic to tree mix which is affecting his quality of life.

3.2. The protection of trees in Park Langley was clarified - all trees in this area are protected by virtue of their location within the conservation area. This means that if any work to trees is proposed, 6 weeks notice in writing should be given to the Council. The Council can either allow the proposed works or make a Tree Preservation Order. It does not have the power to revise the works, and so the only way of controlling tree works which are not considered appropriate is by making a Tree Preservation Order. In this case the tree is in a reasonably healthy condition and is visible from Elwill Way, the felling was considered to be inappropriate and the making of a tree preservation order was authorised.

3.3. The tree is to the west of the garden and the loss of direct sunlight into the garden from this tree will be restricted to the afternoon and evening, during the summer months whilst the tree is in full leaf. The points that the tree shades the lawn and pond and has a detrimental impact on both have been noted. It is appreciated that this is an inconvenience but there will be shading from other trees in the garden which contribute to the problem. However some pruning of the tree, such as increasing the height of the lower branches over the lawn and thinning the canopy to allow more light through the tree would help to alleviate the problems.

3.4. With regard to the assessment of amenity for Tree Preservation Orders, no standard method is in use which determines when a tree merits a Tree Preservation Order, and when it does not. All methods of amenity assessment contain some inherent subjectivity. The amenity value of trees 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 are not considered to lessen its amenity value.

3.5. Finally in respect of the allergy, it has been indicated that this is due to tree mix but no specific species have been identified. There is more than one oak tree at the property and as tree pollen is fine and readily wind blown all of the trees at the property and those in neighbouring gardens will be contributing to the problem.

### **4. POLICY IMPLICATIONS**

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

### **5. FINANCIAL IMPLICATIONS**

None

### **6. LEGAL IMPLICATIONS**

If not confirmed the order will expire on

### **7. PERSONNEL IMPLICATIONS**

Click here and start typing

<b>Non-Applicable Sections:</b>	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	[Title of document and date]



Report No.  
DRR 12/122

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** PLANS SUB-COMMITTEE NO. 1

**Date:** Thursday 25 October 2012

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

**Title:** **OBJECTIONS TO TREE PRESERVATION ORDER 2485 AT  
8 BEECH DELL, KESTON**

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

**Chief Officer:** Chief Planner

**Ward:** Bromley Common and Keston

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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 make an important contribution to the visual amenity of this part of the Keston Park conservation area and that the order should be confirmed. However a serious decay fungus has been identified on T.8 of the order and it should be excluded from the order.**

### Corporate Policy

1. Policy Status: Existing Policy
  2. BBB Priority: Quality Environment
- 

### Financial

1. Cost of proposal: No Cost
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Planning Division Budget
  4. Total current budget for this head: £3.3m
  5. Source of funding: Existing revenue budget
- 

### Staff

1. Number of staff (current and additional): 103.89ftes
  2. If from existing staff resources, number of staff hours: N/A
- 

### Legal

1. Legal Requirement: Statutory Requirement
  2. Call-in: Not Applicable:
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Those affected by the tree preservation order.
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

3.1. This order was made on 6<sup>th</sup> June 2012 and relates to 10 trees in the back garden. Objections have been made by a tree consultant acting on behalf of the owner of the property. He objected to the inclusion of two trees that he considers are not worthy of statutory protection – trees numbered 8 and 10, both beeches in the back garden of the property.

3.2. T.8 He had identified the presence of Kretzschmaria deusta. It is agreed that this is a serious decay fungus and can cause a tree to fail with no warning. This tree should be excluded from the order.

3.3. T.10 – His concern about this tree relates to the presence of a large vertical wound on the south side of the tree with the presence of what he suspects may be stereum fungus. This fungus is of limited importance in respect of structural safety of a tree. The wound on the trunk is not an immediate hazard but will limit the future life expectancy of the tree. The confirmation of the order for this tree will not preclude the making of applications for the pruning or felling of the tree in the future. In fact an application has been made to prune this tree and consent has been granted.

### 4. POLICY IMPLICATIONS

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

### 5. FINANCIAL IMPLICATIONS

None

### 6. LEGAL IMPLICATIONS

If not confirmed the order will expire on 6<sup>th</sup> December 2012

### 7. PERSONNEL IMPLICATIONS

Click here and start typing

<b>Non-Applicable Sections:</b>	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	[Title of document and date]

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