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DATE: 8 October 2013

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

Councillor Russell Jackson (Chairman)
Councillor Richard Scoates (Vice-Chairman)
Councillors Kathy Bance MBE, Lydia Buttinger, Peter Dean, Nicky Dykes,
Charles Joel, Gordon Norrie and Tom Papworth

A meeting of the Plans Sub-Committee No. 2 will be held at Bromley Civic Centre on
THURSDAY 17 OCTOBER 2013 AT 7.00 PM

MARK BOWEN
Director of Corporate Services

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

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

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

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

If you have further enquiries or need further information on the content of any of the applications being considered at this meeting, please contact our Planning Division on 020 8313 4956 or e-mail planning@bromley.gov.uk

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

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

A G E N D A

- 1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 DECLARATIONS OF INTEREST**
- 3 CONFIRMATION OF MINUTES OF MEETING HELD ON 22 AUGUST 2013**
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- 4 PLANNING APPLICATIONS**

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

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4.2	Bickley	15 - 20	(13/01900/FULL1) - Scotts Park Primary School, Orchard Road, Bromley.
4.3	Petts Wood and Knoll	21 - 26	(13/02492/FULL1) - Crofton Infant School, Towncourt Lane, Orpington.

SECTION 2 (Applications meriting special consideration)

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4.5	Hayes and Coney Hall	35 - 38	(13/02368/FULL6) - 3 Whites Cottages, Pickhurst Green, Hayes.
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SECTION 3 (Applications recommended for permission, approval or consent)

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4.9	Bickley	57 - 60	(13/02095/FULL6) - 58 Sundridge Avenue, Bromley.
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4.11	Cray Valley West	69 - 72	(13/02385/FULL6) - 6 Sutherland Avenue, Petts Wood.
4.12	Copers Cope	73 - 78	(13/02432/FULL1) - Clare House Primary School, Oakwood Avenue, Beckenham.
4.13	Shortlands	79 - 86	(13/02524/FULL6) - 48 Elwill Way, Beckenham.
4.14	Bromley Town	87 - 96	(13/02560/FULL3) - Alexander House, 5 Blyth Road, Bromley.
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4.16	Chislehurst Conservation Area	101 - 112	(13/02574/FULL1) - Coopers School, Hawkwood Lane, Chislehurst.
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4.20	Chislehurst Conservation Area	129 - 130	(13/02594/CAC) - Coopers School, Hawkwood Lane, Chislehurst.
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4.22	Chelsfield and Pratts Bottom	135 - 138	(13/02652/FULL6) - 3 Amberley Close, Orpington.
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SECTION 4 (Applications recommended for refusal or disapproval of details)

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5 CONTRAVENTIONS AND OTHER ISSUES

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5.2	Crystal Palace	167 - 170	(DRR/13/129) - Kingsway International Christian Centre, 25 Church Road, Annerley.

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NO REPORT

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

Application No : 13/01690/FULL1

Ward:
Plaistow And Sundridge

Address : Parish School 79 London Lane Bromley
BR1 4FH

OS Grid Ref: E: 540189 N: 170454

Applicant : London Borough Of Bromley

Objections : YES

Description of Development:

Formation of pedestrian access to School (between Nos. 34a and 38 Park Avenue) with 1.95m high steel gates and 1.6m high brick piers fronting Park Avenue, 1.8m high timber/palisade fencing to boundary with No. 34a Park Avenue, associated landscaping works, lighting and CCTV

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Urban Open Space

Proposal

Planning permission is sought for the formation of a new pedestrian access to serve Parish School from Park Avenue. The details of the proposal are as follows:

- access to be located between Nos. 34a and 38 Park Avenue
- 1.9m high metal gates and 1.6m brick piers to be constructed at entrance
- new 2.5m wide asphalt path constructed from Park Avenue, using part of garden of No. 34a (which is owned by the Council and has previously been leased to this property)
- path to continue east alongside rear boundaries of properties in Park Avenue towards school buildings
- 1.8m high palisade fence (faced with close boarded timber to No. 34a) alongside western edge of path
- 1m high bow-top metal fencing to be located alongside certain sections of the path within school grounds
- 2 CCTV cameras to be mounted on 1.8m high steel posts at both ends of alley between Nos. 34a and 38 Park Avenue
- proposed access to be used temporarily for construction vehicles during the works.

The application includes a Design and Access Statement and a Tree Survey which was received on 20th August 2013.

The Design and Access Statement makes the following points in support of the application:

- the proposed works will have a positive effect on the access to the school, as it will ease the volume of pedestrian users currently accessing the school by means of the existing entrance
- the current access is via a very narrow access route into the school for pedestrians which means congestion and overspill onto the vehicular access route is a safety issue for users
- the new entrance will have a secure gate which the school will be in control of at all times
- the proposed hours of operation will be similar to that of the school, accounting for any after school/weekend activities
- the primary aim of the proposal is to provide a safe means of access for the users of the school
- new lighting and CCTV has been included for the safety and security of users, whilst also ensuring that they do not encroach on the nearby residential properties.

Location

The application site is located between London Lane and Park Avenue, Bromley and comprises a 3.2ha site which is host to Parish School. The site is designated Urban Open Space. The main school house building is Statutory Listed (Grade II*).

The immediate surrounding area is predominantly residential in character. At present, both vehicular and pedestrian access is via London Lane only.

Comments from Local Residents

The owners/occupiers of properties adjoining and in the vicinity of the site were notified of the application by letter, a site notice was displayed in Park Avenue and an advertisement published in the local press.

A total of 31 representations were received, comprising 24 objections and 7 supporting comments.

Comments made in objection can be summarised as follows:

- insufficient information on access (including use, hours of operation, safety measures proposed)
- design of gates in Park Avenue objectionable
- concerns regarding parking demand in Park Avenue
- Park Avenue is a dangerous road and unsuitable for a pedestrian access to the School

- the school grounds already compromise the security of neighbouring dwellings and the proposed access will exacerbate this
- further information is required in respect of road safety
- will increase noise and disturbance in the area
- will actually encourage driving due to ease of parking in Park Avenue
- restrictive covenants may prevent the proposed development
- the existing London Lane access could be redesigned to alleviate existing problems
- concern that London Lane access will be closed and all pupils will be routed via Park Avenue
- proposal will prejudice free flow of traffic in Park Avenue, breaching planning condition on approval for 32-34a Park Avenue

7 letters were received, endorsing the above points, each signed by multiple residents in Park Avenue.

Comments made in support can be summarised as follows:

- a second pedestrian access in Park Avenue on a less busy road will reduce the likelihood of an accident
- will alleviate congestion in London Lane
- support application but road safety measures are needed in Park Avenue

Comments from Consultees

Highways have recommended safety measures in Park Avenue to include School Keep Clear Zigzags and other road markings, along with signage, and to cut back a highway tree near the entrance and improve lighting in the area. These works can be secured by planning condition. With regard to the temporary use of the access by construction vehicles, Highways require a temporary crossover to be constructed and observe that a provision within the specification for the contractor should be provided to make good and replace where necessary the pavement to the condition in which it was prior to the commencement of works. The applicant would need to demonstrate that visibility splays of 3.3 m x 2.4 m x 3.3 m can be provided and there is no obstruction to visibility in excess of 1m in height the access points at Nos. 34a and 38 where it abuts the footway to enable pedestrians to see and be seen using the new school entrance. This can be secured by condition.

English Heritage has been consulted in respect of the impact of the development on the setting of the listed school building. Comments received will be reported verbally at the meeting.

Planning Considerations

The application should be considered against the following policies:

Unitary Development Plan

BE1 Design of New Development
BE7 Railings, Boundary Walls and Other Means of Enclosure
BE8 Statutory Listed Buildings
T6 Pedestrians
T18 Road Safety
C7 Educational and Pre-school Facilities
G8 Urban Open Space
NE7 Development and Trees

London Plan

3.18 Education Facilities

The National Planning Policy Framework (NPPF) is also of relevance.

With regard to trees, it is observed that the trees to be felled are relatively small and of limited public amenity value. Conditions are suggested in the event that permission is recommended.

From the conservation perspective no objections have been raised to the provision of this new entrance as it would not cause any harm to the setting of the listed building. However, it is suggested that the footpath surface is conditioned.

Planning History

There is extensive planning history relating to the site, although none of recent relevance to this proposal.

Under ref. 19/71/1594, planning permission was granted for the demolition of existing dwellings and erection of four detached, two storey four bedroom houses with attached garages and car ports on land at 32-34 Park Avenue. A condition attached to this permission restricts the height of front boundary enclosures (including hedges, fences or walls) to a maximum of 3ft above footway level, where in advance of the building line. It should be noted however that the land on which the pedestrian access is proposed falls outside of the development site at 32-34 Park Avenue and the condition in question would not therefore be applicable.

Conclusions

The main issues for consideration in this case will be:

- the impact of the proposed development on the character and appearance of the area, the open nature of the site (which is designated Urban Open Space) and the amenities of neighbouring residential properties
- the impact on the setting of the listed school building
- the impact of the new access on conditions of highway and pedestrian safety
- the impact on trees within the site

The proposed development will involve the removal of part of the existing brick wall fronting Park Avenue, and its replacement with 1.6m high brick piers and 1.9m high metal gates. Whilst this will be higher than the existing and adjacent boundary treatment, it is not considered that the enclosure would appear inappropriate or erode the open nature of the area given its limited width and the mix of boundary enclosures in Park Avenue, including low brick walls, hedges and timber fencing. It is not considered therefore that, when viewed from Park Avenue, the proposed development would have a detrimental impact on the character and appearance of the area. The proposed works within the school site, comprising landscaping, hardstanding and new low-level bow top fencing will not be highly visible in the area and will not harm the general character and appearance of the area. With regard to the impact of the development on the Urban Open Space, the proposed development will not compromise the open nature of the site since primarily comprising limited hard-surfacing and fencing.

With regard to the impact on the amenities of neighbouring residents, the proposal will involve new boundary treatment to the flank of No. 34a Park Avenue, comprising 1.8m high palisade fence, which will be faced with timber boarding to No. 34a. This enclosure is in keeping with the type of boundary enclosure that would normally be in place to separate rear garden areas and in view of its height, will not give rise to an unacceptable loss of amenity to this adjacent property. It is noted that CCTV cameras are proposed to be located at either end of the path which will run between No. 34a and 38 Park Avenue, however the School's agent has indicated that these will be orientated to face the path only. This aspect of the proposal may not therefore result in a loss of amenity to neighbouring residents in this case.

Whilst the access will result in additional vehicular and pedestrian movements in its vicinity, these will typically be limited to school drop-off and collection times Monday to Friday, and during term-time only, and may not result in a significant degree of noise and disturbance and a loss of amenity to local residents as a consequence.

Concerning the impact on the listed building, the proposed development will result in landscaping works and additional hardstanding within its setting. The school building is at present surrounded by hardstanding and, in view of the relatively small scale of the works it is not considered that the setting will be unduly harmed in this case.

With regard to pedestrian and highway safety Highways have recommended measures to include School Keep Clear Zigzags and other road markings, along with signage, and to cut back a highway tree near the entrance and improve lighting in the area. These works can be secured by planning condition. With regard to the temporary use of the access by construction vehicles, Highways require a temporary crossover to be constructed and observe that a provision within the specification for the contractor should be provided to make good and replace where necessary the pavement to the condition in which it was prior to the commencement of works. The applicant would need to demonstrate that visibility splays of 3.3 m x 2.4 m x 3.3 m can be provided and there is no obstruction to visibility in excess of 1m in height the access points at Nos. 34a and 38 where it

abuts the footway to enable pedestrians to see and be seen using the new school entrance. This can be secured by condition.

Finally with regard to trees on the site, a number of trees will need to be removed to allow for the new path leading to Park Avenue. The tree officer has raised no objection to the removal of these trees as they are considered to be of low amenity value.

Background papers referred to during production of this report comprise all correspondence on file ref. 13/01690, excluding exempt information.

as amended by documents received on 20.08.2013

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | | | | |
|----|---------|--|------|---|--------|
| 1 | ACA01 | Commencement of development within 3 yrs | | | |
| | ACA01R | A01 Reason 3 years | | | |
| 2 | ACA04 | Landscaping Scheme - full app no details | | | |
| | ACA04R | Reason A04 | | | |
| 3 | ACA08 | Boundary enclosures - implementation | | | |
| | ACA08R | Reason A08 | | | |
| 4 | ACB01 | Trees to be retained during building op. | | | |
| | ACB01R | Reason B01 | | | |
| 5 | ACB02 | Trees - protective fencing | | | |
| | ACB02R | Reason B02 | | | |
| 6 | ACB16 | Trees - no excavation | | | |
| | ACB16R | Reason B16 | | | |
| 7 | ACK21 | Details of CCTV scheme | | | |
| | ACK21R | Reason K21 | | | |
| 8 | ACJ22 | Lighting Scheme | | | |
| | ACJ22R | J22 reason | | | |
| 9 | ACH01 | Details of access layout (2 insert) | | | |
| | ACH01R | Reason H01 | | | |
| 10 | ACH12 | Vis. splays (vehicular access) (2 in) | 3.3m | x | 2.4m x |
| | 3.3m 1m | | | | |
| | ACH12R | Reason H12 | | | |
| 11 | ACH16 | Hardstanding for wash-down facilities | | | |
| | ACH16R | Reason H16 | | | |
| 12 | ACH23 | Lighting scheme for access/parking | | | |
| | ACH23R | Reason H23 | | | |
| 13 | ACH24 | Stopping up of access | | | |
| | ACH24R | Reason H24 | | | |
| 14 | ACH25 | Satisfactory servicing facilities | | | |
| | ACH25R | Reason H25 | | | |
| 15 | ACH26 | Repair to damaged roads | | | |
| | ACH26R | Reason H26 | | | |
| 16 | ACH27 | Arrangements for construction period | | | |
| | ACH27R | Reason H27 | | | |

- 17 ACH29 Construction Management Plan
 ACH29R Reason H29
- 18 ACH32 Highway Drainage
 ADH32R Reason H32
- 19 Before the pedestrian access in Park Avenue is first used, details of highway safety measures to include School Keep Clear Zigzags and other road markings, signage, the pruning of a highway tree near the entrance and improved lighting in the area, shall be submitted to the local planning authority and approved in writing. The measures shall be implemented in accordance with the approved details before the access is first used.
- Reason:** In the interests of highway and pedestrian safety and to comply with Policies T6 and T18 of the Unitary Development Plan.

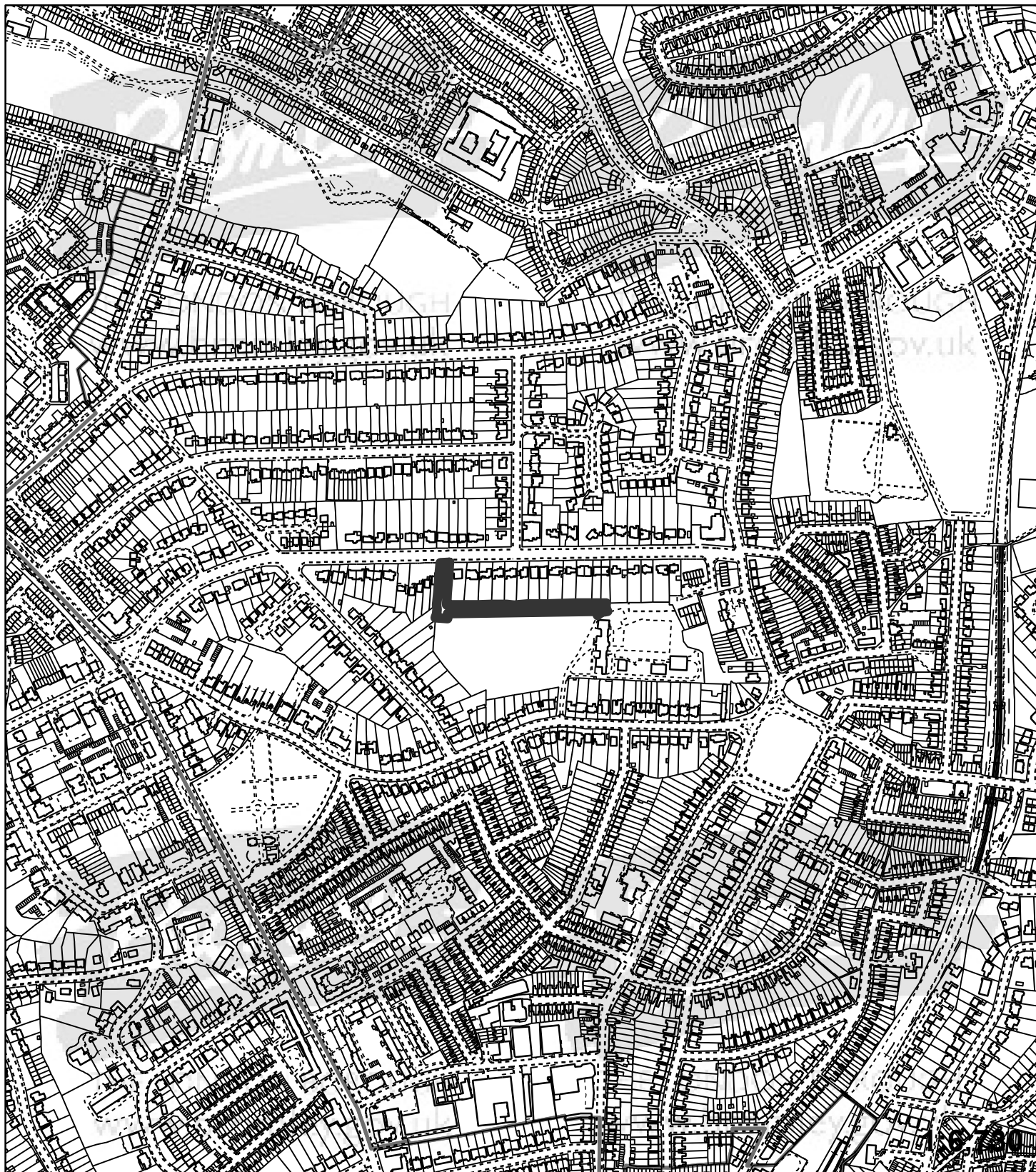
INFORMATIVE(S)

- 1 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.
- 2 The development hereby approved requires the diversion/stopping up of a public right of way. Development should not commence until the necessary order under the provisions of the Town and Country Planning Act 1990 has been confirmed.
- 3 You are advised that it is an offence under Section 153 of the Highways Act 1980 for doors and gates to open over the highway.

Application:13/01690/FULL1

Address: Parish School 79 London Lane Bromley BR1 4FH

Proposal: Formation of pedestrian access to School (between Nos. 34a and 38 Park Avenue) with 1.95m high steel gates and 1.6m high brick piers fronting Park Avenue, 1.8m high timber/palisade fencing to boundary with No. 34a Park Avenue, associated landscaping works, lighting and CCTV



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

Application No : 13/01900/FULL1

Ward:
Bickley

Address : Scotts Park Primary School Orchard
Road Bromley BR1 2PR

OS Grid Ref: E: 541341 N: 169948

Applicant : Chair Of Governors - Scotts Park Primary School
Objections : YES

Description of Development:

Erection of a single storey temporary classroom building

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Local Cycle Network
Green Chain
London City Airport Safeguarding
London City Airport Safeguarding Birds
Local Distributor Roads
Metropolitan Open Land
Open Space Deficiency

Proposal

Planning permission is sought for the erection of a single storey temporary building that will provide 2 additional classrooms for the school. This will accommodate 30 extra pupils and 2 teaching staff.

The building was originally proposed on the northern boundary of the playground but there were concerns about the impact on trees in this position. A revised plan has been received siting the building on the eastern part of the playground.

The applicant has submitted a statement to support the application and advises that the classroom will provide space for an increase in the number of classroom spaces needed and that there is a long term plan to develop the school as a 3 form entry school.

A Transport Statement has also been submitted by the applicant.

Location

The site is located on the north side of residential properties on Orchard Road. To the south and east are residential properties and to the north and west are woodland and allotments respectively. The site is to the east of the junction of Orchard Road, Plaistow Lane and Upper Park Road.

Comments from Local Residents

Nearby properties were notified and 5 letters of support have been received.

Two representations have been received objecting to the proposal and these are summarised as follows

- impact of the increase in pupil numbers to achieve a 3 form entry school.
- application should not be approved until long term plans have been agreed.
- revised location is too far from the school buildings.
- impact on road network from additional vehicles.
- potential hazard for pupils walking from additional traffic using busy junction at Orchard Road, Plaistow Lane and Upper Park Road.
- alternative ways to accommodate surplus pupils, such as free schools etc.

Comments from Consultees

The Council's Highways Officer raises no objections.

The Council's Drainage Officer raises no objections.

The Council's Environmental Health Officer raises no objections

The Environment Agency and Thames Water raise no objections

Planning Considerations

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

- BE1 Design of New Development
- NE7 Development and Trees
- G2 Metropolitan Open Land
- C1 Community Facilities
- C7 Educational and Pre School Facilities
- T1 Transport Demand
- T3 Parking
- T18 Road Safety

In strategic terms the most relevant London Plan policies are:

- 3.18 Education Facilities
- 6.13 Parking

National Planning Policy Framework 2012

Planning History

The site has been the subject of numerous previous relevant applications, the most recent of which is for an open sided outdoor classroom, which was approved in May 2010 (ref. 10/01813)

Conclusions

The main issues to be considered are the impact on designated Metropolitan Open Land (MOL), the impact on the road traffic network and on-street car parking and the amenities of residents of nearby properties.

With regard to the impact on the designated MOL, the proposed building will be sited on the existing playground which is located to the east of the existing school buildings, within the playground area. This part of the playground is enclosed by a brick retaining wall that is approximately 1-1.5m high and the site beyond this point is screened by substantial woodland within the grounds of the school. This ensures that the building is discreetly positioned and screened from wider view. As previously mentioned the original siting of the building was adjacent to the northern boundary but the building was very close to trees beyond.

It should be noted that the applicant has amended the application to request a temporary permission.

In view of the above it is acknowledged that there is some impact on the openness of the MOL. However due to the significant screening from the retaining wall and woodland and given the difficulties of siting the building on the northern boundary, it is considered that the proposed siting for this temporary, single storey building is acceptable.

The building is sited a considerable distance from the nearest residential property (approximately 50 to the rear elevation of the nearest property), it is at a lower level and will be set behind a retaining wall. It is considered that the new building will not have an adverse impact on the amenity of nearby residents.

Turning to the impact on the road network and on street car parking at pick up and drop off times, the applicant submitted a Transport Assessment to address these concerns. The report advises that an additional 7 vehicular movements will be generated by the occupants of the proposed buildings (2 of these spaces would be for staff). The Councils Highways Officer advises that these movements can be accommodated within the existing pattern of car parking at peak times and there is space for 2 staff vehicles within the staff car park.

On this basis it is considered that the development will have a minimal impact on the local highway network and is acceptable subject to relevant conditions.

In summary it is considered that the development would not have an adverse impact on the amenity of neighbouring residents or the local road network. In addition there would not be an undue impact on the openness of the MOL. For

these reasons the application is considered acceptable and is recommended for permission.

Background papers referred to during the production of this report comprise all correspondence on file ref. 13/01900, excluding exempt information.

as amended by documents received on 13.08.2013 01.10.2013

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
- 4 ACD02 Surface water drainage - no det. submitt
ADD02R Reason D02
- 5 ACH03 Satisfactory parking - full application
ACH03R Reason H03
- 6 ACH16 Hardstanding for wash-down facilities
ACH16R Reason H16
- 7 ACH28 Car park management
ACH28R Reason H28
- 8 ACH30 Travel Plan
ACH30R Reason H30
- 9 ACH33 Car Free Housing
ACH33R Reason H33
- 10 The permission hereby granted shall be for a limited period only, expiring no later than October 17th 2014, and the use shall cease and the building shall be removed from the site prior to that date unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to comply with Policies B1 and C7 of the Unitary Development Plan and to enable accommodation to be provided to meet educational needs for children in the area.

INFORMATIVE(S)

- 1 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of new development.
- 2 If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

- 3 Before the use commences, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. 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.

- 4 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

Application:13/01900/FULL1

Address: Scotts Park Primary School Orchard Road Bromley BR1 2PR

Proposal: Erection of a single storey temporary classroom building



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

Application No : 13/02492/FULL1

Ward:
Petts Wood And Knoll

Address : Crofton Infant School Towncourt Lane
Petts Wood Orpington BR5 1EJ

OS Grid Ref: E: 544784 N: 166782

Applicant : Crofton Infant School

Objections : NO

Description of Development:

Single storey extension to south of school building to provide additional classroom and associated facilities, with covered secure play area and outdoor enclosed play area (with fixed low-level play equipment, timber pergola and perimeter fencing). Temporary construction access from Crofton Lane

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Urban Open Space

Proposal

Planning permission is sought for a single storey extension to the south of the school building, to provide an additional classroom and associated facilities. In addition, a covered play area, together with an outdoor enclosed play area (with fixed low-level play equipment) is proposed. The full details are as follows:

- proposed extension to measure 18m in depth (partially located in an existing recess) and 11m in width, with height of 4.5m with flat roof
- overhanging roof design and finished in cream render with grey aluminium windows and timber or aluminium brise soleil
- to provide specialist accommodation for 18 existing pupils with special educational needs, comprising classroom, staff rest, storage and toilet/hygiene facilities
- play area to comprise artificial grass and rubber permeable play surfaces with timber pergola (3m in height) and low level play equipment, with 6ft green powder coated fence around perimeter for security

In addition to the above, it is proposed to provide a temporary construction access from Crofton Lane, utilising an existing pedestrian gate, for the duration of the works.

The application includes a design and access statement, a supporting statement (incorporating the statement of community involvement) and a tree survey.

Location

The application site is located on the southern side of Towncourt Lane. The existing school buildings are of predominantly single storey construction. The site is designated Urban Open Space.

Comments from Local Residents

Nearby owners/occupiers were notified of the application. At the time of writing no representations had been received.

Comments from Consultees

Highways raise no objection to the proposed extension as it will not result in an increase in pupil numbers. Concerns have been raised with regard to the proposed construction access and a road safety audit has been requested, to be secured by planning condition.

Thames Water raised no objections with regard to waste and water. An informative was recommended with regard to surface water drainage.

The Council's Drainage Advisor required the imposition of a standard condition to secure details of surface water drainage.

Planning Considerations

The application should be considered against the following policies:

Unitary Development Plan

- BE1 Design of New Development
- T6 Pedestrians
- T18 Road Safety
- C7 Educational and Pre-school Facilities
- G8 Urban Open Space
- NE7 Development and Trees

London Plan

3.18 Education Facilities

The National Planning Policy Framework (NPPF) is also of relevance.

With regard to trees, no objections have been raised.

Planning History

An application is currently pending consideration for replacement boundary fence and gates at Crofton Junior and Infants School, under ref. 13/02435/FULL1.

Conclusions

The main issues for consideration in this case will be:

- the impact of the proposed development on the character and appearance of the area, the open nature of the site (which is designated Urban Open Space) and the amenities of neighbouring residential properties
- the impact of the proposed development, including the temporary construction access on conditions of highway and pedestrian safety
- the impact on trees within the site

The proposed extension will provide a new classroom to cater for existing children at the school with special educational needs (SEN). The proposed extension is of relatively modest dimensions, partially infilling an existing recessed section of the school buildings and partially located on existing hardstanding. The extension will be of similar appearance and materials to the main school building. It is not considered that the open nature of the site or the character and appearance of the area will be unduly affected as a result, and the extension is located a good distance from the nearest residential properties and in view of its single storey construction is unlikely to result in a loss of amenity.

The application also seeks permission for a secure external play area, to be used by the SEN children that will be taught in the new classroom, which will be located immediately to the south of the extension. The play area will be enclosed with 6ft powder coated mesh fencing and contain a timber pergola and low level play equipment. This additional development is considered to be appropriate in the Urban Open Space, being small scale and related to the existing use, and will allow for the continued outdoor use of this part of the site. In view of the scale of these elements, it is not considered that the character and appearance of the area, or the amenities of neighbouring residents will be unduly affected.

With regard to the impact on highway safety, the proposed classroom will be used by existing children and will not give rise to an increase in pupil numbers at the school. On this basis it is not expected that trips to and from the site will increase. With regard to the proposed temporary construction access onto Crofton Lane, Highways have asked that a road safety audit be carried out, which can be secured by planning condition.

Finally with regard to trees, a total of 5 small trees will need to be removed and 2 trees close to the access will need to be pruned to allow vehicular access for construction purposes. The tree officer has raised no objections to this subject to conditions.

Background papers referred to during production of this report comprise all correspondence on files refs. 13/02492 and 13/02435, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
ACA01R A01 Reason 3 years
- 2 ACB01 Trees to be retained during building op.
ACB01R Reason B01
- 3 ACB02 Trees - protective fencing
ACB02R Reason B02
- 4 ACB03 Trees - no bonfires
ACB03R Reason B03
- 5 ACB04 Trees - no trenches, pipelines or drains
ACB04R Reason B04
- 6 ACH16 Hardstanding for wash-down facilities
ACH16R Reason H16
- 7 ACH29 Construction Management Plan
ACH29R Reason H29
- 8 ACH32 Highway Drainage
ADH32R Reason H32
- 9 An appropriate Road Safety Audit shall be supplied to the LPA and agreed in writing before the temporary crossover is constructed.

Reason: In the interests of road safety and to comply with Policy T18 of the Unitary Development Plan.

- 10 Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

In order to check that the proposed storm water system meets our requirements, we require that the following information be provided:

- o A clearly labelled drainage layout plan showing pipe networks and any attenuation soakaways.
- o Where infiltration forms part of the proposed storm water system such as soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
- o Calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change.

- 11 ADD02R Reason D02
Details of the play equipment to be located in the secure outdoor play area shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The play equipment shall be installed in accordance with the approved details and retained thereafter.

Reason: In the interests of the character of the area and to comply with Policy BE1 of the Unitary Development Plan.

- 12 ACK01 Compliance with submitted plan

INFORMATIVE(S)

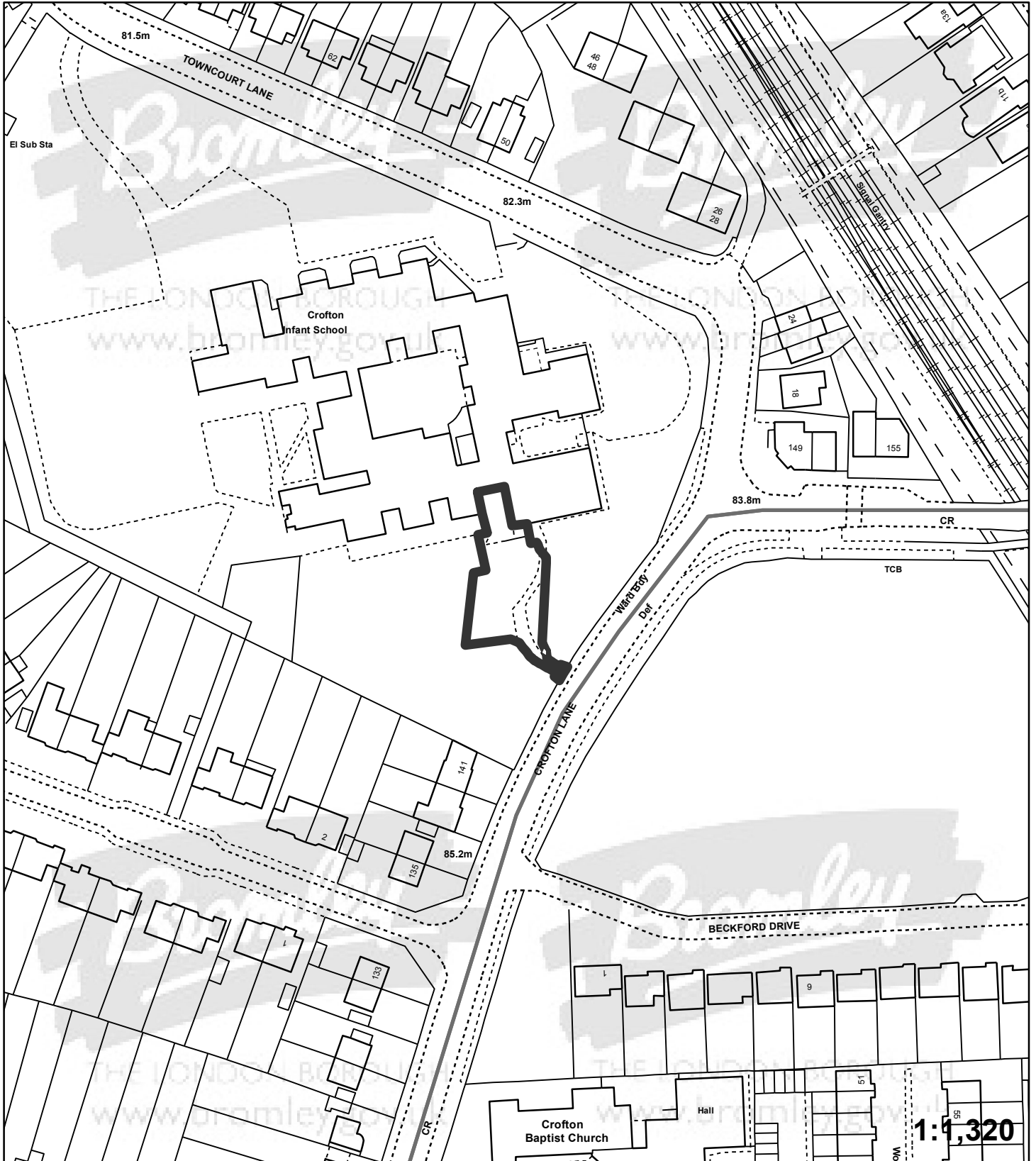
- 1 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving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

- 2 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.

Application:13/02492/FULL1

Address: Crofton Infant School Towncourt Lane Petts Wood Orpington BR5 1EJ

Proposal: Single storey extension to south of school building to provide additional classroom and associated facilities, with covered secure play area and outdoor enclosed play area (with fixed low-level play equipment, timber pergola and perimeter fencing). Temporary construction access



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

SECTION '2' – Applications meriting special consideration

Application No : 13/01914/FULL1

Ward:
Chelsfield And Pratts
Bottom

Address : **The Highway Primary School The**
Highway Orpington BR6 9DJ

OS Grid Ref: **E: 547078 N: 164431**

Applicant : **Mr Alex Birks-Agnew**

Objections : YES

Description of Development:

Detached single storey building for school/scout use

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Local Distributor Roads
Open Space Deficiency

Proposal

This application seeks permission for a detached single storey building for use primarily by the Scouting Association and the Highway School. The building is primarily to provide an alternative location for the 3rd Orpington Scout Group who have had to move from their previous site at St Olave's School since the lease was terminated.

The building will be 25.2m long, 7.2m deep, 4.2m high to the ridge and 2.4m high to the eaves. It will be constructed from prefabricated timber with green bituminous felt, and with timber windows.

It will include a hall, kitchen, meeting rooms, a leader's room and toilets. Doors will be provided at each end with a porch at the western end, and a door is also proposed on the elevation facing the school. Only two toilet windows will face the boundary with properties in Eton Road.

The applicant has confirmed that the Scouting Group currently comprises around 110 members, although most meetings for different age groups generally occupy two hour slots between 6pm and 10pm on weekday evenings, the younger groups earlier on. It is confirmed that the new building could facilitate new sections with increased membership as there are currently waiting lists.

No significant detail is provided regarding the school use other than that the toilets would be available for pupils during normal school hours. Although at this time there are no specific plans to hire the building out, the applicant has stated that they would not wish for a specific limitation to the Scouts and school as this may be something they might wish to do in the future.

It is confirmed that the only vehicular access via Eton Road (email received 6th September 2013) will be for up to four Scout leaders and that all other users will be picked up and dropped off at the main school entrance in The Highway. It is also confirmed that the maximum hours of use would be between 08:00 and 22:00 on any day, and a suggested condition below sets out more detailed usage restrictions.

The application was withdrawn from a previous committee agenda on 19th September 2013 in order that concerns raised by local residents could be explored further. Information provided has been included in the updated report below.

Location

The Highway School is located within a residential area of Orpington and comprises recently rebuilt school buildings with playing fields around. There are some dilapidated and current buildings in the area of the site where this building is proposed including the remains of a former swimming pool and associated buildings, a garage used for storage and a canopy provided for the childrens playground.

The building will be sited within the grounds of The Highway School adjacent to a vehicular entrance to the school from Eton Road to the rear of residential properties. It will be located 1.4m from the boundary with the rear of residential properties in Eton Road with the longer elevation running along the fence.

In general the school is accessed from the southern side at The Highway, although the Eton Road entrance is open during school hours and occasionally used by vehicles for deliveries.

This area of the site has been in use previously for a number of years for a day nursery with an associated temporary building and fenced area. The proposed building, although larger, will be in a similar position close to the rear boundary of dwellings in Eton Road.

Comments from Local Residents

A number of objections have been received from local residents and in particular those living immediately adjacent to the proposed location of the building. In addition a petition has been received with 16 signatures from local residents. The objections raise the following material planning issues, and the full text of objections can be viewed on file:

- alternative sites have not been considered
- noise from use of building and school grounds

- building is unnecessarily large for Scout use
- running and construction costs will be met by third party activities
- building will be too close to residential properties
- application is not explicit about other potential users
- wooden building has inadequate soundproofing and could be a fire risk
- the previous building and use in this location caused considerable disturbance
- school have failed to address concerns about boundary fencing
- the site may be a crime risk regarding theft from the building
- lighting may interfere with residential amenity
- parking is already an issue and would cause inconvenience and congestion on Eton Road
- attendees are unlikely to all travel by methods other than private car
- use of the access is inappropriate and dangerous
- previous playgroup at the site caused parking issues
- access may be impaired for emergency vehicles
- evening opening up to 11pm is too late for a residential area
- noise and activities will be ongoing all the time and not just during school hours
- the site would not be appropriate for parties, discos etc due to noise
- rubbish and litter thrown over fences into gardens

One representation in support of the proposal has been received.

Comments from Consultees

Thames Water has no objection to the proposal.

The Council's Drainage Engineer requests standard conditions relating to limited discharge of surface water and SUDS.

The Council's Environmental Health Officer (EHO) initially raised concerns regarding the ambiguous nature of the application and extensive hours of use combined with the proposed timber construction. Further discussions have taken place with the applicant who has confirmed that the building would not be in use past 10pm on any day, and also that there is no requirement for any music at all for any activities proposed. On this basis the EHO has no objection to the application subject to a condition preventing any live or amplified music at any time and a further condition limiting the hours of use of the building.

Further discussions were held with the Environmental Health Officer who has provided further comments as follows: Overall the sound reduction from the building is likely to be reasonable although it is unlikely to achieve complete inaudibility in the adjoining gardens at times when noise levels inside the building are high. Obviously there are no windows from the hall section on the rear of the building and there is a boundary fence and 35 metre gap over which noise will attenuate over gardens before the nearest houses themselves. Noise from within the building would probably only be audible at times within the gardens and then at reasonable levels. If you are aiming for complete inaudibility in gardens I think you

would need to refuse the application but I am fairly satisfied that the noise arising from within the building will not be unreasonable with the suggested conditions applied.

The Highway Engineer initially requested further information regarding the proposed use and how users travelled to the previous site. Following receipt of further information it has been clarified that the Eton Road entrance will only be used on a restricted basis by leaders. The Engineer is satisfied with the proposal subject to controls over pedestrian access from Eton Road or a suitable parking survey which demonstrates that pedestrian use of the Eton Road access would not be detrimental to highway safety. At the time of reporting the applicant had yet to decide whether they would accept a condition restricting pedestrian access. Should a condition not be acceptable to the applicant they would be required to demonstrate via a parking survey that there is adequate capacity to accommodate any waiting vehicles involved in potential drop-offs or pick-ups. Members will be updated verbally as to the outcome of this matter and any further comments from the Engineer.

Planning Considerations

The site is not subject to any policy designation and the application falls to be considered with regard to the following policies in the Bromley Unitary Development Plan:

- BE1 Design of New Development
- C1 Community Facilities
- C8 Dual Community Use of Educational Facilities
- T3 Parking
- T6 Pedestrians

Planning History

A number of planning permissions were granted in the 1980s for buildings within the north eastern area of the site including a garage/store and swimming pool enclosure.

Under ref. 94/00585, the first of a number of temporary permissions was granted for a temporary single storey building for a mother and toddler group with car park, garden and fenced play area. This was renewed under permission ref. 96/00590/FUL and an extension granted planning permission under ref. 99/03000/FULL1. The permission was renewed again under ref. 00/00542/RENEW in 2000, and most recently in 2005 under ref. 05/00521/RENEW. The building and related development have now been removed and the mother and toddler use has ceased.

In 2010 under ref. 10/00844, permission was granted for the redevelopment of the majority of the school buildings and new car parking and play areas. This has been implemented.

Conclusions

This application seeks permission for a building predominantly for Scout use but which will also be available to the school (in particular during school hours) and potentially to third parties.

Although objections have suggested there are alternative sites elsewhere for this facility, it is not a planning policy requirement that these be explored and this application should be assessed on its own merits, on the basis of whether the proposal is acceptable in this location with regard to relevant planning policies. Notwithstanding the above, the applicant has provided comment on alternative sites suggested as follows:

1. Goddington Park: Not a suitable site and would have to be in partnership with others which would not meet the Scouts requirements.
2. Westcombe Park Rugby Club: Were approached but have had no response. Having looked at their latest planning proposals it is difficult to see how the Scouts could fit in with licensed premises
3. Highfield Avenue, 1st Green Street Green HQ: Again, we have had discussions with the Group who, because of their current meetings, are only able to offer us one evening a week which is not much use to us.
4. Highway School, alternative location: This has not been offered by the School and, we understand, would involve losing grassed playing field area and an Adventure Playground, whereas the proposed site is 'brownfield', where there has been a similar building in the recent past.

It is also not necessary with regard to planning policies to consider whether the Scouts can afford to construct the building or whether it is an appropriate size for the Scout use, although it is of note that a Scout facility recently granted planning permission in Chislehurst (ref. 09/03519/FULL1) is of similar floorspace. If permission is granted, the use of the building including hours of operation can be the subject of conditions.

Given the primary use of the proposed building for the Scout Association, this is supported by Policy C1 of the UDP as it will meet a community need. The NPPF also supports community facilities in paragraph 70.

The building was originally designed so that there were only two minor windows facing the rear, which serve toilets, and there is no other fenestration facing residential properties. However, the applicant has indicated that they will relocate these toilet windows to the end of the building to take into account residents' concerns. Due to the design of the building therefore, there will be no overlooking to adjacent gardens. The rear gardens of properties in Eton Road adjacent to the site are approximately 30m long and additionally taking into account the proposed height of the building, there will not be any significant adverse visual impact, loss of light or overshadowing caused by the proposal, which is considered to comply with Policy BE1 in respect of these matters.

From a highways perspective, the use of the Eton Road entrance will be limited to a maximum of four vehicles for Scout leaders. A condition in this regard is suggested to ensure that these are the only vehicles accessing the site, which will prevent any excessive vehicular use of the Eton Road access which runs

alongside residential gardens and is of limited width. This restriction would apply to any users of the building. This would address any concerns regarding excessive parking and turning onsite. Although there may be some limited parking in Eton Road, this would not be likely to be of a scale that could impact detrimentally on highway safety. The proposal is considered to comply with Policies C8, T3 and T6 of the UDP.

With regard to potential noise and disturbance, the Environmental Health Officer is satisfied that this can be suitably controlled by conditions restricting the hours of operation and preventing any live or amplified music, which the applicant has indicated they would accept. Given the limited fenestration facing residential properties, the suggested days and times of operation, and the nature of the proposed use, it is considered unlikely that the proposal would increase noise and disturbance to neighbouring properties by an unacceptable amount. Clearly there would be some activity and noise from evening scouting activities, but these would not involve music and would be finished by 10pm for the latest proposed meeting. Subject to conditions, the proposal is considered acceptable with regard to Policies BE1 and C8.

Other concerns raised by objectors include drainage and fire safety, matters which are generally addressed by the Building Regulations. Any external lighting can be controlled via a planning condition. A condition requiring compliance with Secured By Design principles is also suggested to help reduce crime risk for the development.

Although the concerns raised by local residents are understood, planning permission should not be reasonably withheld where conditions can be imposed to remedy any potential harmful impacts. Concerns must also be weighed against the policy support for community facilities, and on balance for the reasons set out above, this proposal is considered acceptable subject to the conditions set out below.

Background papers referred to during production of this report comprise all correspondence on files refs. 84/01270, 88/03918, 94/00585, 96/00590, 99/03000, 00/00542, 05/02217, 08/03608, 10/00844 and 13/01914, excluding exempt information.

as amended by documents received on 06.09.2013

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | |
|---|-----------------|--|
| 1 | ACA01
ACA01R | Commencement of development within 3 yrs
A01 Reason 3 years |
| 2 | ACA04
ACA04R | Landscaping Scheme - full app no details
Reason A04 |
| 3 | ACC01
ACC01R | Satisfactory materials (ext'n'l surfaces)
Reason C01 |
| 4 | ACD02 | Surface water drainage - no det. submitt |

- 5 ADD02R Reason D02
- ACD06 Sustainable drainage system (SuDS)
- ADD06R Reason D06

6 Vehicular access to the site by users of the building from Eton Road shall only be for specified individuals the details of whom shall be submitted to and approved in writing by the Local Planning Authority prior to any use of the access.

Reason: In the interests of highway safety and the amenities of adjoining residential properties and to comply with Policies BE1 and C8 of the Unitary Development Plan.

- 7 ACH29 Construction Management Plan
- ACH29R Reason H29
- 8 ACI11 Obscure glaz'g/details of opening (1 in) in the northern elevation
- ACI11R Reason I11 (1 insert) BE1
- 9 ACI17 No additional windows (2 inserts) northern building
- ACI17R I17 reason (1 insert) BE1 and C8
- 10 ACI21 Secured By Design

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

- 11 ACJ17 No machinery without approval
- ADJ17R Reason J17
- 12 ACK01 Compliance with submitted plan
- ACK03R K03 reason
- 13 ACK03 No equipment on roof
- ACK03R K03 reason
- 14 ACK05 Slab levels - no details submitted
- ACK05R K05 reason

15 No live or amplified music shall be played at any time which is audible at any location outside the building.

Reason: In the interests of the amenities of adjoining residential properties and to comply with Policies BE1 and C8 of the Unitary Development Plan.

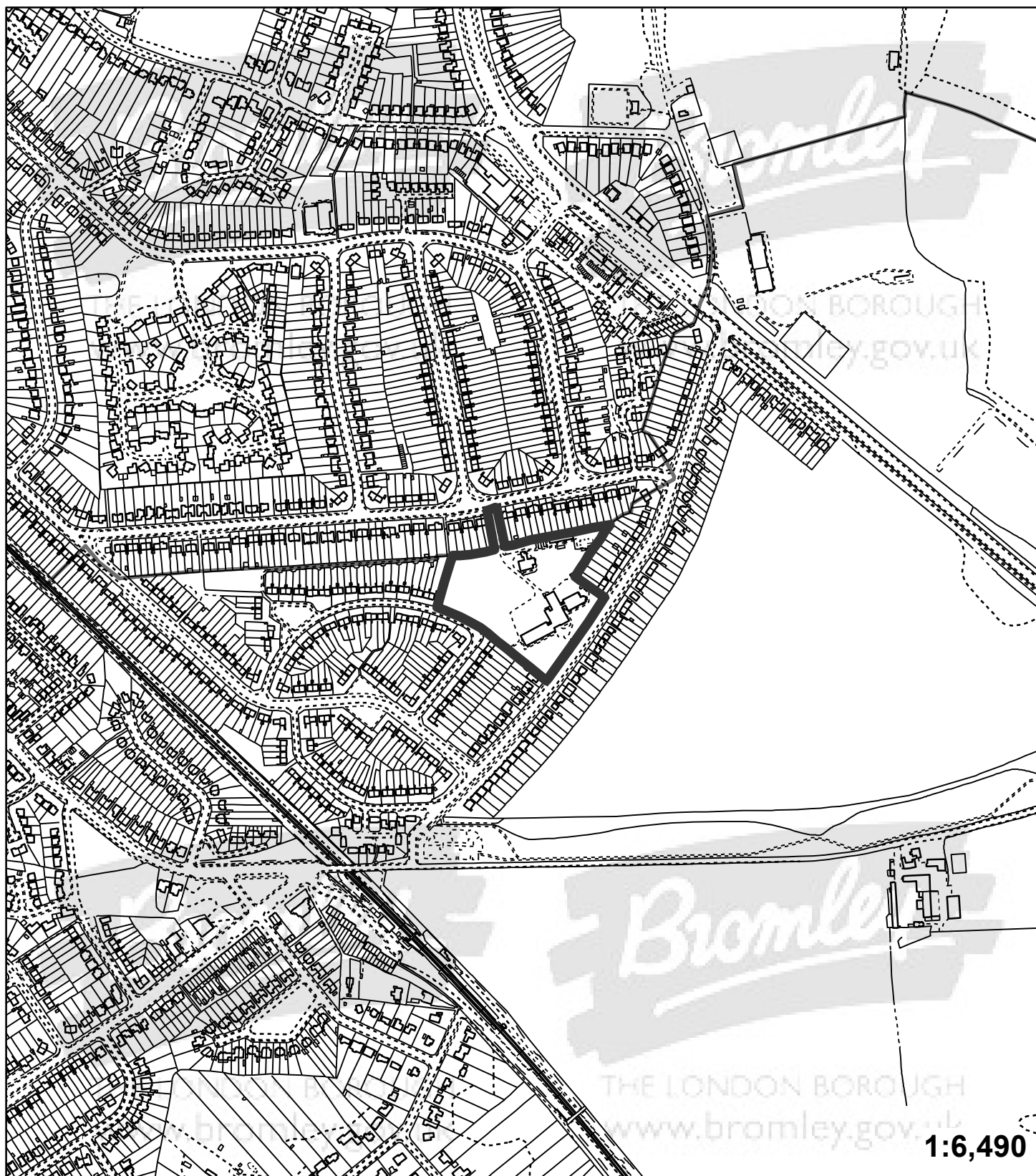
16 The building shall only be used by the Scouting Association between 8:00 and 22:00 Monday to Saturday and on a maximum of 5 x Sundays per year (a record of Sunday use shall be kept on site and available for inspection upon request by the Council) and not at all on Public Holidays; The building shall only be used by the Highway Primary School between 08:00 and 20:00 Monday to Saturday and not at all on Sundays or Public Holidays. Any other use shall only be between 09:00 and 20:00 Monday to Saturday and not at all on Sundays or Public Holidays.

Reason: In the interests of the amenities of adjoining residential properties and to comply with Policies BE1 and C8 of the Unitary Development Plan.

Application:13/01914/FULL1

Address: The Highway Primary School The Highway Orpington BR6 9DJ

Proposal: Detached single storey building for school/scout use



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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SECTION '2' – Applications meriting special consideration

Application No : 13/02368/FULL6

Ward:
Hayes And Coney Hall

Address : 3 Whites Cottages Pickhurst Green
Hayes Bromley BR2 7QS

OS Grid Ref: E: 539783 N: 166977

Applicant : Mrs Tracy Mardle

Objections : NO

Description of Development:

Two storey side extension

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Sites of Interest for Nat. Conservation

Proposal

On 19th September 2013, this application was deferred by Members of Plans Sub-Committee 4 without prejudice to Plans Sub-Committee No.2, to appear on Agenda Section 2: 'Applications meriting special consideration'.

The proposal is to construct a two storey side extension, 3.5m wide and 7.0m deep. This would create additional ground floor living space and two additional bedrooms upstairs. The extension would project forward of the front building line by 1.3m and 0.8m beyond the rear.

Location

The site forms part of a terrace of three weather boarded cottages dating from the late 16th or early 17th Century, which are Grade II statutory listed.

Comments from Local Residents

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

Comments from Consultees

From a Heritage and Urban Design perspective the proposal is far too dominant and the gable projection is unnecessary and would detract from the original central gable. It could not be said to be subservient to the host building and is considered to cause harm to the listed building.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan: BE1 (Design of New Development), BE8 (Statutory Listed Buildings), H8 (Residential Extensions), H9 (Side Space).

The Council's adopted SPG guidance is also a consideration.

The above policies are considered to be consistent with the principles and objectives of the National Planning Policy Framework which is a key consideration in the determination of this application.

Planning History

Applications of note at the site are:

97/02208/FUL - single storey side extension - permitted (accompanying Listed Building Consent application ref. 97/02209)

03/01476/FULL1 - Detached two storey two bedroom house (adj. 1 Whites Cottages) - refused

There is currently an application for Listed Building Consent for the current proposed extension being considered by the Council under ref. 13/02539/LBC

Conclusions

The main issues relating to the application are the effect that it would have on the amenities of neighbouring properties including the relationship to existing buildings, overlooking, noise, disturbance, etc and the impact on the character of the area generally, as well as having regard to the visual impact on the street scene and the setting of this Grade II Listed Building.

Under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council is required to have special regard to the desirability of preserving listed buildings and their settings. Policy BE8 of the UDP also states that applications for development involving a listed building or its setting, or for a change of use of a listed building, will be permitted provided that the character, appearance and special interest of the listed building are preserved and there is no harm to its setting.

Given the relevant policy considerations and the existing development, the principle of a two storey side extension as proposed is considered unacceptable. The proposed extension by reason of its two storey height, width, projection beyond the front elevation and bulky gable roof design represents an over

dominant form of development which is considered to overwhelm the integrity, character and appearance of this listed building.

In addition, the adjoining property (No.2 Whites Cottages) is characterised by a gabled jetty projection with half timbering detail which provides (and should continue to provide) the dominant character to the terrace as a whole. The proposal is considered to detract from this architectural feature which is integral to the charm and special interest in the appearance of this listed terrace.

Furthermore, the extension would erode an area of existing open curtilage at the side of this property which would impact upon the uniqueness of the semi-rural setting of this building within a suburban area. The listed building's setting is equally an important part of its character and the reduction of space about the building, particularly at first floor level, would not preserve or enhance the setting of this listed building but would be seriously detrimental to it.

Having had regard to the above it was considered that the siting, size and design of the proposed extension is unacceptable in that it would result in a detrimental impact on the host listed building, and would represent an inappropriate and overly dominant addition.

Background papers referred to during production of this report comprise all correspondence on files refs. 13/023686 and 13/02539, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

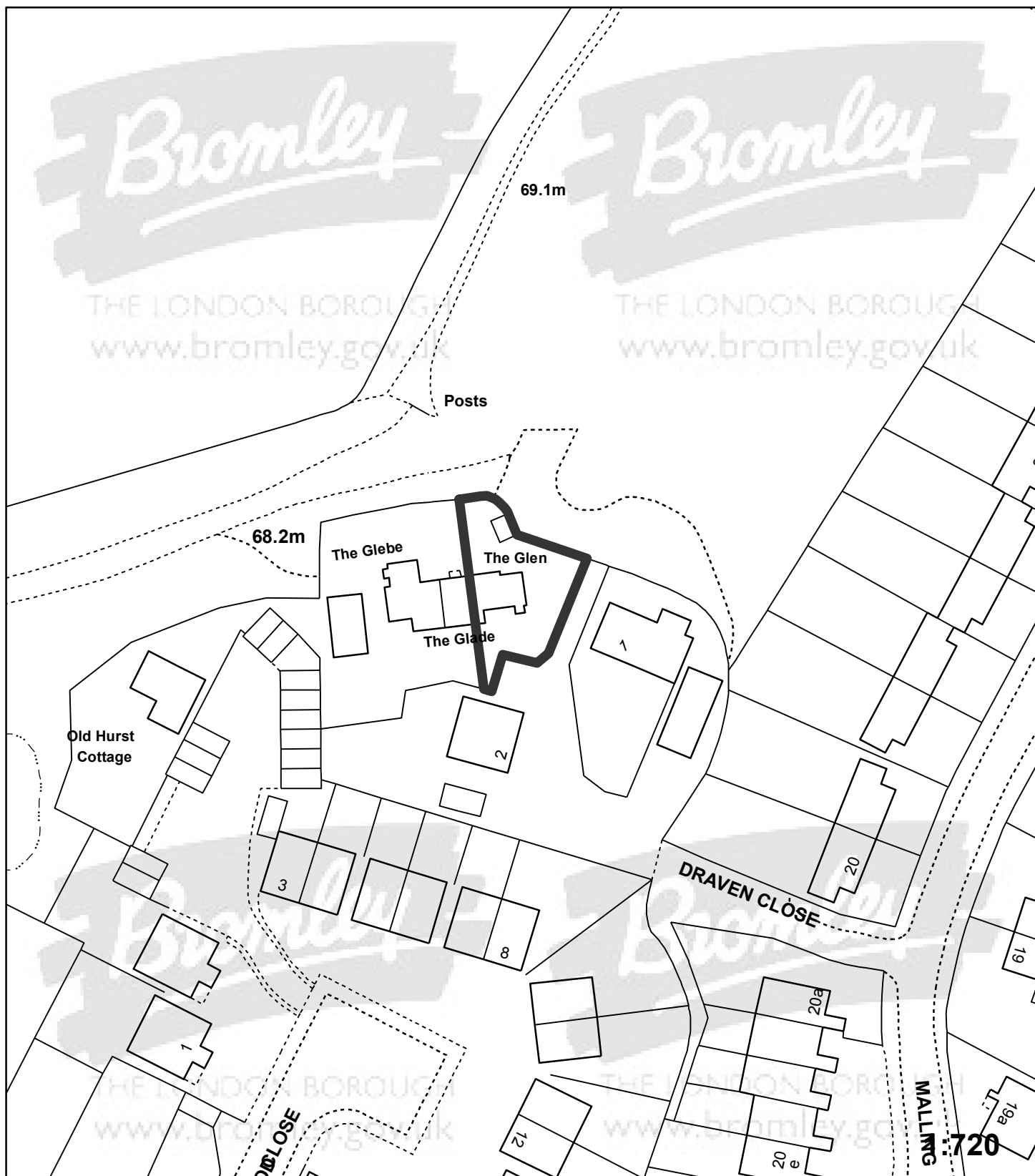
The reasons for refusal are:

- 1 The proposed two storey side extension, by reason of its height, width and overall lack of subservience to the host building would constitute an inappropriate and overly dominant addition to the host Grade II listed building, thereby contrary to Policies BE1, BE8 and H8 of the Unitary Development Plan.

Application:13/02368/FULL6

Address: 3 Whites Cottages Pickhurst Green Hayes Bromley BR2 7QS

Proposal: Two storey side extension



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

SECTION '2' – Applications meriting special consideration

Application No : 13/02372/OUT

Ward:
Petts Wood And Knoll

Address : 63 Willett Way Petts Wood Orpington
BR5 1QE

OS Grid Ref: E: 544868 N: 167678

Applicant : Mr Scott Gabriel

Objections : YES

Description of Development:

Demolition of existing dwelling and construction of two detached 4 bed dwellings with associated landscaping
OUTLINE APPLICATION

Key designations:

Area of Special Residential Character
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Flood Zone 2
Flood Zone 3
London City Airport Safeguarding
Local Distributor Roads

Proposal

Outline planning permission is sought to demolish the existing dwelling and replace with the following:

- Access, Appearance and Scale for two detached four bedroom houses
- Landscaping and Layout would be dealt with as reserved matters at a later date should planning permission be granted
- access to the site via Willett Way (additional access created)
- garden length varies as the site is tapered at the rear (approx. 4m - 22m)
- the block plan showing the indicative layout of the dwellings shows a space of 8m side space to the northern boundary and 7.7m separation to the southern boundary
- a separation of 3.4m is shown to be retained between the dwellings on the indicative site layout plan
- the buildings will measure approximately 11.9m wide x 12m deep and approximately 8.3m in height to the top of the ridge and approx. 5.4m to the eaves (when scaled from the submitted drawings)

The application is accompanied with a Tree Survey, Parking Survey, Flood Risk Assessment and Design and Access Statement

Location

The site relates to a two storey detached property located on the south eastern side of Willet Way. The site is relatively wide and occupies a prominent position in the streetscene. The area is characterised by detached and semi-detached family dwellings.

The site lies within the Petts Wood Area of Special Residential Character. There are also a number of trees on the site. The site is also within Flood Zone 2/3.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations were received (including from Petts Wood and District Residents Association) which can be summarised as follows:

- Petts Wood characterised by large properties and spacious gardens
- not in-keeping with surroundings
- detrimental to distinctive nature of Petts Wood
- do not object to re-development of site but not big enough to accommodate 2 large houses
- cramped
- out of character
- one of the properties too near to stream
- potential of polluting the river during construction
- too close to neighbouring church and hall, and house at No.61
- disturbance to church and its users
- houses on Willett Way tend to have more space between them
- object to the removal of unique 1930s building
- buildings will look new and 'tudorised' in attempt to fit in
- need to protect ASRC
- overdevelopment of the site
- Plot A much closer to the boundary with No.61
- overlooking into rear gardens
- increase in height of buildings will affect outlook of No.61
- add to problems of flooding in Willett Way
- proposed access dangerous at the junction
- concerns over removal of large magnolia tree - loss would be detrimental to the environment and visual amenities of area
- construction vehicles would cause obstruction and hazards
- street lighting would be affected
- fails to comply with UDP Policy BE1
- impact on spatial standards of ASRC
- height exceeds existing
- large amount of hardstanding at the front

- open views through the site lost
- garden sizes less than surrounding area
- inappropriate given the previous refusal
- size, bulk and scale is inappropriate
- contrary to NPPF

Comments from Consultees

Highways- No objections raised in principle to new access and proposed parking.

Drainage - No objections raised subject the Environment Agency being notified.

Environment Agency- No objections raised subject to conditions.

Environmental Health (Housing)- No objections in principle.

At the time of writing the report no comments had been received from Thames Water or the Council's waste advisors. They will be reported verbally at the meeting.

Planning Considerations

In considering the application the main policies are H1, H7, H9, H10, BE1, T3, T11 and T18 of the Unitary Development Plan. These concern the housing supply and design of new housing/new development, Areas of Special Residential Character, the provision of adequate car parking and new accesses and road safety.

Members will note that the National Planning Policy Framework (NPPF), which was adopted in March 2012 is also relative in this case.

There are also a number of trees on the site that will need to be taken into account whilst assessing the application.

Planning History

Planning permission was recently refused under ref. 13/01120/FULL6 for a part one/two storey side and rear extension and pitched roof to front for the following reason:

"The proposed extension, by reason of its gable design, forward projection and bulk presented to the North West side, would fail to respect the character, scale and proportion of the existing dwelling, harmful to the appearance of the existing property and the visual amenities of the area and contrary to Policies BE1 and H8 of the Unitary Development Plan."

Conclusions

The main issues in this case are whether this type of development is acceptable in principle in this location, the likely impact of the proposed scheme on the character and appearance of the surrounding area, and on the amenities of neighbouring

residential properties, having particular regard to indicative layout and design of the proposed scheme, and the impact upon the Petts Wood Area of Special Residential Character.

The site at present comprises a single dwellinghouse with garden land to the front, sides and rear. It is considered that redevelopment of the site for residential purposes may be acceptable provided that the policy requirements at local, regional and national level are met.

In terms of scale, the proposed height of the houses would be comparable with the properties along Willett Way, which is indicated on a streetscene drawing submitted as part of the application, and are only 0.3m higher than the original building (8.3m as opposed to 8m. The proposed buildings are set back from the front boundary allowing for a parking area (approximately 7m), and rear gardens with a maximum length of 22m are proposed, although the site is tapered at the back. Some indicative soft landscaping is proposed to the front of the site and adequate amenity spaces are proposed. It is noted that layout and landscaping shown as part of the application are for indicative purposes only and will be required to be agreed formally by another application to approve reserved matters, but are able to be used in visualising how the buildings could work on the site. Members may consider that the site could be redeveloped in an adequate manner allowing sufficient amenity space to the rear and distances to the front boundary based on the scale and appearance of the proposed dwellings.

With regard to the proposed design of the buildings, the houses are of traditional design, with pitched roofs. The proposed properties would have staggered frontage which adds visual interest to the design and breaks up the massing of the building. The buildings are proposed in a mock Tudor style which would be in-keeping with the surrounding 1920s and 1930s houses. Members may consider that the proposed Appearance of the buildings would be acceptable to comply with the relevant UDP policies.

Although the layout is a reserved matter, the indicative layout shows the proposed dwelling adjacent to No.61 maintaining a maximum separation of 6.2m reducing to a minimum separation of 2.2m to southern boundary, with the other property to the north maintaining a maximum separation of 8m at the front reducing to a minimum separation of 3.6m when scaled from the submitted drawings. The application in this respect would be capable of according Policy H9 with regard to the greater levels of spatial standards expected to be maintained within the Area of Special Residential Character (Policy H10).

With regard to the impact of the proposed building on the residential amenity of the neighbouring properties, it is considered that the proposed buildings could be set at adequate distances away from the adjoining properties. To the north of the site is the church hall. The property to the south (No.61) is set at an angle to the site with the proposed dwelling showing a rearward project of 5m beyond the rear building line of No.61, with 2.5m of that being at two storey level. There have been concerns raised from residents opposite the site regarding the loss of views through, whilst it is noted that there will be a change in outlook it is not considered to be significant enough to warrant a refusal on these grounds. Given the

orientation and potential separation between the properties and to the boundaries, it is considered on balance that the impact of this proposal on the surrounding residents is acceptable.

With regards to the trees on the site, it is advised that the findings of the arboricultural report are agreed. It is stated that it is considered that no significant trees would be lost as a result of this proposal and appropriate conditions for replacement planting are suggested for Members to take into account should permission be granted.

In terms of car parking and access to the site, the Council's Highways officer do not raise concerns in principle to either. There is an existing access to the site which will be used for one of the properties and a new crossover proposed for the other. There is a lamp column in the vicinity of the new crossover and if this needs to be removed will be at the cost of the applicant. Each of the proposed dwellings would have a large integral single garage and there could be sufficient parking for 2 or 3 vehicles on each frontage. Conditions are suggested to Members at the end of the report.

Although the existing house is attractive and set within a mature site, the property and land itself are not listed. The site lies within the Petts Wood Area of Special Residential Character and the impact of the demolition of the existing house and its replacement with two dwellings has been carefully considered whilst making the recommendation to Members of the committee.

Background papers referred to during production of this report comprise all correspondence on file ref. 3/02372, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | | | |
|---|--------|--|-------------|-----|
| 1 | ACA02 | Details req. pursuant outline permission | landscaping | and |
| | ACA02R | Reason A02 | | |
| 2 | ACB01 | Trees to be retained during building op. | | |
| | ACB01R | Reason B01 | | |
| 3 | ACB02 | Trees - protective fencing | | |
| | ACB02R | Reason B02 | | |
| 4 | ACB03 | Trees - no bonfires | | |
| | ACB03R | Reason B03 | | |
| 5 | ACB04 | Trees - no trenches, pipelines or drains | | |
| | ACB04R | Reason B04 | | |
| 6 | ACC01 | Satisfactory materials (ext'nl surfaces) | | |
| | ACC01R | Reason C01 | | |
| 7 | ACC03 | Details of windows | | |
| | ACC03R | Reason C03 | | |
| 8 | ACD02 | Surface water drainage - no det. submitt | | |
| | ADD02R | Reason D02 | | |
| 9 | ACH02 | Satisfactory parking - no details submit | | |

- | | | |
|----|---|--|
| | ACH02R | Reason H02 |
| 10 | ACH05 | Size of garage |
| | ACH05R | Reason H05 |
| 11 | ACH06 | Parking space in front of garage |
| | ACH06R | Reason H06 |
| 12 | ACH16 | Hardstanding for wash-down facilities |
| | ACH16R | Reason H16 |
| 13 | ACH32 | Highway Drainage |
| | ADH32R | Reason H32 |
| 14 | ACI02 | Rest of "pd" Rights - Class A, B,C and E |
| | ACK05R | K05 reason |
| 15 | ACI12 | Obscure glazing (1 insert) in the flank elevations |
| | ACI12R | I12 reason (1 insert) BE1 |
| 16 | ACK01 | Compliance with submitted plan |
| | ACK05R | K05 reason |
| 17 | ACI21 | Secured By Design |
| | ACI21R | I21 reason |
| 18 | The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by GLNK Limited, dated 16 September 2013. The following mitigation measures should be implemented as detailed below: | |

1. Flood-proofing measures should be implemented as detailed in section 8.2 of the approved FRA.
2. Finished floor levels should be set no lower than 72.5m Above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the proposed development and future occupants/users.

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

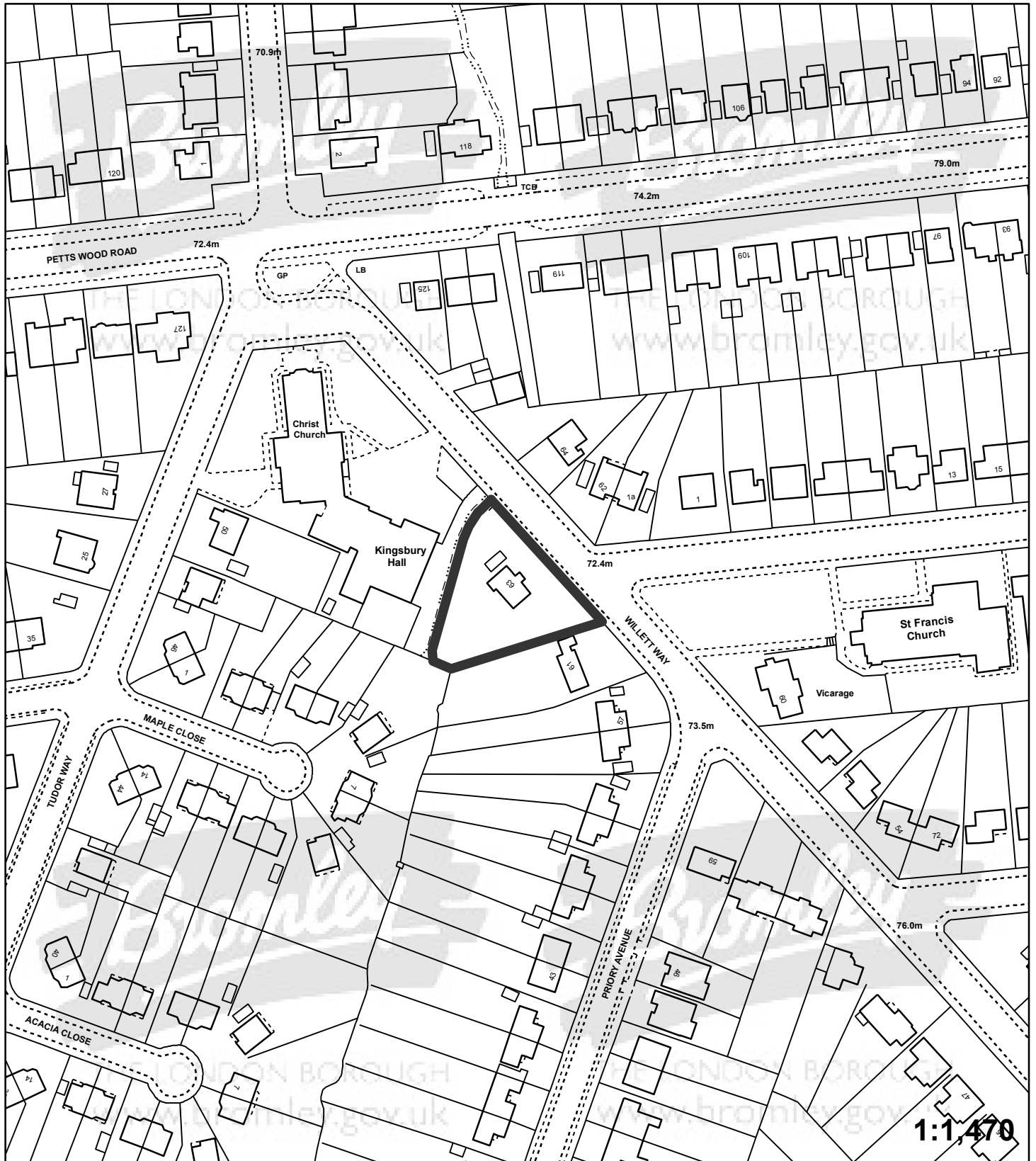
- 2 Before the use commences, the Applicant is advised to contact the Pollution Team of Environmental Health and Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley website.

- 3 If during the work on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

Application:13/02372/OUT

Address: 63 Willett Way Petts Wood Orpington BR5 1QE

Proposal: Demolition of existing dwelling and construction of two detached 4 bed dwellings with associated landscaping
OUTLINE APPLICATION



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

SECTION '2' – Applications meriting special consideration

Application No : 13/02539/LBC

Ward:
Hayes And Coney Hall

Address : 3 Whites Cottages Pickhurst Green
Hayes Bromley BR2 7QS

OS Grid Ref: E: 539783 N: 166977

Applicant : Mrs Tracy Mardle

Objections : NO

Description of Development:

Two storey side extension
LISTED BUILDING CONSENT

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Sites of Interest for Nat. Conservation

Proposal

On 19th September 2013, this application was deferred by Members of Plans Sub-Committee 4 without prejudice to Plans Sub-Committee No.2, to appear on Agenda Section 2: 'Applications meriting special consideration'.

This application is for Listed Building Consent for a two storey side extension at the above site and accompanies application ref. 13/02368/FULL6.

Location

The site forms part of a terrace of three weather boarded cottages dating from the late 16th or early 17th Century, which are Grade II statutory listed.

Comments from Local Residents

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

Comments from Consultees

From a Heritage and Urban Design perspective the proposal is far too dominant and the gable projection is unnecessary and would detract from the original central

gable. It could not be said to be subservient to the host building and is considered to cause harm to the listed building.

Planning Considerations

The application falls to be determined in accordance with S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of listed buildings. The impact of the proposal on openness of the area of Urban Open Space must also be considered.

The following policies of the Unitary Development Plan are further considerations: BE1 (Design of New Development), BE8 (Statutory Listed Buildings).

The above policies are considered to be consistent with the principles and objectives of the National Planning Policy Framework which is a key consideration in the determination of this application.

At a strategic level, London Plan Policy 7.8 (Heritage Assets And Archaeology) is also a consideration.

Planning History

Applications of note at the site are:

97/02208/FUL - single storey side extension - permitted (accompanying Listed Building Consent application ref. 97/02209)

03/01476/FULL1 - Detached two storey two bedroom house (adj. 1 Whites Cottages) - refused

This application for Listed Building Consent for the proposed extension accompanies application ref. 13/02368 which is being considered by the Council.

Conclusions

The main issue relating to this application is the effect that the proposal would have on the character and setting of the Statutory Listed Building.

By virtue of its height, width and general lack of subservience to the host building, the proposed extension is considered to result in significant harm to the character and setting of the Grade II Statutory Listed Building. The extension is considered to represent an over dominant addition which would compete with, rather than compliment the main architectural features of the host terrace. The proposed extension would therefore be visually intrusive and would not respect the listed buildings historical and architectural importance.

Having had regard to the above it was considered that the proposal fails to preserve the character and setting of the Statutory Listed Building. In addition,

without a relevant grant of planning permission, it would be premature to grant Listed Building Consent for the associated works.

Background papers referred to during production of this report comprise all correspondence on files refs. 13/02368 and 13/02539, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

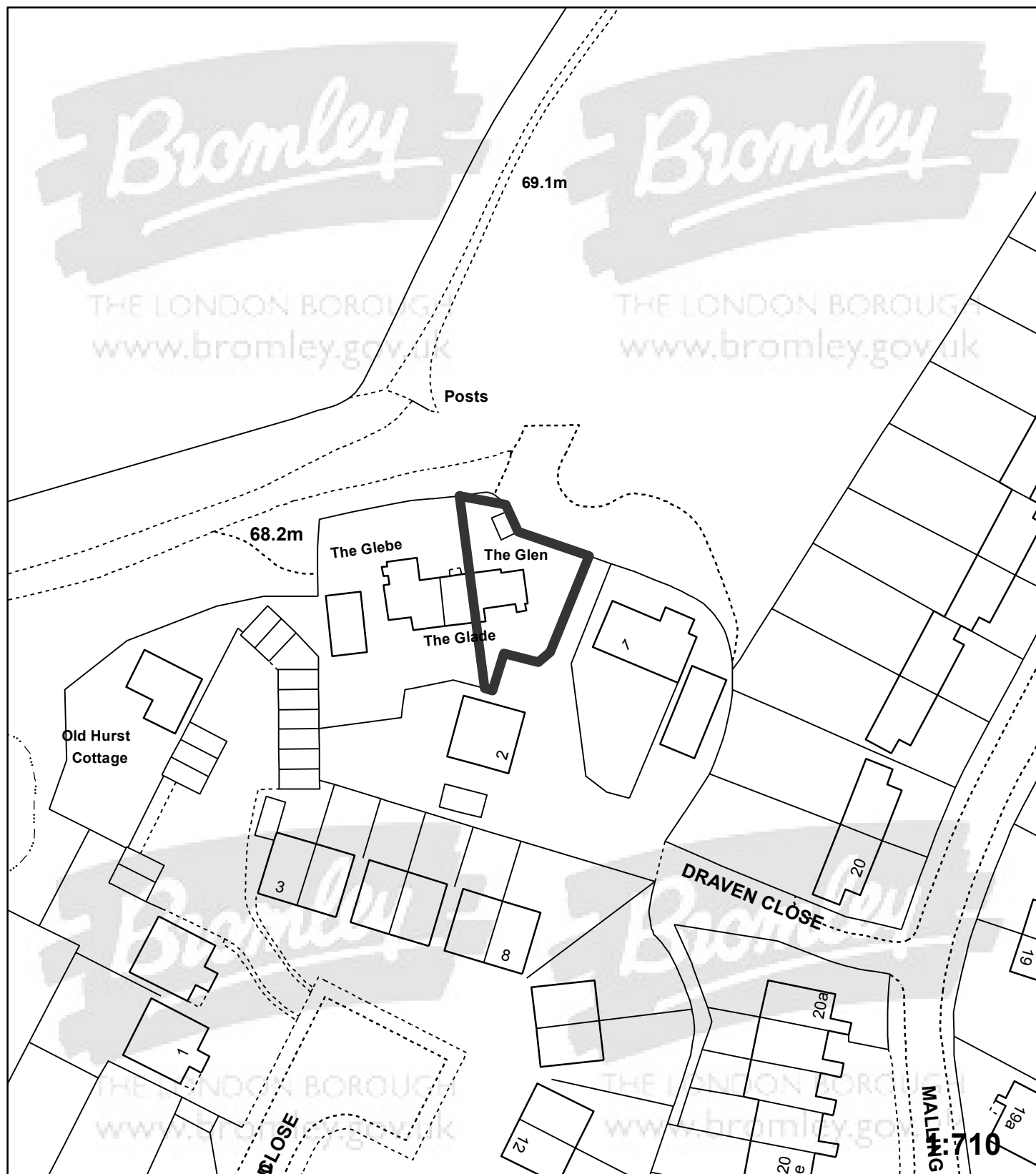
The reasons for refusal are:

- 1 The proposed two storey side extension, by reason of its height, width and overall lack of subservience to the host building would constitute an inappropriate and overly dominant addition to the host Grade II listed building, thereby contrary to Policy BE8 of the Unitary Development Plan.
- 2 The granting of Listed Building Consent would be premature without planning permission for the associated works; therefore this would be contrary to Policy BE8 of the Unitary Development Plan.

Application:13/02539/LBC

Address: 3 Whites Cottages Pickhurst Green Hayes Bromley BR2 7QS

Proposal: Two storey side extension
LISTED BUILDING CONSENT



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

Application No : 13/01957/FULL1

Ward:
Chelsfield And Pratts
Bottom

Address : Hadlow House 9 High Street Green
Street Green Orpington BR6 6BG

OS Grid Ref: E: 545623 N: 163886

Applicant : Mr J Haskins

Objections : YES

Description of Development:

Conversion of first and second floors from offices (Class B1) to 8 two bedroom self-contained flats (Class C3) including elevational alterations and provision of balconies to first and second floor rear elevations, together with reconfiguration of the existing car park and rear courtyard area to provide additional amenity space, cycle storage and bin storage/collection.

Key designations:

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

Proposal

This application follows the granting of prior approval for the conversion of the existing first and second floor office accommodation into 8 two-bedroom flats (approved in September 2013 under ref. 13/02599/RESPA). This planning application concerns minor elevational alterations and the provision of balconies which will be provided to the 4 rear-facing flats. In addition it is proposed to provide some outdoor amenity space within the existing rear parking area, whilst 12 parking spaces (together with 2 visitor spaces) will retained for the flats.

A Design and Access Statement and Transport Statement accompany this application. Reference is drawn to the General Permitted Development Order 2013 whereby offices (Class B1) are able to convert to residential use without the need for planning permission.

Location

The site is situated along the eastern side of High Street Green Street Green with the ground floor comprising of retail units and the upper floor comprising office space. The surrounding area is characterised by its mixed use with a number of retail units situated within the adjoining parade along the High Street, whilst the surrounding roads are predominantly residential in character. The site encompasses an outdoor car park to the rear of the building with space for approximately 30 cars. Access to this car park is via an access drive off Glentrammon Road.

Comments from Local Residents

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

- building work will inconvenience surrounding businesses
- proposal will add to parking pressure at Hadlow House, especially in relation to the surrounding doctors' surgery, chemists and dentists
- noise and disturbance associated with residential development
- concern that proposal will lead to additional movement around neighbouring alleyway and potential damage to adjoining fence

Comments from Consultees

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

Environmental Health (Housing) comments have been noted.

Planning Considerations

Of key relevance to this application is the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 which came into force on 30th May 2013. Under the terms of that order - "Class J" the following constitutes permitted development:

Development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule.

Policy BE1 (Design of New Development) of the Unitary Development Plan (UDP) is relevant to this application.

Planning History

Planning permission was granted in April 1982 (under ref. 81/02763) for a three storey block comprising three retail units together with a surgery at ground floor level, plus self-contained offices at the first and second floors. Although there have been some changes of use at ground floor level, these units have retained their function in serving visiting members' of the public.

Under ref. 12/02499 an identical proposal to this scheme was refused on the following ground in November 2012:

"In the absence of information to demonstrate the long term vacancy of the application premises and the genuine redundancy of the office use, this proposal will lead to the undesirable loss of useable office floorspace within the Borough and would be contrary to Policies EMP3, EMP5 and H12 of the Unitary Development Plan which seeks to safeguard sufficient supply of office space in the Borough."

As noted above under ref. 13/02599/RESPA prior approval was granted for the change of use of first and second floor from Class B1(a) office to Class C3 to form 8 two bedroom self-contained flats, under Class J Part 3 of the GPDO (2013 amendments). The use of the building for residential purposes has therefore been established and is not part of this application.

Conclusions

The main issues for consideration relate to the impact of this proposal on neighbouring amenity and on the character of the area.

In this case prior approval has been granted in respect of the conversion of the existing offices to residential use comprising 8 flats, although matters relating to the provision of balconies and elevational changes, together with changes to the parking and outdoor area require permission.

The proposed balconies and outdoor amenity space will enhance the living environment of the permitted flats. The provision of 1.5 spaces per unit (together with 2 visitor spaces) is considered acceptable from a highways perspective.

Overall these minor proposals will not cause any harm to neighbouring amenities or the character of the area.

Background papers referred to during production of this report comprise all correspondence on files refs. 12/02499, 13/02599 and 13/01957, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

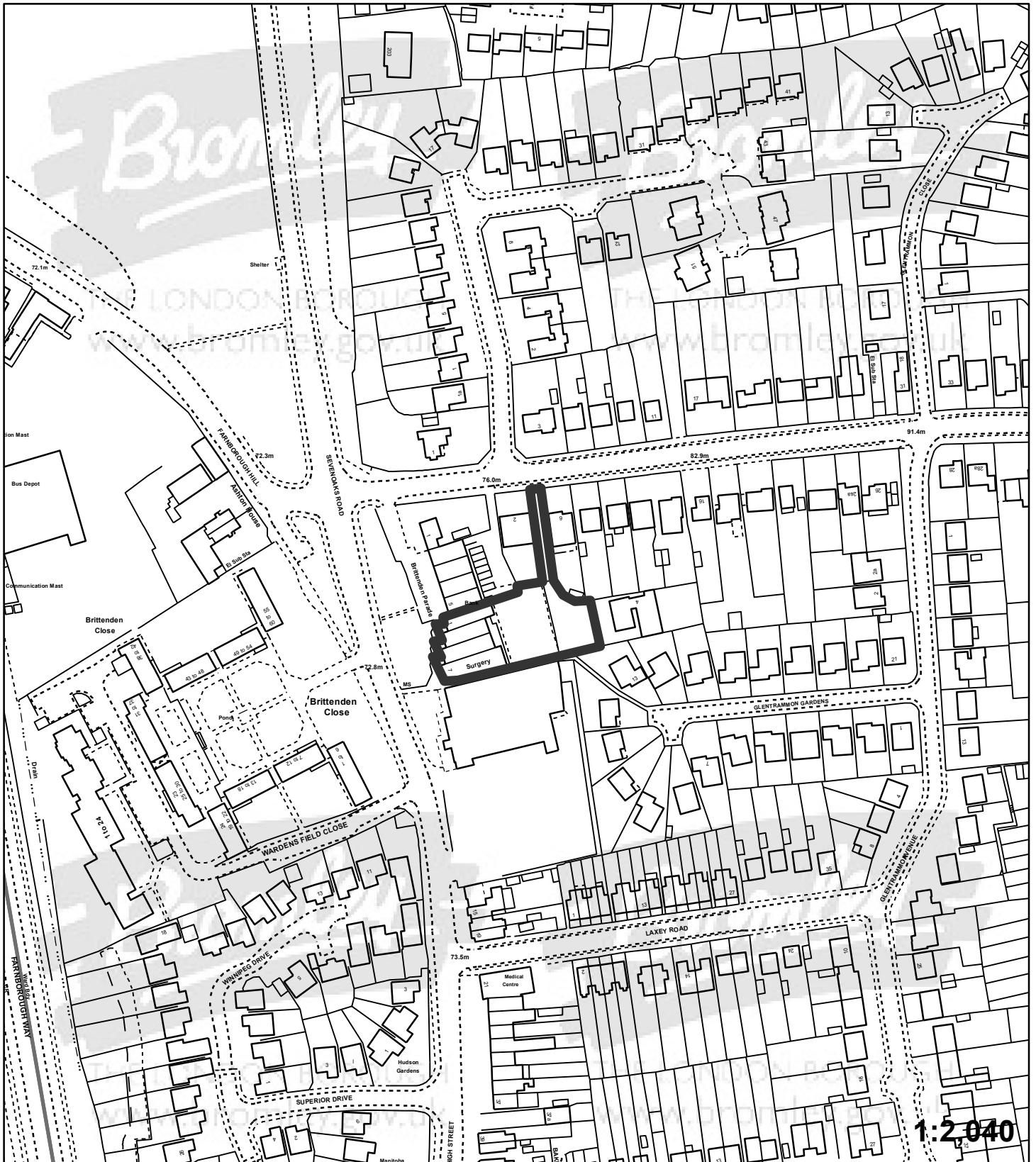
- | | | |
|---|-----------------|--|
| 1 | ACA01
ACA01R | Commencement of development within 3 yrs
A01 Reason 3 years |
| 2 | ACD02
ADD02R | Surface water drainage - no det. submitt
Reason D02 |
| 3 | ACH03
ACH03R | Satisfactory parking - full application
Reason H03 |
| 4 | ACH22
ACH22R | Bicycle Parking
Reason H22 |
| 5 | ACH23 | Lighting scheme for access/parking |

	ACH23R	Reason H23
6	ACH29	Construction Management Plan
	ACH29R	Reason H29
7	ACK01	Compliance with submitted plan
	ACC03R	Reason C03
8	ACA05	Landscaping scheme - implementation
	ACA05R	Reason A05
9	ACC07	Materials as set out in application
	ACC07R	Reason C07

Application:13/01957/FULL1

Address: Hadlow House 9 High Street Green Street Green Orpington BR6 6BG

Proposal: Conversion of first and second floors from offices (Class B1) to 8 two bedroom self-contained flats (Class C3) including elevational alterations and provision of balconies to first and second floor rear elevations, together with reconfiguration of the existing car park and rear



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

Application No : 13/02095/FULL6

Ward:
Bickley

Address : 58 Sundridge Avenue Bromley BR1 2QD

OS Grid Ref: E: 542256 N: 170271

Applicant : Mr S Newman

Objections : YES

Description of Development:

First floor side extension

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Local Cycle Network
Flood Zone 2
Flood Zone 3
London City Airport Safeguarding
London City Airport Safeguarding Birds
Local Distributor Roads
Open Space Deficiency

Proposal

Permission is sought for a first floor side extension. The extension matches the width of the existing ground floor garage at 4.7 metres and is contained within the footprint of the this existing element. A hipped roof is proposed to the same design as the existing property.

Location

The application site is located to the southern edge of Sundridge Avenue near to the junction with Elmstead Lane and Logs Hill to the east and features a two storey detached dwelling. The site and the surrounding properties are covered by a Tree Preservation Order.

Comments from Local Residents

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

- the Sundridge Residents Association object on the grounds that the original development of houses is already intensive and the single storey elements soften the impact, the proposal would be an overdevelopment of the site.
- the immediate neighbour has asked for privacy to be respected during the construction phase
- the development would set a precedent for other properties on this row and harm the visual aspects of Holmbury Park.

It is not considered that the proposal would harm any trees.

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
 H9 Side Space
 NE7 Development and Trees

Supplementary Planning Guidance 1 and 2

The National Planning Policy Framework

Property History

There is no planning history for the site. However, of note are applications refs. 08/01765/FULL6 and 09/01909/FULL6 at No.54 which granted permission for a first floor side extension, two storey side and single storey rear extension

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 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.

The property benefits from a single storey side extension that is utilised as a garage, this is not part of the proposal and no changes to the existing parking arrangements are proposed. The first floor extension would be contained within the footprint of the ground floor element and no side windows are included with two standard sized windows proposed to the rear. It is not considered that there would be any loss of privacy to No.56A or the properties behind beyond that of the existing first floor rear windows. Given the orientation of the properties it is also considered that no significant loss of light would result from the proposal.

In terms of the streetscape and the spatial standards of the area, the proposal allows for a 1 metre side space to the western boundary. This complies with Policy H9 and the overall design of the proposal, being set back from the projecting front feature and allowing for a hipped roof of the same pitch and the existing property, is considered to satisfy the requirements of the Council's adopted supplementary planning guidance on design matters. As such it is not considered that the proposal would be contrary to policy and that the overall impact of the proposal is acceptable.

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.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

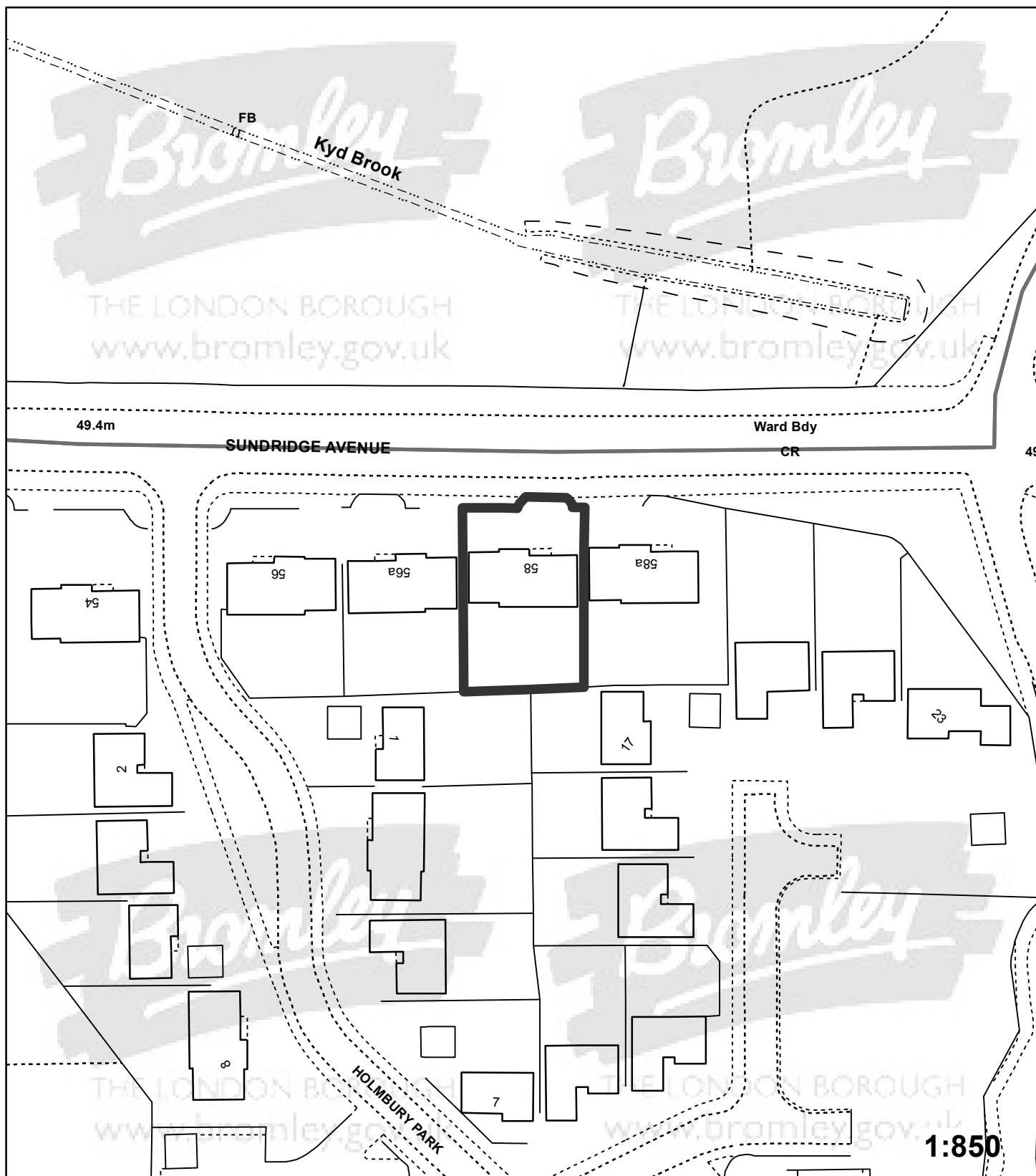
- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACC04 Matching materials
 ACC04R Reason C04
- 3 ACK01 Compliance with submitted plan
 ACC01R Reason C01
- 4 ACI13 No windows (2 inserts) western first floor development

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

Application: 13/02095/FULL6

Address: 58 Sundridge Avenue Bromley BR1 2QD

Proposal: First floor side extension



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

Application No : 13/02344/FULL6

Ward:
Hayes And Coney Hall

Address : Simpsons Cottage Five Elms Road
Hayes Bromley BR2 7AD

OS Grid Ref: E: 541300 N: 165298

Applicant : Mr H Des forges

Objections : YES

Description of Development:

Conversion of detached garage and playroom into annexe and extension to existing summer room to link annexe building to main dwelling house

Key designations:

Conservation Area: Bromley Hayes And Keston Commons

Areas of Archaeological Significance

Biggin Hill Safeguarding Birds

Biggin Hill Safeguarding Area

Green Belt

London City Airport Safeguarding

Sites of Interest for Nat. Conservation

Proposal

The proposal is for the conversion of the detached garage and playroom into an annexe, to enable the applicant, who is in deteriorating health, to be cared for at home in the future.

The proposal comprises of a single storey extension of 9m² to extend the existing summer room. The proposed extension is in the location of an existing canopy that provides a walkway between the existing buildings. The extension will provide access into an existing garage that will be converted to form habitable accommodation.

The annex will remain part of the existing dwelling, and the applicant is happy for a condition to be imposed on the permission that will prevent the building from being severed to form a separate unit.

Location

The application site is located to the north east of Five Elms Road, accessed from an unmade road, and comprises of a detached dwellinghouse. The site is not visible from the road.

The site is located in the Green Belt and the Bromley, Hayes and Keston Commons Conservation Area.

Comments from Local Residents

A letter has been received from the occupiers of The White House which is located to the west of Simpsons Cottages. The boundary of The White House runs adjacent to the site of the proposed works. The letter confirms that the occupiers of the White House have no objection to the proposed extension that is designed to link the annexe to the main house, provided that the annexe is not severed to form a separate unit. They indicate in their letter that they assume that any permission will be conditioned to prevent this from happening.

A letter has been received from the Hayes Village Association (HVA) highlighting that the site is in the Green Belt and borders a Conservation Area and objecting to the proposal on the grounds that the house is a replacement dwelling and the floorspace of the existing dwelling is already the maximum allowed for a dwelling in the Green Belt. The HVA considers that the proposed extension will substantially increase the floorspace and be contrary to Policy G4 of the UDP.

The HVA also objects on the grounds that the proposed works would enable part of the building to operate as a separate unit, which will effectively create a new dwelling in the Green Belt contrary to policies G1 and G4.

Comments from Consultees

Highways - no in principle objection to the proposal.

Heritage and Urban Design - considers that the proposal will not have a harmful impact on the character and appearance of the Conservation Area, and has no objection subject to matching materials.

APCA - No objections subject to matching materials.

Planning Considerations

Planning Policies:

BE1 Design of New Development
BE11 Conservation Areas
H8 Residential Extensions
G4 Green Belt

Planning History

Planning permission (ref. 99/02779) was granted for the demolition for the demolition of the existing terrace of four cottages and erection of a detached 5 bedroom house with attached double garage in March 2000.

An application (ref. 00/03952) seeking the removal of Condition 11 of permission ref. 99/02779 which required that the double garage and its forecourt be permanently provided, together with a proposal for alternative garaging) was granted in August 2001.

Planning permission was also granted for replacement outbuildings in December 2002 (ref. 02/03511) and April 2003 (ref. 03/00934).

Other minor applications include planning permission being granted for:

- Front entrance porch and garden pergola at rear (ref. 01/01914)
- Tile hanging to the front and flank elevations and new windows to west flank elevation (ref. 02/00335)
- Attached building for garden store (ref. 02/00340)

The applicant sought pre-application advice from the Council in respect of the application proposals to which this report relates in February 2013, without prejudice to the consideration of any future application.

Conclusions

The main issues for consideration in this case include the impact of the proposal on the Green Belt and the Bromley, Hayes and Keston Commons Conservation Area and any potential impacts on the amenities of the neighbouring properties (i.e. in respect of the relationship to the adjoining buildings, overlooking, noise, disturbance, etc.), impact on the host property and impact on the character of the area generally.

Green Belt

The dwelling is located within the Metropolitan Green Belt. Policy G4 of the Council's Unitary Development Plan requires that; "proposals to extend converted or replacement dwellings will not normally be permitted". The purpose of this policy is to ensure that subsequent extensions to dwellings do not jeopardise the open nature of the countryside. Where an application is submitted it is expected that very special circumstances are demonstrated in order to justify the proposals.

Planning permission (ref. 99/02779) was granted for the demolition of the existing terrace of four cottages and erection of a detached 5 bedroom house with attached double garage in March 2000. Policy G4 of the UDP requires that "the net increase in the floor area over that of the original dwellinghouse is no more than 10% as ascertained by external measurement". The replacement dwelling used up this floorspace.

Since the permission was granted but prior to the demolition of the cottages a double garage was built under permitted development rights, situated to the rear of

the site of the previous dwelling adjacent to the boundary with The White House. An application (ref. 00/03952) seeking the removal of Condition 11 of permission ref. 99/02779, which required that the double garage and its forecourt be permanently provided, together with a proposal for alternative garaging was granted in August 2001. As a result, the original double garage was converted into residential accommodation.

The floorspace of this proposal will therefore exceed that permitted for extensions or alterations to dwellings in the Green Belt under Policy G4. A very special circumstances case is therefore required to justify any additional floorspace associated with this dwelling.

In terms of very special circumstances, the applicant has indicated that the proposed alterations and extension is required as a result of his deteriorating health and will enable him to be cared for at home in the future when the need arises. A confidential personal statement has been submitted to the Council setting out the applicant's personal circumstances, and he has indicated that he is willing for this to be made available to Councillors.

The proposed extension and alterations will provide access between the main house and the proposed annexe and provide space for a carer to sleep overnight when required. There are also existing pressures on the family due to the health of the applicant's daughter, which mean that altering the layout of the existing house to provide the single level accommodation that the applicant requires would be difficult.

The proposed single storey rear extension to the building has a floorspace of approx. 9.m2. This extension is located to the rear of the existing buildings and will not be visible from the nearest public road or the track that leads to the property. The proposed works will also not bring the development closer to the boundary with The White House than the existing buildings. The proposed extension is considered to be sensitively sited and relatively compact. Due to the fact that it will not be visible from any public vantage point it is not considered that the proposed extension will have any impact on the openness of the Green Belt.

The elevational alterations to the existing garage will not increase the footprint of the building, and will only result in a very minor change to the appearance of the dwelling when viewed from the track, they are not therefore considered to be detrimental to the streetscene or the wider objectives of the Conservation Area or the Green Belt.

The property forms part of the Hayes, Keston and Bromley Commons Conservation Area.

The Council's Heritage and Design officer has advised that he considers that the proposal will not be harmful to the character and appearance of the Conservation Area. The Advisory Panel for Conservation Areas has also raised no objection to the proposal.

Whilst the property is not subject to any listings, the adjoining properties (The White House and Brackdene) are both locally listed. Taking into account the mature boundary screening and the fact that the single storey rear extension will not bring the built development closer to the adjoining dwellings than the existing, the proposal is not considered to be harmful to the residential or visual amenities of the adjacent dwellings.

Severance

The plans indicate a two bedroom annexe with a separate front door. Whilst the annexe could theoretically be severed to form a separate unit, the applicant has indicated that it is his intention that the proposed annexe will always remain attached to the main dwelling and he is willing to accept a planning condition that will prevent any future severance.

In summary, it is considered that the proposed extension to the existing dwelling (at 9m²) is relatively small, it is also sensitively sited to the rear of the existing buildings and will not be visible from the nearest public highway, or the track that leads to the house. The elevational alterations to the existing double garage will only result in a very minor change to the appearance of the dwelling when viewed from the track.

Whilst it is accepted that a proposal for any additional floorspace to this dwelling is contrary to Policy G4 of the UDP, as the replacement dwelling on the site already exceeds the maximum threshold acceptable under this policy, the purpose of the policy is to protect the openness of the Green Belt. In terms of impact on the openness of the Green Belt, the proposal is not visible from the nearest public highway and the single storey extension will not be visible from the track that leads to the property. The proposal is therefore not considered to result in any material harm to the Green Belt.

The applicant has set out the very special circumstances that he considers exists in this case to justify the development. These relate to his deteriorating health and the need for him to have single level self-contained accommodation that will enable him to continue to be cared for at home in the future.

Whilst personal circumstances are not necessarily a reason to justify unacceptable or harmful development in the Green Belt, it is considered that the proposal will have no impact on the openness of the Green Belt or the amenities of the Conservation Area. The proposal will also have no material impact on the amenities of the adjoining properties.

On balance, in view of the very special circumstances that have been outlined in this case and the fact that the proposal is not considered likely to result in any material impact on the Green Belt, Conservation Area or the amenities of the occupiers of the surrounding properties, it is recommended that the application should be granted planning permission.

Background papers referred to during production of this report comprise all correspondence on file ref. 13/02344, excluding exempt information.

RECOMMENDATION: PERMISSION

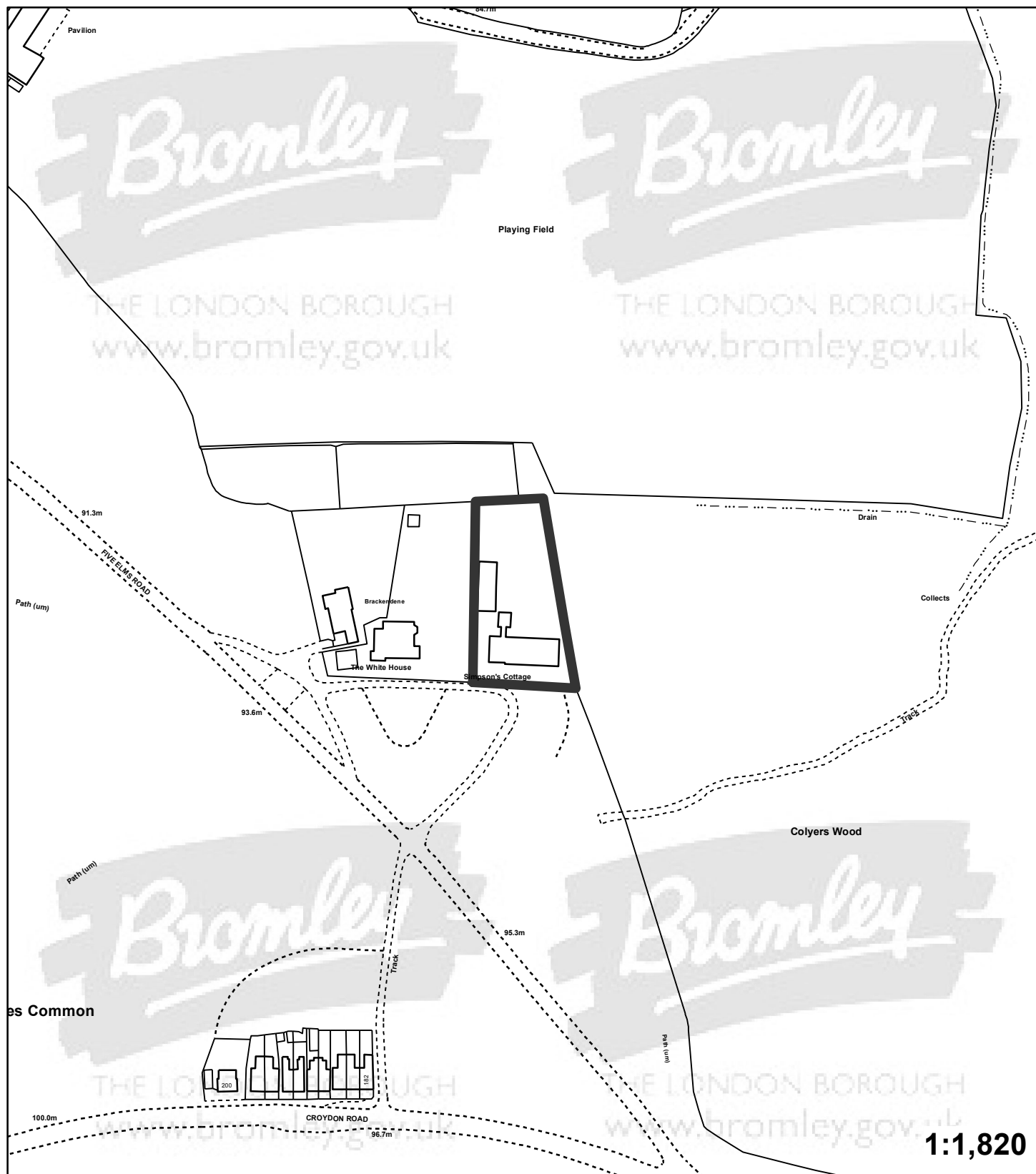
Subject to the following conditions:

- | | | | | |
|---|---------|--|----|----------|
| 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 | | |
| | ACC01R | Reason C01 | | |
| 4 | ACI07 | Restrict to members of household (1 in) | at | Simpsons |
| | Cottage | | | |
| | ACI07R | Reason I07 | | |

Application:13/02344/FULL6

Address: Simpsons Cottage Five Elms Road Hayes Bromley BR2 7AD

Proposal: Conversion of detached garage and playroom into annexe and extension to existing summer room to link annexe building to main dwelling house



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

Application No : 13/02385/FULL6

Ward:
Cray Valley West

Address : 6 Sutherland Avenue Petts Wood
Orpington BR5 1QZ

OS Grid Ref: E: 545579 N: 167280

Applicant : Mr And Mrs Bullen

Objections : NO

Description of Development:

Part one/two storey side and rear extension with raised decking and balustrade

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Sites of Interest for Nat. Conservation

Proposal

Planning permission is sought for part one/two storey side and rear extension with raised decking and balustrade. The proposed extension would project approximately 3.5m from the rear building line at single storey level, with the proposed first floor section being constructed above the existing garage. A maximum side space of 1.1m would be retained along the flank boundary with No. 8. An area of decking is also proposed to the rear at a height of 1m, with a 1m balustrade around the area. There are two new windows proposed at ground floor level along the southern flank.

Location

The application site is located in a residential road, characterised by detached properties with generous sized rear gardens. The property is set to the eastern side of the road.

Comments from Local Residents

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

Comments from Consultees

No internal or external consultations were made regarding 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
- H9 Side Space

Planning History

There is no recent planning history at the site.

Conclusions

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

The proposed first floor extension is subservient to the main roof ridge by 1.7m and set back from the front building line by 1.3m. The extension is in proportion with the existing, and is not dominant to its overall appearance. Although this is slightly less than the minimum 1m side space normally required for two storey developments (1.1m at the front reducing to 0.85 at the rear), given that the proposed extension is set back from the main house and the 1.1m is still retained at the front Members will consider that the proposal is acceptable to comply with Policy H9. It is evident from the street survey that a number of properties along the road have constructed above the existing garage and there are similar developments in the local area. It is considered that adequate amount of side space is maintained along the northern boundary to maintain the spatial standards of the area. It is also noted that no first floor flank windows are proposed.

On balance, the proposed depth of the single storey at 3.5m is also considered acceptable given the separation distances and relationship with the adjoining neighbours. The proposed decking would be 1m in height and it is considered that it would not result in a detrimental amount of overlooking into adjoining gardens.

Background papers referred to during production of this report comprise all correspondence on file ref. 13/02385, 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 Before the development hereby permitted is first occupied the proposed window(s) in the ground floor flank elevation of the single storey rear extension shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and details of any openings shall be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained in accordance with the approved details. In the interests of the privacy of adjoining properties any openings should be at high level.

ACI111R Reason I11 (1 insert) BE1

4 ACI13 No windows (2 inserts) first floor flank extension

ACI13R I13 reason (1 insert) BE1

5 Details of the means of privacy screening for the raised decking at the rear shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details and permanently maintained as such.

ACI24R Reason I24R

6 ACK01 Compliance with submitted plan

Reason: In the interest of the visual and residential amenities of the area.

Application:13/02385/FULL6

Address: 6 Sutherland Avenue Petts Wood Orpington BR5 1QZ

Proposal: Part one/two storey side and rear extension with raised decking and balustrade



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

Application No : 13/02432/FULL1

Ward:
Copers Cope

Address : Clare House Primary School Oakwood
Avenue Beckenham BR3 6PJ

OS Grid Ref: E: 538295 N: 169170

Applicant : Clare House Primary School

Objections : YES

Description of Development:

Provision of temporary single storey classroom block with entrance lobby, toilets and class stores, plus associated external works including canopy, ramp, steps and fences

RETROSPECTIVE APPLICATION

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Urban Open Space

Proposal

The proposal is for a temporary single storey classroom block (approx.19m long by 9.8m wide) to provide two additional classrooms with entrance lobby, toilets and storage area. The application also includes steps and a ramp to provide access to the temporary classrooms. The area to the rear of the classroom building will provide a secure play area for reception classes and a covered outdoor teaching space and will be secured by a 1m close boarded fence and gate.

The application seeks temporary planning permission for a period of one year and will provide classroom space for an additional 30 reception age pupils whilst a decision is made on the permanent expansion of the school to two forms of entry.

The construction of the building was already in progress at the time this report was written.

Location

Clare House School is located on the north west side of Overbury Avenue, adjacent to the junction with Oakwood Avenue. The temporary classroom will be located on the north western part of the existing tarmac playground in close proximity to the existing school buildings.

Comments from Local Residents

Forty local objections had been received by the time the report was written. The key issues raised by these objections are summarised as follows:

- the appearance of the building is inappropriate, it is ugly/unsightly;
- the building is inappropriately located and could be better sited elsewhere on the site;
- too much space has been taken up by the classroom (approx. a third of the existing tarmac area) - this significantly reduces the amount of playground available to the children and increases pressure on remaining playground area;
- no additional outside play area is provided to compensate for the loss of playground, the school field can only be used in the summer months;
- the proposal restricts access and compromises safety;
- building work has started without planning permission, and there has been no public consultation;
- the proposal will result in an increase in traffic in the area due to the additional pupils;

Any additional objections received will be reported verbally at Committee.

Comments from Consultees

LBB Education - has advised that "the proposal at Clare House Primary School is for a temporary facility to house 30 additional reception age pupils whilst a decision is made on the permanent expansion of the school to 2 Forms of Entry (FE)".

Clare House Primary School is a popular school, rated by OfSTED as Good and located in Pupil Planning Area 2. Although this application is for an additional 'bulge class' through the provision of temporary accommodation, in line with Council policy to expand popular high performing schools LBB Education is seeking to increase the size of Clare House Primary School to 2 FE (420 pupils). Without the provision of 30 additional pupil places at Clare House Primary School the Council would have failed to deliver its statutory duty of delivering sufficient reception places in Pupil Planning Area 2.

LBB carried out a feasibility study in Spring 2013 on an 'expand and refurbishment option' to take the school to 2FE, but following a failure to agree the scheme detail and concerns about deliverability the Council has now commissioned a further study to examine the option of building a new 2FE facility on site to replace the existing buildings.

The current proposal has the impact of temporarily reducing the size of the school playground, but the school remains comfortably within the Department for

Education site size guidance with a net area of 10556m² compared to the Building Bulletin 99 guidance of 9650m² for 270 pupil primary schools.

In siting the facility efforts have been made to mitigate the impact of the temporary facilities by locating them close to the existing school and not impacting on the playing field. The present siting also allows the provision of enhanced outdoor play opportunities for reception age pupils and the unit provided includes disabled toilet facilities.

Thames Water - No objections.

Drainage - No objections.

Highways - no in principle objections.

Trees - No significant trees are affected by this proposal.

Planning Considerations

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

- C1 Community Facilities
- C7 Educational and Pre-School Facilities
- L6 Playing Fields
- BE1 Design of New Development
- T1 Transport Demand

Planning History

Planning permission (ref. 89/01651) was granted for a single storey front extension to form a dining area and entrance in July 1989.

Planning permission was granted for a cycle shed (ref. 07/00388) in March 2007 and detached single storey shed (ref. 91/02644) in May 1992.

Conclusions

Clare House School has a projected increase in the number of pupils for the next academic year, and this temporary classroom accommodation is to accommodate a 'bulge' in pupil numbers. The proposal will provide accommodation for an additional 30 children, which represents one additional 'bulge' class. The proposal will also generate a requirement for one additional member of staff.

The Council's Education Department is currently considering proposals to restructure the school from a 1 form entry primary school to a 2 form entry primary school, and if the proposal is approved and goes ahead (subject to the relevant permissions) it is envisaged that the work would be carried out in phases.

The building is a temporary structure and is constructed of plastisol coated sheet with aluminium double glazed windows, which is typical for these types of temporary classrooms. The building is located on the north west corner of the existing playground in close proximity to the existing school buildings. It is important that the classrooms are located within easy reach of the school's existing facilities, so alternative locations within the site are not considered practical or appropriate. The additional educational space that will be provided to the rear of the temporary building, including a secure play area for reception classes and a covered outdoor teaching space, will enhance existing facilities on the site. These areas will be secured by a 1m close boarded fence and gate. Whilst the proposal does result in a reduction in the area of playground available to pupils, the existing grass pitches have been preserved and LBB Education has confirmed that the school remains comfortably within the Department for Education site size guidance.

A Transport Assessment has been provided to accompany the application it indicates that, the proposals will result in an increase of only 10 vehicles. This is considered as a worst case scenario as the new intake will be primarily from the immediate area and the assessment therefore makes the assumption that the majority would actually walk to school. The assessment concludes that there are no highway or transportation reasons to object to the proposed development. LBB Highways has no objections to the proposals.

An Extended Phase 1 Habitat Survey Report was also provided to accompany the application, it summarises the outcomes of an ecological survey that was undertaken in June 2013. The report finds that the proposed development can proceed without detriment to protected species provided that the general precautionary recommendations are adhered to. The report recommends the following:

- that any lighting installed should be bat sensitive lighting;
- that a nesting search be undertaken prior to work being undertaken to confirm the presence/absence of nesting birds prior to works being undertaken;
- that the ecologically poorer areas of the site can be enhanced by use of native species, tree planting and installation of habitats such as bird and bat boxes where considered appropriate within the context of the landscaping/scheme proposals.

The Council's Tree officer has confirmed that no significant trees will be affected as part of these proposals. Insufficient details have been provided on the proposed lighting and landscaping to confirm that the scheme will comply with the recommendations contained in the habitat report submitted by the applicant, but if the application is granted these matters can be appropriately dealt with by conditions.

In summary, the temporary classroom building is necessary to accommodate a 'bulge' in pupil numbers and to enable the gradual transition of the school from a one form entry to two form entry. Bromley Education has confirmed that the facilities proposed and level of play/amenity space will continue to be comfortably

within Department of Education site size guidance. The number of additional journeys/car parking generated by the proposal can also be accommodated within the existing road network.

The siting of the building is considered to be appropriate in the context of the existing buildings on the site as it needs to be located in close proximity to the existing school buildings. Whilst the building is temporary in nature, and its appearance reflects this, the building is well screened from surrounding properties and is not considered to result in any reduction in visual amenities for the occupiers of surrounding properties. On the basis that it will be a temporary structure its appearance is considered appropriate.

The proposal is therefore considered to comply with all relevant policies identified above.

Background papers referred to during production of this report comprise all correspondence on file ref. 13/02432, excluding exempt information.

as amended by documents received on 02.08.2013 05.08.2013

RECOMMENDATION: PERMISSION

Subject to the following conditions:

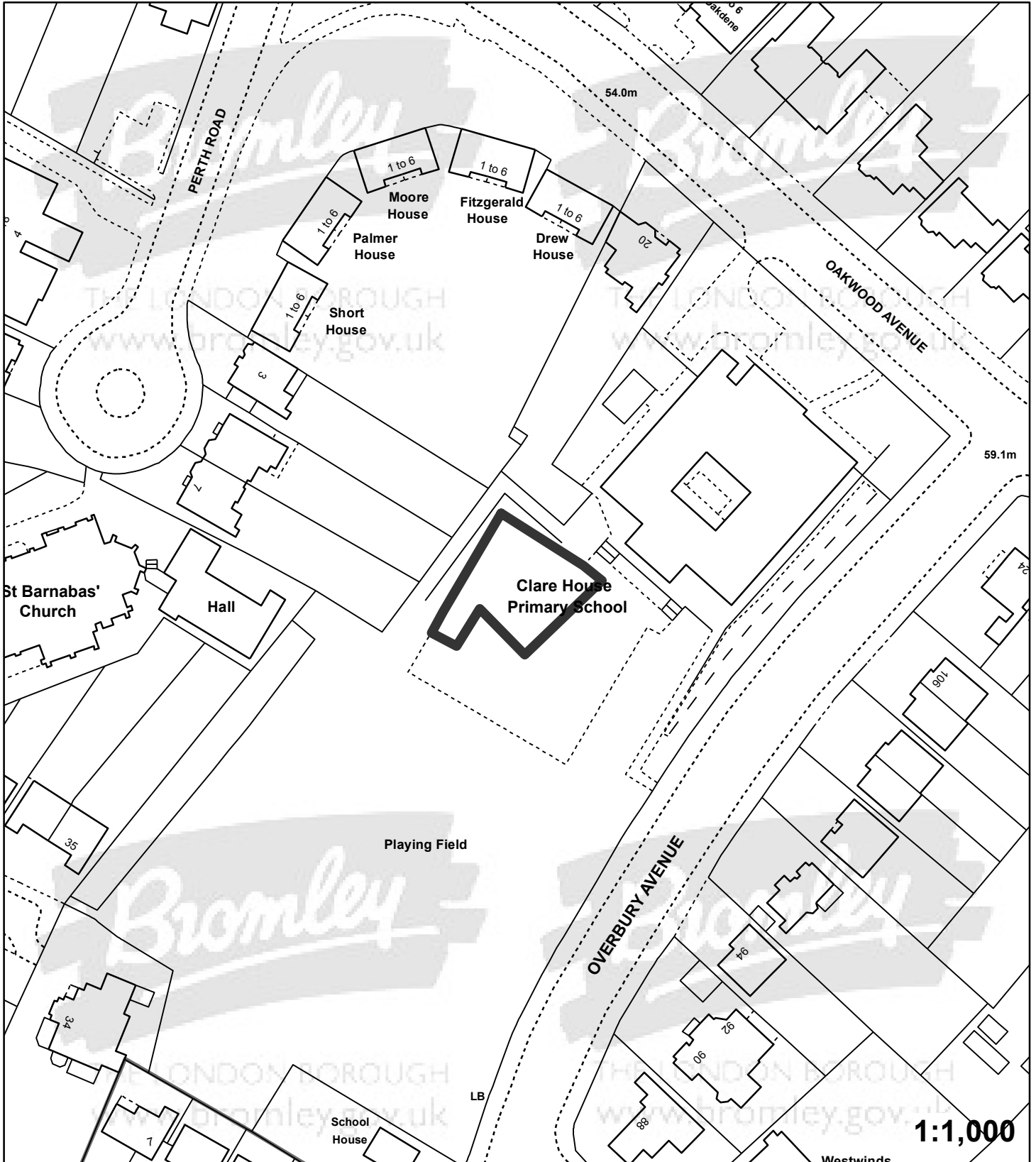
- | | | | |
|---|-----------------|--|--------------------|
| 1 | ACE01
ACE01R | Limited period - buildings (1 insert)
Reason E01 | 17th October 2014. |
| 2 | ACC04
ACC04R | Matching materials
Reason C04 | |
| 3 | ACD02
ADD02R | Surface water drainage - no det. submitt
Reason D02 | |
| 4 | ACD04
ADD04R | Foul water drainage - no details submitt
Reason D04 | |
| 5 | ACJ22
ACJ22R | Lighting Scheme
J22 reason | |
| 6 | ACA04
ACA04R | Landscaping Scheme - full app no details
Reason A04 | |

Application:13/02432/FULL1

Address: Clare House Primary School Oakwood Avenue Beckenham BR3 6PJ

Proposal: Provision of temporary single storey classroom block with entrance lobby, toilets and class stores, plus associated external works including canopy, ramp, steps and fences

RETROSPECTIVE APPLICATION



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

Application No : 13/02524/FULL6

Ward:
Shortlands

Address : 48 Elwill Way Beckenham BR3 6RZ

OS Grid Ref: E: 538673 N: 168234

Applicant : Mr Richard Pereira

Objections : YES

Description of Development:

Two storey front/side and rear extensions and roof alterations

Key designations:

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

Proposal

The proposal is for a two storey front/side and two storey rear extension and alterations to roof of this detached property.

The two storey front/side extension, wraps around the front north western corner of the property and projects approx.1.2m beyond the existing north western flank elevation. At the narrowest point, a side space of approx. 1.2m is maintained between the proposed extension and the boundary of the property with No.46. This increases to approx. 1.55m at the point of the extension that will be in line with the front elevation of the property. A window is proposed at first floor level in the north western flank elevation of the extension.

The two storey rear element of the proposal has a width of approx. 10.3m and depth of approx. 3.9m from the original rear elevation of the property, although it is noted that the footprint of the existing single storey rear extension will fall within the envelope of the proposed extension. The proposed extension is set in from the boundary with No.46 by approx. 1.85m at the narrowest point and from the boundary with No.50 by approx. 1.4m. An enclosed balcony is included at first floor level.

An additional window is also proposed at first floor level on the original eastern flank elevation of the property.

The roof of the building will be substantially remodelled to accommodate the proposed additions to the property. As a result, the height of the building will increase from approx. 7.9m to 8.7m.

The plans do not show any accommodation being provided in the roofspace.

Location

The site is located on the south side of Elwill Way within the Park Langley Area of Special Residential Character.

Comments from Local Residents

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

- two local residents have expressed concerns about the prospect that the property may be turned into a Dr's surgery and the impact that this might have on traffic - the applicant is a dentist and has confirmed in writing that it is not his intention to use the property for this purpose.
- an objection has been received from the occupier of No.46 Elwill Way in respect of the two storey front/side extension, its proximity to No. 46 and the impact that it will have on the amount of light entering the living room of No. 46.

A letter has also been received from the Park Langley Residents Association (PLRA), which highlights the fact that the proposed extension should not only comply with Unitary Development Plan (UDP) policies, but also with the Design Guide for the Park Langley Area of Special Residential Character (ASRC). The PLRA draws attention to Section 3 of the Design Guide which states that to maintain harmony of design, "it is important to ensure that extensions and alterations respect the design and materials of the original building". New developments must relate well to the immediate location and the general character of the area. "The green and spacious aspect of the area needs to be protected by careful consideration of proposals that affect the setting of houses such as the erosion of side space between dwellings". The Guide also states that issues such as the scale of new developments will be assessed in terms of their effect on neighbouring properties and on local residential character.

The PLRA questions whether the proposal can be considered to be consistent with planning policy as outlined in the Guide or whether it represents an over-development impacting adversely on the quality and character of the ASRC to an unacceptable extent.

Comments from Consultees

Highways - No objections to the proposals

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
- H10 Areas of Special Residential Character
- H9 Side Space

Park Langley Area of Special Residential Character Design Guide

Side extensions between properties of two storeys or more will, in many cases, be expected to provide more than the 1m minimum standard laid down for residential development in the borough.

Any proposal will generally be expected to provide side spaces consistent with the standard already existing in the neighbourhood.

Planning History

There is no relevant planning history on the site.

The property has a single storey rear extension that it is assumed was constructed under permitted development.

Conclusions

The main issues relating to the application are the impact of the proposals on the streetscene, ASRC and the amenities of the occupiers of the surrounding residential properties.

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.

The two storey front/side extension, wraps around the front north western corner of the property giving the property a continuous rather than stepped front elevation. The proposal will therefore significantly change the appearance of the dwelling.

The adjoining owner has expressed concerns about the proximity of the two storey side element of the proposal to No.46 and its impact in terms of loss of light to his living room. A side space of 1.55m is provided in line with the front elevation of the building, tapering to 1.2m at the narrowest point. As a result of the overall separation between No.48 and No.46 Elwill Way it is considered that the proposed extension is unlikely to have any material impact on No.46 in terms of loss of light or residential amenities.

Policy H10 of the UDP states that applications for development in ASRCs will be required to respect and complement the established and individual qualities of the

individual areas. The PLRA Design Guide indicates that "side extensions between properties of two storeys or more will, in many cases, be expected to provide more than the 1m minimum standard laid down for residential development in the borough".

The Council would normally seek a sidespace of 1.5m for the full length of the flank elevation in respect of two storey extensions in an ASRC (although this figure is not specifically referred to in the Council Policy). Whilst this is not achieved for the full length of the flank elevation of the two storey front/side extension, due to the fact that a 1.55m side space is achieved at the front elevation of the property and this tapers gradually to the rear, it is considered that this will be barely perceptible when viewed from the road and will not result in a material reduction in spatial standards or be detrimental to the streetscene or the wider objectives of the ASRC. This issue requires careful consideration by Members, but on balance, the level of side space proposed is considered adequate in this case.

The applicant has drawn attention to a number of other properties in the road where he considers that a side space of below 1.5m has been provided. The first is No.46 Elwill Way. The applicant indicates that the side space in respect of No.46 tapers to 1.2m. A review of the planning history for No.46 indicates that planning permission (ref. 81/0469) was granted for a first floor rear and single storey rear extension May 1981. Planning permission was also granted for a single storey building in May 1982. There is no other recent planning history on the site.

The applicant also draws attention to the level of side space (1m) at No.70 Elwill Way. A planning application (ref. 10/03671) for a part one/two storey rear/side extension and other alterations to the building was refused planning permission by the Council in March 2001 on the grounds that the proposed two storey rear extension by reason of its proximity to the flank boundary of the site, would constitute a cramped form of development detrimental to the spatial standards of the Area of Special Residential Character and contrary to Policies H9 and H10 of the Unitary Development Plan. The application was later granted at appeal under ref. APP/G5180/D/11/2151867. In granting the appeal the Inspector highlighted that the first floor element of the new addition would be set back from the front of No.70 and by 1m from the shared boundary with No.68. Due to the set back and of the two storey element from the front elevation of the property, the circumstances in this case are considered to be materially different from the position in respect of the application at 48 Elwill Way.

In terms of the two storey rear element of the proposal, this will not be visible from the road and will therefore have no impact on the character of the ASRC or the streetscene. In terms of the impact of this proposal on the amenities of the adjoining properties, the proposal will have a rearward projection of 3.8m (approx) and is set in approx. 1.4m from the boundary with No.50 and approx. 1.8m from the boundary with No.46. It is also noted that No.50 has an existing two storey extension that was granted planning permission in 2007 (ref. 07/02249) and subsequently amended in 2008 (ref. 08/00616). The level of amenity space that is retained around the building is such that the proposal will not be materially detrimental to the visual or residential amenities of the occupiers of the adjoining properties.

As the proposed balcony is enclosed is not considered to result in an unacceptable level of overlooking or loss of privacy to the adjoining properties.

Substantial remodelling of the roof is proposed as a result of these proposals. The height of the building will increase from approx. 7.9m to approx. 8.7m. The bulk of the roof will increase substantially when compared to the existing dwelling, particularly given the proposed extensions to the property and the addition of the proposed gable to the north western flank elevation. Elwill Way and the Wider Park Langley ASRC is characterised by large detached dwellings which vary in height, design and appearance. The adjoining property No.46 Elwill Way is of a different design, and slightly higher than the application property. The issue of whether the height and bulk of the proposed roof to No.48 Elwill Way is acceptable and assessment of whether it will have any impact on the streetscene or ASRC therefore requires careful consideration.

The alterations to the roof of No.48 are considered to represent a significant increase in the height and bulk of the roof the building. The gable end adjacent to the boundary with No.46 is considered to be bulky and represent a substantial change to the character of the host dwelling. However, the adjoining property No.46 also has a roof with a gable end adjacent to the boundary with No.48, and on balance, the design of the proposed roof is not considered to be detrimental to the street scene or the ASRC or be detrimental to the amenities of the occupiers of the adjoining property.

In summary, the application seeks a substantial enlargement to this detached property, that will significantly alter the appearance of this dwelling. It is considered that the issues in this case are finely balanced, but, on balance the proposal will not result in an unacceptable lowering of spatial standards in the area that would be detrimental to the streetscene or the wider objectives of the ASRC. In addition, the proposal is not considered to be detrimental to the amenities of the occupiers of the adjoining properties and it is therefore recommended that the application is granted planning permission.

Background papers referred to during production of this report comprise all correspondence on file ref. 13/02524, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

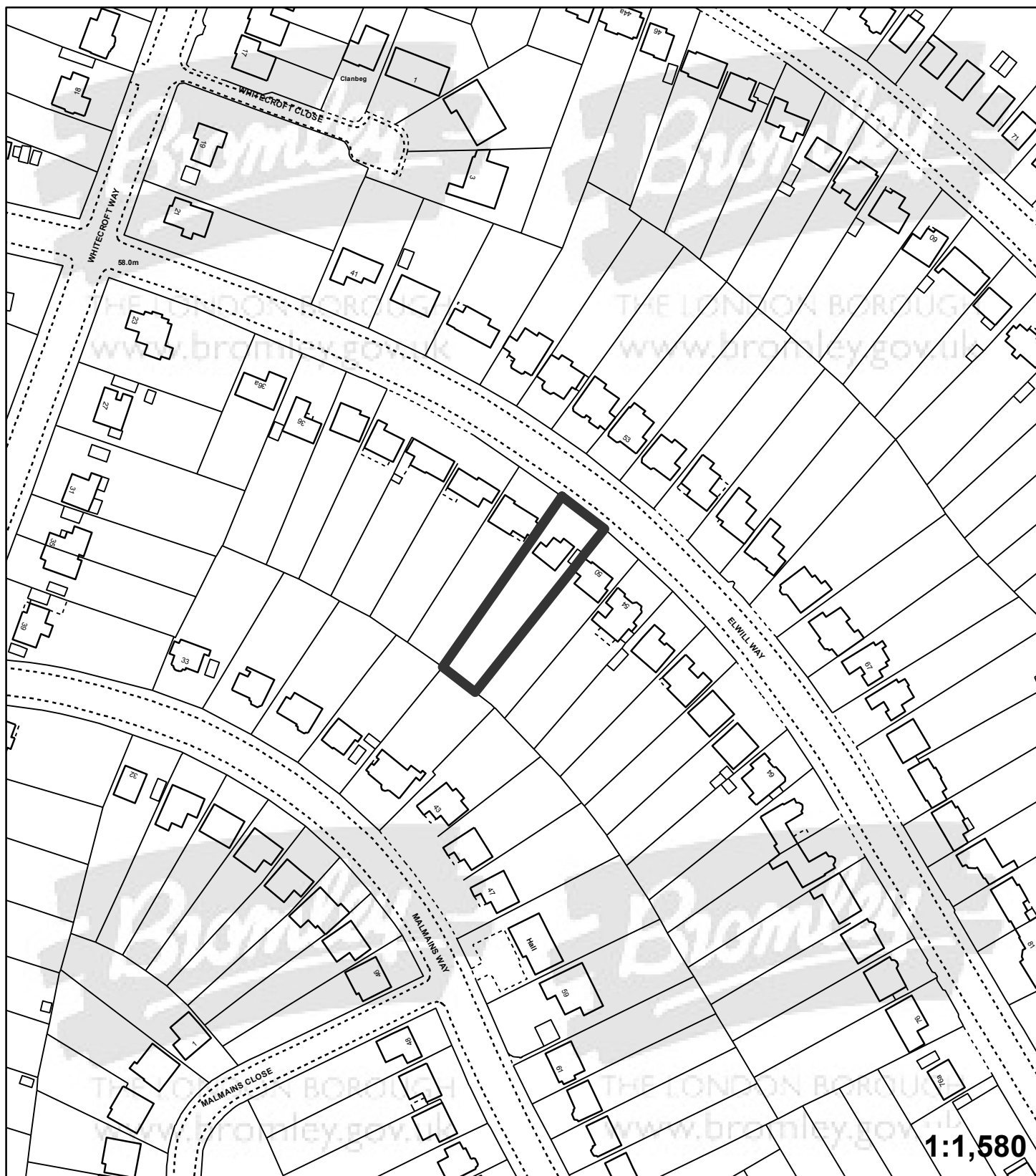
- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACC04 Matching materials
 ACC04R Reason C04
- 3 ACI12 Obscure glazing (1 insert) in the first floor level of the north
 western flank elevation
 ACI12R I12 reason (1 insert) BE1
- 4 ACI17 No additional windows (2 inserts) flank extensions
 ACI17R I17 reason (1 insert) BE1
- 5 ACK01 Compliance with submitted plan

ACC01R Reason C01

Application:13/02524/FULL6

Address: 48 Elwill Way Beckenham BR3 6RZ

Proposal: Two storey front/side and rear extensions and roof alterations



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

Application No : 13/02560/FULL3

Ward:
Bromley Town

Address : Alexander House 5 Blyth Road Bromley
BR1 3RS

OS Grid Ref: E: 539843 N: 169724

Applicant : D & H Shah

Objections : YES

Description of Development:

Change of use from use Class B1 office to use as a day care nursery within (use Class D1), erection of single storey rear extension with roof terrace, alterations to existing garage, erection of buggy/cycle store, acoustic fencing and landscaping.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Bromley Town Centre Area
Bromley Town Centre Area Buffer 200m
London City Airport Safeguarding
London City Airport Safeguarding Birds

Proposal

The proposal is for a change of use from use Class B1 (office) to use as a day care nursery within Use Class D1. The nursery will be operated by Fennies which operates 5 existing nurseries across Bromley and Croydon.

The proposal comprises the demolition of the existing lean-to and erection of a single storey rear extension with a flat roof which will be used as a terrace. The terrace will be enclosed by 1.6m high cedar boarded acoustic fencing. In addition, alterations to the existing garage are proposed to convert this into accommodation for the nursery. This will include an increase in the height of the garage from approx. 2.9m to 3.9m. The erection of a 13m long by 1.5m wide enclosure is proposed adjacent to the northern boundary of the site to provide refuse storage, and a buggy/cycle store.

A landscaping scheme is proposed together with 1.8m high acoustic fencing along the northern and southern boundaries of the site.

The proposed hours are 07.45 - 18.00 on weekdays with "early earlys" (7.00am drop off and "late lates" 19.00 offered on a limited basis.

5 Blyth Road is a large Victorian property with accommodation on three levels. The lawful use of the property is for uses falling within Use Class B1. The building was previously used by a research company and vacated in December 2011.

Location

The site is located on the eastern side of Blyth Road just south of the point at which the road bends to the east and joins the junction with London Road. Blyth Road contains a mix of residential and commercial properties.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations were received from C Brewer and Sons Ltd. The grounds of the objection relate primarily to traffic congestion and safety and are summarised as follows:

- Blyth Road is already a busy cut through used by traffic wishing to avoid the traffic controlled junction of Beckenham and London Road.
- the proposal will exacerbate peaktime congestion and lead to more accesses being blocked through inconsiderate parking which will affect Brewers business as the exit from Brewers car park and the access for goods vehicles is between 9 and 11 Blyth Road.
- the proposal will increase hazards and be a danger to all people using the road

Comments from Consultees

Highways has advised that the 8 car parking spaces proposed are sub-standard, and minimum dimensions of 4.8m long by 2.4 m wide with 6m manoeuvring space are required.

Based on the results of a survey of the existing Fennies Nursery site at 92 Addiscombe Road, which was undertaken by the applicant to understand the operation and drop off/collection demand of the nursery, it is concluded that the short stay car parking demand of the proposed 92 child day care nursery can be accommodated within the site and will not impact significantly on the local on-street car parking.

It is noted that the Addiscombe Road site is considered comparable in terms of scale (92 Children), age ranges catered for, population density in the proximity and a similar level of on-site car parking proposed (8 short stay spaces with no staff provision). The site is also in a similar location in terms of accessibility.

Education - no in principle objection to the proposal.

Planning Considerations

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

- BE1 Design of New Development
- C7 Educational and Pre-School Facilities
- EMP3 Conversion or redevelopment of offices for other uses
- T1 Transport Demand
- T12 Transport Effects
- T3 Parking
- T5 Access or people with restricted mobility
- T6 Pedestrians
- T7 Cyclists
- T18 Road Safety

Planning History

Ref. Number Date	Description	Status	Decision
85/02514/FUL AND INCREASE ROOF HEIGHT	REAR EXTENSION TO EXISTING ATTACHED GARAGE PER 06.11.1985		
89/01220/FUL 24.05.1989	HARDSTANDING TO REAR FOR CAR PARKING	PER	
91/01405/FUL	SECOND FLOOR REAR EXTENSION	PER	21.08.1991
96/00147/FUL	CONTINUED USE AS OFFICES WITHOUT COMPLYING WITH CONDITION I OF PERMISSION 793197 LIMITING OCCUPANCY TO CYSTIC FIBROSIS RESEARCH TRUST	PER	13.03.1996

Conclusions

The main issues relating to this application are: the appropriateness of the proposed change of use from B1 to D1 in terms of loss of B1 floorspace; the appropriateness of the creation of a D1 use in this location; the impact of this change of use on the amenities of the occupiers of both commercial and residential properties in the surrounding area; potential impacts on traffic generation, car parking and highway safety.

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.

This report will first deal with the principle of the change of use from Class B1 (office) to a day care nursery (Class D1). It will then go on to assess the potential impacts of the proposal on the amenities of the occupiers of surrounding

commercial and residential properties both as a result of the proposed use and the proposed alterations to the building.

Principle of Proposed Change of Use

The authorised use of Alexander House is under Class B1 (Office). Policy EMP3 requires that the conversion or redevelopment of offices will only be permitted where it can be demonstrated that there is no local shortage of office floorspace and there is evidence of long term vacancy despite marketing of the premises, and there is no likely loss of employment resulting from the proposal. The applicant's agent has advised that the property was previously used by a research company but that it has remained vacant since December 2011.

The application material includes a marketing report prepared by Acorn that sets out the marketing activity that has been undertaken in respect of the site and also highlights the lack of demand for B1 office use in the immediate location together with the availability of better accommodation in more accessible locations within the area.

The Marketing Report states that an active and extensive marketing campaign commenced in July 2011 and remains ongoing, this included:

- The production of marketing material, brochures;
- Erection of substantial advertising hoardings;
- Direct marketing to clients in their database;
- Advertising on Acorn's website, multiple property portals and websites specifically targeted for commercial property;
- Adverts in Newshopper and Estates Gazette.

The guide price of the property was also reduced to assist with the marketing of the property.

The Marketing Report advises that no expressions of interest have been received from any parties wishing to either let or buy the property for B1 uses. The only tangible interest has come from residential developers who consider the site suitable for small scale development, or from day nursery operators subject to a successful change of use application. Acorn has also struggled to let or sell comparable commercial property in Blyth Road and the immediate vicinity. It considers that the reason for this is due to the fact that central Bromley offers better more accessible and up to date premises.

Acorn advises that the current quality of the office accommodation within Blyth House is low and any prospective occupiers would need to invest in a program of refurbishment to include, at a minimum, rewiring with modern electrics and data cabling, replastering and reflooring. The cost of such work is not considered to be economically viable.

In assessing the proposal against Policy EMP3 it is considered that sufficient evidence has been submitted to demonstrate that Alexander House has been vacant for some time, and that reasonable attempts have been made to market the

property for B1 uses. It is also acknowledged that there is currently no shortage of vacant B1 floorspace in the Borough. Rather than resulting in a loss of employment, the proposal will generate new jobs associated with the day care nursery and bring this building back into useful occupation. The proposal is therefore considered to comply with Policy EMP3.

Appropriateness of D1 Use

The proposal will result in the creation of an additional pre-school facility in a location that is easily accessible by means of transport other than the private car. The proposal is therefore considered to comply with Policy C7.

The Council's Education Department has raised no in principle objection to the proposal.

Highways and Car Parking Issues

Based on the results of a survey of the existing Fennies Nursery site at 92 Addiscombe Road which was undertaken to understand the operation and drop off/collection demand of the nursery, it is concluded that the short stay car parking demand of the proposed 92 child day care nursery can be accommodated within the site and will not impact significantly on the local on-street car parking. It is noted that the Addiscombe Road site is considered comparable in terms of scale (92 Children), age ranges catered for, population density in the proximity and a similar level of on-site car parking proposed (8 short stay spaces with no staff provision). The site is also in a similar location in terms of accessibility.

Highways has advised that the 8 car parking spaces proposed are sub-standard, and that minimum dimensions of 4.8m long by 2.4 m wide with 6m manoeuvring space are required. An additional statement has been received from the applicant's Highways consultant that confirms that the layout of the car parking spaces reflects the existing position in respect of car parking at the site, and that these have successfully operated during the time that the building was previously occupied for B1 uses. Whilst the application's highways consultant acknowledges that the car parking spaces fall slightly below the minimum dimensions set out by the Council, there is sufficient space for vehicles to turn enabling vehicles to enter and exit the site in a forward gear. Photographic evidence has also been provided showing that cars, vans and 4x4s can successfully park within the existing site boundary and off the public highway without causing a danger to other road users.

On balance, the size of the proposed spaces only falls marginally below the minimum standards required by the Council. On the basis that the level of proposed car parking provision reflects the existing position in terms of the size of spaces, the size of the spaces proposed is considered to be acceptable.

Impact on Amenities

The Jubilee Day centre which provides specialist day care for adults is located to the south of the application site. A block of flats, No.3 Blyth Road, is located

immediately to the north of the site. No.3 Blyth Road has a large communal garden at the rear.

In terms of the impact of the use, the applicant has confirmed that the rear play space is likely to be used between 10am and 4pm and its use will be staggered and used by small groups of children (split by age group) with their nursery nurse. The use of the first floor terrace will only be in association with the care of babies at the nursery, and not older children. Acoustic fencing is also proposed around the site and the terrace to reduce any noise impacts on the adjoining properties.

A condition is proposed on the application limiting the number of children that could use the outside play space at any one time to 17. On the basis that the days and hours of operation of the use and the number of children using the outside play space will be carefully controlled, it is considered that the impact of the proposal on the amenities of the occupiers of the adjoining properties will fall within acceptable levels.

Design and Visual Impact

The proposed alterations to the building, set out above, are considered to be sensitively designed and in keeping with the design of the building. It is therefore considered that they are unlikely to impact on the streetscene or the amenities of the occupiers of the surrounding properties.

Summary & Conclusion

In summary, the proposal is considered to comply with policy EMP3, it will not result in a loss employment as the premises has been vacant for some time, and despite a range of marketing activities no prospective B1 tenants have been identified. The proposal will in fact create new jobs associated with the D1 use.

The proposed use and proposed alterations to the building are not considered likely to be detrimental to streetscene or to the amenities of the surrounding commercial and residential occupiers.

Whilst the size of the car parking spaces proposed is slightly below the minimum standard required by the Council, this reflects the current situation with regard to car parking on the site. In car parking demand, the Council's Highways Department accepts the findings of the applicant's report which concludes that the short stay car parking demand of the proposed 92 child day care nursery can be accommodated within the site and will not impact significantly on the local on-street car parking.

It is therefore recommended that the planning permission is granted for the proposal.

Background papers referred to during production of this report comprise all correspondence on file ref. 13/02560, excluding exempt information.

as amended by documents received on 27.09.2013

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 ACH22 Bicycle Parking
ACH22R Reason H22
- 5 ACH32 Highway Drainage
ADH32R Reason H32
- 6 ACH30 Travel Plan
ACH30R Reason H30
- 7 ACI21 Secured By Design
ACI21R I21 reason
- 8 ACJ01 Restriction on use (2 inserts) a day care nursery D1
Reason: In the interests of the visual amenities of the adjoining properties and the visual amenities of the area, in line with Policy BE1 of the Unitary Development Plan.
- 9 ACJ12 Use as day nursery/playgroup (5 insert) 3 months 5.5
years 92 07:00 19:00
ACJ12R J12 reason
- 10 The use of the ground-level outdoor and covered play areas shall be limited to a maximum of 17 children at any one time.
Reason: In the interests of the amenities of the adjoining properties and in order to comply with Policy BE1 of the Unitary Development Plan.
- 11 Details of the proposed acoustic fencing for the site perimeter and "babies terrace" shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be installed as approved prior to the use commencing and shall be permanently maintained as such thereafter.
Reason: In the interests of the amenities of the adjoining properties and in order to comply with Policy BE1 of the Unitary Development Plan.
- 12 ACK01 Compliance with submitted plan
ACJ01R J01 reason (insert reason)

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.
- 2 If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing. 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 website.

Application:13/02560/FULL3

Address: Alexander House 5 Blyth Road Bromley BR1 3RS

Proposal: Change of use from use Class B1 office to use as a day care nursery within (use Class D1), erection of single storey rear extension with roof terrace, alterations to existing garage, erection of buggy/cycle store, acoustic fencing and landscaping.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

Application No : 13/02564/FULL6

Ward:
West Wickham

Address : 6 Braemar Gardens West Wickham BR4
OJW

OS Grid Ref: E: 538067 N: 166085

Applicant : Miss Loydall

Objections : NO

Description of Development:

Roof alterations to incorporate rear dormer extension, first floor side extension and conversion of existing garage to habitable room with elevational alterations

Key designations:

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

Proposal

The proposal is for roof alterations to incorporate a rear dormer extension, first floor side extension and conversion of existing garage to habitable room with elevational alterations. The elevational alterations include the addition of two windows in the existing ground floor flank elevation, replacement of existing garage door with a window, and rooflights in the front roof slope.

Location

This proposal is to a semi-detached property located on the eastern side of Braemar Gardens, West Wickham. Braemar Gardens is mainly residential and is characterised by semi-detached properties.

Comments from Local Residents

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

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

Comments from Consultees

No objections have been received from Highways. There are spaces available within the site's curtilage which would be utilised for parking.

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

Supplementary Planning Guidance 1 General Design Principles
Supplementary Planning Guidance 2 Residential Design Guidance

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

The above policies are considered to be consistent with the principles and objectives of the National Planning Policy Framework.

Planning History

There is no recent planning history at the site.

Conclusions

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

The proposed first floor side extension will allow 900mm to the southern boundary with No. 4 Braemar Gardens and therefore does not allow for the full 1m side space normally expected in respect of Policy H9 regarding side space. However, it can be seen that similar extensions have been allowed by the Council along the road including No.8 (the adjoining semi) and No.10 Braemar Gardens. Having looked at the planning records in relation to these two properties in particular, it can be seen that planning permission was granted under ref. 85/1599 for No. 8 Braemar Gardens for a 'Two storey side extension.' The approved drawings and officers report state a side space of 2 feet 10inches which is approximately 864mm. Planning history for No.10 Braemar Gardens indicate permission was granted under ref. 85/0672 for a 'First floor side extension and single storey rear extension'. The approved drawings and officers report state a side space of 2 feet 6inches which is approximately 762mm. It is also noted that the design of the proposed side extension at No. 6 is set back 1m from the front building line and results in a development which is subservient to the host dwelling and hips the roof line away from the boundary. Two windows are shown in the first floor flank elevation and these should be obscure glazed in order to protect the privacy and amenities of No. 4 Braemar Gardens. Members may consider given the subservient design and 900mm side-space proposed that, on balance, the scheme

may not cause such harm to the character of the area as to warrant a planning refusal.

To the rear of the property is the church, church hall and parking area. The proposed rear dormer extension is considered acceptable in terms of size and design and is not considered to cause any detrimental impact to the adjoining neighbours by way of overlooking or loss of outlook.

The proposed elevational alterations to the front include changing the garage door to a window and would not result in an unacceptable material change to the appearance of the property, whilst the loss of a parking space by way of the conversion of the garage is not considered to result in a harmful impact upon on-street parking levels.

Two high level windows are proposed in the existing ground floor flank elevation. These are not considered to impact on the amenity of the neighbouring property. Two rooflights are proposed in the front roof slope. One will be in the existing roof and the other within the proposed extension. These are not considered to cause a detrimental impact to the streetscene or character of the area.

Having had regard to the above, Members are asked to consider 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. 13/02564, 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 | ACI12 | Obscure glazing (1 insert) in the flank elevation |
| | ACI12R | I12 reason (1 insert) BE1 |
| 4 | ACH03 | Satisfactory parking - full application |
| | ACH03R | Reason H03 |
| 5 | ACK01 | Compliance with submitted plan |
| | ACK05R | K05 reason |

Application:13/02564/FULL6

Address: 6 Braemar Gardens West Wickham BR4 0JW

Proposal: Roof alterations to incorporate rear dormer extension, first floor side extension and conversion of existing garage to habitable room with elevational alterations



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

Application No : 13/02574/FULL1

Ward:
Chislehurst

Address : Coopers School Hawkwood Lane
Chislehurst BR7 5PS

OS Grid Ref: E: 544319 N: 169675

Applicant : Coopers College

Objections : YES

Description of Development:

Demolition of existing tin hut and erection of a replacement sixth form building

Key designations:

Conservation Area: Chislehurst

Biggin Hill Safeguarding Birds

Biggin Hill Safeguarding Area

Green Belt

London City Airport Safeguarding

London City Airport Safeguarding Birds

Joint report with application refs. 13/02575, 13/02593 and 13/02594

Proposal

13/02574 - Demolition of existing tin hut and erection of a replacement sixth form building

- two storey building is proposed on the same footprint as the existing single storey 'tin hut' with an identical ridge height
- ground floor of the new Block will accommodate a common room and the first floor will be used as a learning resource space with computers for Sixth Formers (facilities which are not currently provided)
- materials will include red brick at ground floor level with clay tile cladding at first floor level
- roof will be pitched to match the pitch of the small annex of the adjacent Grade II listed Mansion House
- proposal will not result in an increase in pupil numbers.

The application is accompanied by a Planning Statement in which the applicant asserts that the proposal is appropriate development in the Green Belt by virtue of Paragraph 89 of the National Planning Policy Framework which states that the construction of replacement buildings in the Green Belt is not inappropriate

development, providing "...the new building is in the same use and not materially larger than the one it replaces." The external volume of the existing tin hut is 710m³ and the external volume of the new building is 790m³, representing a 11.3% increase in volume.

The application is accompanied by a Heritage Impact Report which concludes that the proposals will not result in any harm to the identified significance of the listed Mansion House or the Chislehurst Conservation Area. The replacement Sixth Form Block will be a high quality addition to the College campus and the wider Conservation Area.

The application is accompanied by a Design and Access Statement which includes the following points:

- tin hut is in a dilapidated condition and the fabric of the structure is highly unsatisfactory for modern day schooling
- latest building condition report confirms the presence of asbestos within the building
- building is a huge drain on the school's maintenance budget
- refurbished Mansion House provides Sixth form accommodation but features numerous compact and interconnecting rooms and does not provide a common room or resource area
- proposal will ensure an improved offer and therefore a much better future for Sixth Form students
- new accommodation on offer will encourage students to stay 'on-site' thereby fulfilling the expectations of residents in the area
- building will be sympathetic to its context, will enhance the offer of the school and complement the character of the Conservation Area.

The application is also accompanied by the following:

- Energy Strategy Report
- Arboricultural Report & Impact Assessment
- Surface Water Drainage Assessment.

13/02575 - Demolition of existing tin hut (Listed Building Consent)

13/02593 - Demolition of music and LINC blocks and erection of two storey creative arts block to provide accommodation for music, art, dance, drama and dining

- Demolition of the existing Music (270m²) and LINC (190m²) Blocks and the erection of a new two-storey Creative Arts building with a footprint of 858m² on an existing area of hardstanding adjacent to the Science Block
- Creative Arts Block will provide improved music, art, dance and drama departments within a centralised Creative Arts Faculty as follows:
- Music Department - larger classrooms, acoustically insulated practice rooms, resource areas with computers and a recording studio

- Art Department - larger classrooms, dark room, storage and a new art gallery
- Dance and Drama - two studios and changing facilities
- relocation of the art department from the English Block to the proposed Creative Arts Block will create a space in the English building for a new library and resource area
- café with a large seating area to create a social space for break times - it is the College's future intention to demolish the existing Canteen Block
- Block will feature a double height glazed entrance and external doors to ground level classrooms to allow direct access/egress and avoid congestion in the main entrance
- materials will include white and grey render, red brick, extensive vertical glazing and coloured cladding between windows
- new 'square' will be provided in the area cleared by the demolition of the Music and LINC Blocks - this will function as an informal social space for students and will feature hard and soft landscaping
- wider community can be given access to the building to make use of outside of schools hours
- proposal will not result in an increase in pupil numbers.

The application is accompanied by a Design and Access Statement which explains the key issues that will be addressed through the proposal:

- Arts Faculty is currently housed in 4 separate buildings on different parts of the site making circulation on the school grounds quite involved
- existing Music Block, LINC Block and Canteen (Snack Shack) are close to the end of their physical life and need to be demolished
- two practice rooms in the Music Block are small and do not provide students with adequate practice area - resource area for Music is small with few computers and there is little modern equipment
- Art department is housed on ground floor of the English Block and Art classrooms are small and cramped and lack the recommended storage area - student work is displayed in a narrow corridor and a dedicated display area is required
- library space / learning resource area is seriously under-provided - former staff room is used as a reading area / library but it is not large enough
- students have expressed frustration at how crowded Snack Shack gets and how difficult it can be to eat standing up
- number of toilets on the site is below recommendations, particularly in this part of the site
- absence of social space on the school grounds means that older students spend break times on nearby streets causing some frustration amongst local residents
- linear development of school has led to narrow pathways and an absence of larger informal spaces for socialising.

The application is accompanied by a Planning Statement which addresses the Green Belt designation of the site as follows:

- application site comprises an area of brownfield, hardstanding within the College campus
- it is proposed to demolish two existing buildings to make space for the proposed block and the 'square'
- proposal comprises "infilling" of the existing college campus and is considered to be partial redevelopment of the brownfield site - proposal should therefore be considered in line with para. 89 of the NPPF which states:

"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."

- buildings to be demolished occupy a footprint of 460m² and new building will occupy a footprint of 858m² - whilst the new block represents a 54% increase in footprint on the site, para. 89 of the NPPF allows partial/complete redevelopment of brownfield sites in the Green Belt providing there is no greater impact on openness
- application site is well-related to the existing College buildings and within the current developed extent of the College Campus - proposal comprises infilling of this site and will not have a greater impact on the openness of the Green Belt.

The applicant has acknowledged Officer's views expressed at pre-application stage that the proposal will be inappropriate development in the Green Belt and set out an argument demonstrating very special circumstances to justify inappropriate development in the Green Belt as follows:

- some of the existing teaching accommodation at the College is inadequate as it is in poor condition and the Creative Arts department is spread across the College site which is inefficient
- new block will deliver much needed modern and high quality facilities to enhance teaching and learning at the College
- majority of the college site is well developed and the location of the Marjorie McClure School within the Campus limits opportunities in the central area of the site - application site is an existing area of hardstanding adjacent to buildings which are inadequate and require demolition - proposed location is the most appropriate site for the development
- new Creative Arts Block will enable the college to generate additional revenue by creating a multi-purpose building that has the facilities to enable wider community use out of school hours
- proposal has sustainability benefits as the new modern building will be more efficient to run compared the existing 1940s Music and LINC Blocks and it also includes photovoltaic panels to reduce carbon dioxide emissions
- high quality building will also improve the visual impact of the College Campus which is currently poor quality in areas due to the dated buildings.

The application is accompanied by a Heritage Impact Report which concludes that the proposals will not result in any harm to the identified significance of the listed Mansion House or the Chislehurst Conservation Area. The new Creative Arts Block will be a high quality addition to the College campus and the wider Conservation Area.

The application is also accompanied by the following:

- Energy Strategy Report
- Arboricultural Report & Impact Assessment
- Surface Water Drainage Assessment
- Landscape Design Document.

13/02594 - Demolition of music and LINC blocks (Conservation Area Consent)

Location

Coopers School is situated on the south-east side of Hawkwood Lane within the Metropolitan Green Belt and Chislehurst Conservation Area, and the main school building (Mansion House) is Grade II listed. The area to the north and east of the site is predominantly residential. The Hawkwood Estate is located beyond the playing fields to the south, whilst there are a number of residential properties and a church to the west.

The existing 'Tin Hut' comprises a metal sheet clad single storey building which the application states is dilapidated and unfit for use.

The existing Music and LINC Blocks were erected in the 1940s and the application states that they are close to the end of their physical life.

Comments from Local Residents

13/02574 (Replacement Sixth Form Block)

A representation has been received from the Chislehurst Society which can be summarised as follows:

- no objection to concept
- design and detailing are out of character with architecture of the adjacent listed building.

13/02593 (New arts block)

A representation has been received from the Petts Wood and Hawkwood Committee which can be summarised as follows:

- existing music and LINC blocks are no longer fit for purpose and demolition is appropriate
- it is accepted that the replacement accommodation is required

- it would be preferable if the building embraced more of the two existing footpaths (roughly parallel with Hawkwood Lane/Botany Bay Lane) and so retain a more open aspect of the built site - however, it is recognised that the creation of a quadrangle may be more desirable to the school
- white rendered wall and 'autumnal' coloured cladding should be changed to match the beige/stone colour of the adjoining red brick built classrooms
- loss of existing hard play area could lead to a loss of grassed area
- extension of hard play area to south of the new building is strongly opposed- it would be unsightly and have an adverse impact on the visual amenity of the adjoining National Trust land and would cause run-off to the already wet bridleway, public footpaths and Botany Bay Lane.

Comments from Consultees

Metropolitan Police Crime Prevention Design Adviser - no objections subject to Secured by Design conditions.

Environmental Health - no objections.

Highways - no objections.

Advisory Panel for Conservation Areas - no objections.

English Heritage (Archaeology) - no comments.

Thames Water - no objections.

Planning Considerations

The applications fall to be determined in accordance with the following policies:

Unitary Development Plan:

- BE1 Design of New Development
- BE8 Statutory Listed Buildings (Sixth Form Block applications only)
- BE9 Demolition of a Listed Building
- BE11 Conservation Areas
- NE7 Development and Trees
- G1 The Green Belt
- C1 Community Facilities
- C2 Community Facilities and Development
- C7 Educational and Pre-School Facilities
- C8 Dual Community Use of Educational Facilities

London Plan:

- 2.6 Outer London: Vision and Strategy
- 3.18 Education Facilities
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions

- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.13 Sustainable Drainage
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.21 Trees and Woodland.

The proposals are considered acceptable in terms of impact on trees.

There is an extensive planning history relating to the existing development of the school.

Conclusions

13/02574 - Demolition of existing tin hut and erection of a replacement sixth form building

The main issues relating to this application are as follows:

- impact of the proposal on the character and appearance of Chislehurst Conservation Area
- impact of the proposal on the setting of the Grade II listed Mansion House
- whether the proposal is appropriate development in the Green Belt
- impact of the proposal on the openness of the Green Belt
- impact of the proposal on the amenities of the occupants of nearby residential properties.

The existing 'tin hut' is curtilage listed by virtue of its proximity to the Mansion House. It is an unsightly building which detracts from the appearance of the Mansion House and makes a negative contribution to the character and appearance of the Chislehurst Conservation Area. The proposed replacement Sixth Form Block will have a similar bulk to the existing building whilst its materials will be more sympathetic to the adjacent listed building and will enhance its setting. The proposal will therefore also enhance the character and appearance of the Chislehurst Conservation Area.

The applicant asserts that the proposal is appropriate development in the Green Belt as the new building is in the same use and is not materially larger than the building it replaces. The proposed building will occupy an identical footprint to the 'tin hut' and the ridge height will also be identical. The south-west end of the 'tin hut' is lower than the main part of the building and its external volume 710m³ compared to an external volume of 790m³ for the new building, which represents an 11.3% increase in volume. In view of the footprint and ridge height of the replacement building and the increase in volume, it is considered that the building will not be materially larger than the 'tin hut' and the proposal is therefore appropriate development in the Green Belt. The building is separated from the

open part of the site by other buildings and there will be no material harm to the openness of the Green Belt.

There will be no detrimental impact on the residential amenities of the occupants of nearby properties.

The proposal is considered acceptable.

13/02575 - Demolition of existing tin hut (Listed Building Consent)

The existing curtilage listed 'tin hut' is unsightly and detracts from the appearance of the Grade II listed Mansion House. Its demolition and replacement with the proposed Sixth Form Block is considered acceptable.

13/02593 - Demolition of music and LINC blocks and erection of two storey creative arts block to provide accommodation for music, art, dance, drama and dining

The main issues relating to this application are as follows:

- impact of the proposal on the character and appearance of Chislehurst Conservation Area
- impact of the proposal on the setting of the Grade II listed Mansion House
- whether the proposal is appropriate development in the Green Belt
- impact of the proposal on the openness of the Green Belt
- impact of the proposal on the amenities of the occupants of nearby residential properties.

The applicant has asserted that the proposal is appropriate development in the Green Belt by virtue of it representing the partial redevelopment of a previously developed site which has no greater impact on the openness of the Green Belt. This argument is not accepted as the proposed block will be significantly larger than the buildings to be demolished and it will be located closer the open part of the school site. It is considered that the block will therefore have a greater impact on the openness of the Green Belt. The applicant must therefore demonstrate very special circumstances that outweigh the harm in Green Belt terms. The applicant has set out a case as follows:

- inadequacy, poor condition and inefficient location of existing teaching accommodation
- block will deliver modern and high quality facilities to enhance teaching and learning
- proposed location is the most appropriate site for the development
- block can generate additional revenue through community use
- sustainability benefits
- visual benefits.

It is considered that the arguments around the inadequacy and the poor condition of the existing accommodation and the educational benefits of the proposed

accommodation carry significant weight, whilst the remaining arguments can all be accepted. It is considered that very special circumstances have been demonstrated to outweigh the harm to the Green Belt.

The proposal involves the demolition of the Music and LINC blocks which have no particular architectural merit and the erection of a new block which will complement the existing school buildings. The proposed block will be mainly visible from the public footpath to the south of the site and it can be considered that the scheme will maintain or enhance the character and appearance of the Chislehurst Conservation Area.

The proposal will not affect the setting of the Grade II listed Mansion House and will not result in harm to the residential amenities of the occupants of nearby properties.

The proposal is considered acceptable.

13/02594 - Demolition of Music and LINC blocks (Conservation Area Consent)

The Music and LINC block have little architectural merit and their demolition and replacement with the proposed Creative Arts Block is considered acceptable.

Background papers referred to during the production of this report comprise all correspondence and other documents on files refs. 13/02574, 13/02575, 13/02593 and 13/02594, 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 | ACB01 | Trees to be retained during building op. |
| | ACB01R | Reason B01 |
| 4 | ACB02 | Trees - protective fencing |
| | ACB02R | Reason B02 |
| 5 | ACB03 | Trees - no bonfires |
| | ACB03R | Reason B03 |
| 6 | ACB04 | Trees - no trenches, pipelines or drains |
| | ACB04R | Reason B04 |
| 7 | ACC01 | Satisfactory materials (ext'nl surfaces) |
| | ACC01R | Reason C01 |
| 8 | ACC03 | Details of windows |
| | ACC03R | Reason C03 |
| 9 | ACD02 | Surface water drainage - no det. submitt |
| | ADD02R | Reason D02 |
| 10 | ACI21 | Secured By Design |
| | ACI21R | I21 reason |

- 11 ACK01 Compliance with submitted plan
ACC01R Reason C01
- 12 ACK05 Slab levels - no details submitted
ACK05R K05 reason
- 13 Before any works on site are commenced, a site-wide energy strategy assessment shall be submitted to and approved by the Local Planning Authority. The results of this strategy shall be incorporated into the final design of the buildings prior to first occupation. The strategy shall include measures to allow the development to achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation sufficient to provide 20% of the predicted energy requirements of the dwellings; the feasibility of the provision of combined heat and power (CHP) to supply thermal and electrical energy to the site or the most appropriate buildings within the permitted development should be included within the assessment.
- Reason:** In order to seek to achieve compliance with the Mayor of London's Energy Strategy and to comply with Policy 4A.7 of The London Plan and the aims of Policy ER4 of the Unitary Development Plan.
- 14 ACN10 Bat survey
ACN10R Reason N10

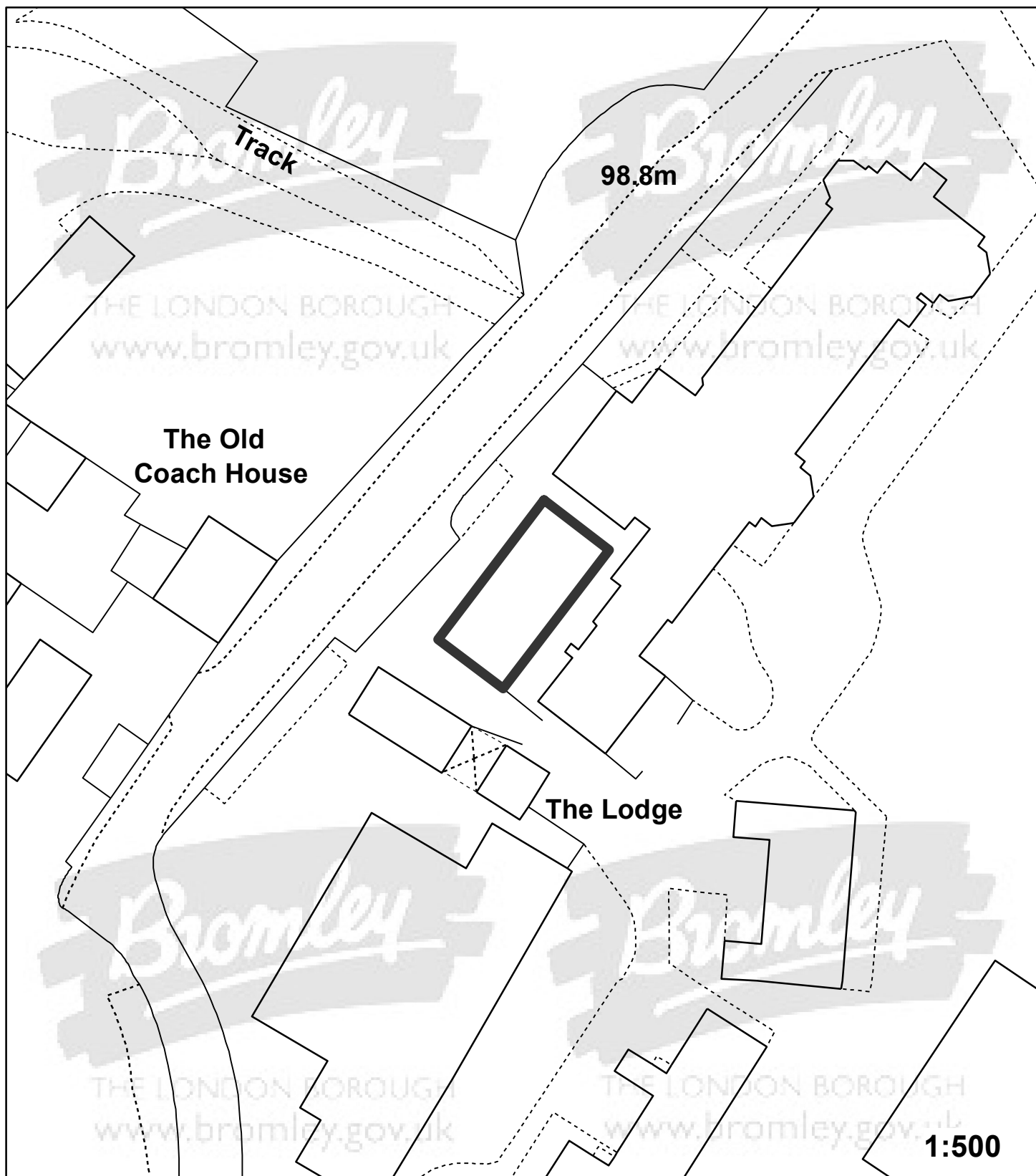
INFORMATIVE(S)

- 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 If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.
- 3 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

Application:13/02574/FULL1

Address: Coopers School Hawkwood Lane Chislehurst BR7 5PS

Proposal: Demolition of existing tin hut and erection of a replacement sixth form building



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

Application No : 13/02575/LBC

Ward:
Chislehurst

Address : Coopers School Hawkwood Lane
Chislehurst BR7 5PS

OS Grid Ref: E: 544319 N: 169675

Applicant : Coopers College

Objections : YES

Description of Development:

Demolition of existing tin hut
(Listed Building Consent)

Key designations:

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

Joint report with application refs. 13/02574, 13/02593 and 13/02594

RECOMMENDATION: GRANT LISTED BUILDING CONSENT

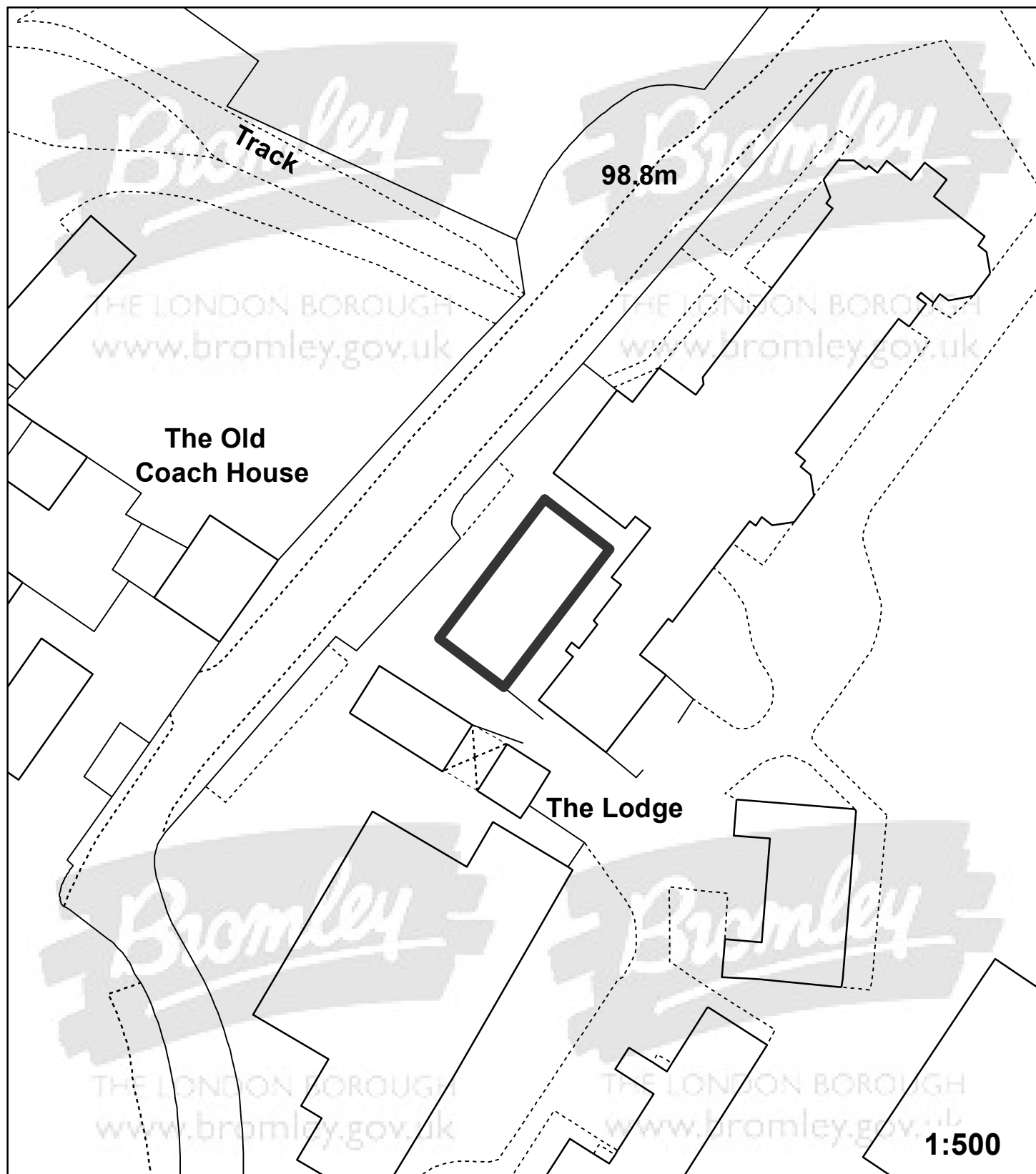
subject to the following conditions:

- | | | |
|---|--------|--|
| 1 | ACG01 | Comm.of dev-Listed Building and Con.Area |
| | ACG01R | Reason G01 |

Application:13/02575/LBC

Address: Coopers School Hawkwood Lane Chislehurst BR7 5PS

Proposal: Demolition of existing tin hut
(Listed Building Consent)



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

Application No : 13/02589/PLUD

Ward:
Copers Cope

Address : 68 Copers Cope Road Beckenham BR3
1RJ

OS Grid Ref: E: 536940 N: 170666

Applicant :

Objections : YES

Description of Development:

Single storey side and two storey rear extensions. Installation of rear and side dormers and other roof alterations

CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Chain
London City Airport Safeguarding
London City Airport Safeguarding Birds
Local Distributor Roads
Metropolitan Open Land
Open Space Deficiency

Proposal

Update

Members will recall that this application was presented to the Plans Sub Committee held on the 19th September 2013.

The application was deferred without prejudice to seek further confirmation of the lawfulness of the proposed development and a legal briefing with clarification on a certificate of proposed use or development as noted in the Town and Country Planning Act 1990.

Accordingly, the Legal comments are as follows:

"The Town and Country Planning Act 1990 (TCPA 1990) section 192 relates to Certificate of Lawfulness of proposed use or development (CLOPUD).

The above section is relevant to the agenda item relating to 68 Copers Cope Road, Beckenham.

Please note that an application for a CLOPUD is not a precondition for a permitted development right. There is no obligation to acquire a Lawful Development Certificate. However individuals may apply for a certificate if they so wish. In the above matter the Chief Planner has set out the relevant General Permitted Development Order(GPDO)(relevant sections of the GPDO are attached), and why he believes the applicants adhere to the requirements of the certificate as noted in this report. The Local Planning Authority (LPA) needs to refer to the criteria on the GPDO and decide whether or not to grant the certificate. If it is minded to refuse the application the LPA should clearly identify in its reasons what areas of the GPDO are not being met that have led to a refusal.

The procedure under section 192 of the TCPA 1990 for the (LPA) to issue a CLOPUD needs to establish that:

- a) A proposed use is lawful
- b) Any operations that are proposed in, on, over or under the land are lawful.

The local authority makes a decision of whether or not to grant a CLOPUD essentially as to the legality of the proposed use or works. This is substantially different from a decision on whether or not to grant planning permission, whereby, the authority would base on the planning merits of a particular application. Furthermore, no conditions can be attached to a CLOPUD as in a planning permission.

The effect of a Lawful Development Certificate granted under section 192 (4): "Provides that the lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness".

A CLOPUD is conclusive as to the lawfulness of the matters to which it deals. In which case, a CLOPUD may be revoked if material information misleads by withholding or providing false information or where a statement or document used in the application (section 193(7)).

There is no requirement for notification of the application to other owners or for publicising it, as the matters determined are solely on evidence and law. A Local Authority does not have the power to modify the description of the use or development when granting a CLOPUD. However, it can request for further details in any application or it may refuse to grant the certificate. However, it is important for the Local authority to act reasonably. There are relevant legal authorities which substantiate the point of acting reasonably.

The Onus of proof for a CLOPUD is on the applicant, and it is determined on a balance of probability rather than beyond reasonable doubt.

Enforcing Planning Control Circular 10/1997 Annex 8 states in Paragraph 8.26 Subsection (2) of section 192 ..."It provides that, if the LPA are supplied with information satisfying them that the use or operations described in the application would be lawful, if instituted or begun at the time of the application, they shall issue a certificate to that effect; and, in any other case, they shall refuse the application. The burden of proof is firmly on the applicant. He will have to describe the proposal with sufficient clarity and precision to enable the LPA to understand (from a written description and plans) exactly what is involved in the proposal; and to submit whatever supporting information or legal submission he wishes to make to satisfy the LPA that a LDC should be granted for the proposal.

Under section 195 and 196 of the 1990 Act, the applicant has a right of appeal to the Secretary of State on a point of law. "The parties to a Lawful Development Certificate appeal are normally expected to meet their own expenses. Unlike litigation, costs do not normally "follow the event" of the appeal and are only awarded, on an application, against a party who behaved "unreasonably" in the appeal process." The applicant, if successful would be in a win-win situation, to both have costs awarded against the Council and retain the lawful development.

The above provides an overview of a Certificate of Lawfulness of proposed use or development (CLOPUD)."

This application is for a Certificate of Lawfulness for a Proposed Development for single storey side and two storey rear extensions, Installation of rear and side dormers and other roof alterations

The site relates to a detached two storey property located on the eastern side of Copers Cope Road. Properties of similar design and size characterise the area. The proposal is for a Hip to gable roof alteration and rear dormer to facilitate loft conversion.

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.

Comments from Local Residents

Nearby owners/occupiers were notified of the application as a matter of courtesy. At the time of writing 3 responses had been received, which can be summarised as follows:

- overshadowing and loss of light
- loss of privacy
- size and scale inappropriate
- would set a precedent

- extensions are excessive and extrusive.
- affect to the streetscene.
- loss of parking.
- not compliant with side space policy.
- extension would protrude further than other building lines.

The full text of the comments received are available to view on the file.

Comments from Consultees

No consultations were made in respect of this application.

Planning History

13/01150/FULL6 - First floor side extension, application was permitted.

13/01602/FULL6 - Part one/two storey rear extension, roof alterations, elevational alterations and conversion of garage to habitable accommodation, application was refused.

13/01625/FULL6 - Part one/two storey rear extension, roof enlargement and alterations including increase in ridge height, side and rear dormers, application was refused.

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 A, 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.

Conclusions

Class A permits the enlargement of a dwellinghouse. The proposed extensions appear to fit in with the permitted development requirements of the General Permitted Development Order (as amended)

Relevant issues being:

- the extension will not exceed 50% of the total curtilage of the original house
- the height of extension will not exceed the height of the highest part of the dwellinghouse
- no deeper than 3 metres

Class B permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. In this instance, the proposed loft conversion would fall within the scope of Class B and is considered to be permitted development for the following reasons:

- the extensions will not exceed the height of the of the highest part of the existing roof
- the extensions would not extend beyond the plane of the existing roof slope which forms the principal elevation and fronts a highway
- the resulting extensions' volume falls within 50 cubic metres allowed in the case of a semi-detached dwelling (a check of the measurements indicates the volume would be around 41.4 cubic metres)
- the house is not sited within a conservation area
- the dormer provides a minimum of 0.2m separation from the eaves of the dwelling

The development is also subject to Condition B.2 (a) where the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwelling; this has been confirmed by the submitted plans.

Class C covers other alterations such as the installation of roof lights. In this instance, the proposed loft conversion would fall within the scope of Class C, and is considered to be permitted development for the following reasons:

- the proposed rooflights to the front elevation will not project more than 150mm from the roof slope.

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. It would appear that the works will fall within the tolerances of permitted development accordingly it is recommended that a Certificate of Lawfulness be granted.

RECOMMENDATION: CERTIFICATE BE GRANTED

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

The Town and Country Planning (General Permitted Development) Order 1995

1995 No. 418

SCHEDULE 2

PART 1 DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class A

A. Permitted development

The enlargement, improvement or other alteration of a dwellinghouse.

A.1 Development not permitted

Development is not permitted by Class A if—

(a) the cubic content of the resulting building would exceed the cubic content of the original dwellinghouse—

(i) in the case of a terrace house or in the case of a dwellinghouse on article 1(5) land, by more than 50 cubic metres or 10 %, whichever is the greater,

(ii) in any other case, by more than 70 cubic metres or 15%, whichever is the greater,

(iii) in any case, by more than 115 cubic metres;

(b) the part of the building enlarged, improved or altered would exceed in height the highest part of the roof of the original dwellinghouse;

(c) the part of the building enlarged, improved or altered would be nearer to any highway which bounds the curtilage of the dwellinghouse than—

(i) the part of the original dwellinghouse nearest to that highway, or

(ii) any point 20 metres from that highway,

whichever is nearer to the highway;

(d) in the case of development other than the insertion, enlargement, improvement or other alteration of a window in an existing wall of a dwellinghouse, the part of the building enlarged, improved or altered would be within 2 metres of the boundary of the curtilage of the dwellinghouse and would exceed 4 metres in height;

(e) the total area of ground covered by buildings within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

(f) it would consist of or include the installation, alteration or replacement of a satellite antenna;

(g) it would consist of or include the erection of a building within the curtilage of a listed building; or

(h)it would consist of or include an alteration to any part of the roof.

In the case of a dwellinghouse on any article 1(5) land, development is not permitted by Class A if it would consist of or include the cladding of any part of the exterior with stone, artificial stone, timber, plastic or tiles.

A.3 Interpretation of Class A

For the purposes of Class A—

(a)the erection within the curtilage of a dwellinghouse of any building with a cubic content greater than 10 cubic metres shall be treated as the enlargement of the dwellinghouse for all purposes (including calculating cubic content) where—

(i)the dwellinghouse is on article 1(5) land, or

(ii)in any other case, any part of that building would be within 5 metres of any part of the dwellinghouse;

(b)where any part of the dwellinghouse would be within 5 metres of an existing building within the same curtilage, that building shall be treated as forming part of the resulting building for the purpose of calculating the cubic content.

Class B

B. Permitted development

The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

B.1 Development not permitted

Development is not permitted by Class B if—

(a)any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

(b)any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which fronts any highway;

(c)it would increase the cubic content of the dwellinghouse by more than 40 cubic metres, in the case of a terrace house, or 50 cubic metres in any other case;

(d)the cubic content of the resulting building would exceed the cubic content of the original dwellinghouse—

(i)in the case of a terrace house by more than 50 cubic metres or 10%, whichever is the greater,

(ii)in any other case, by more than 70 cubic metres or 15%, whichever is the greater, or

(iii)in any case, by more than 115 cubic metres; or

(e)the dwellinghouse is on article 1(5) land.

Class C

C. Permitted development

Any other alteration to the roof of a dwellinghouse.

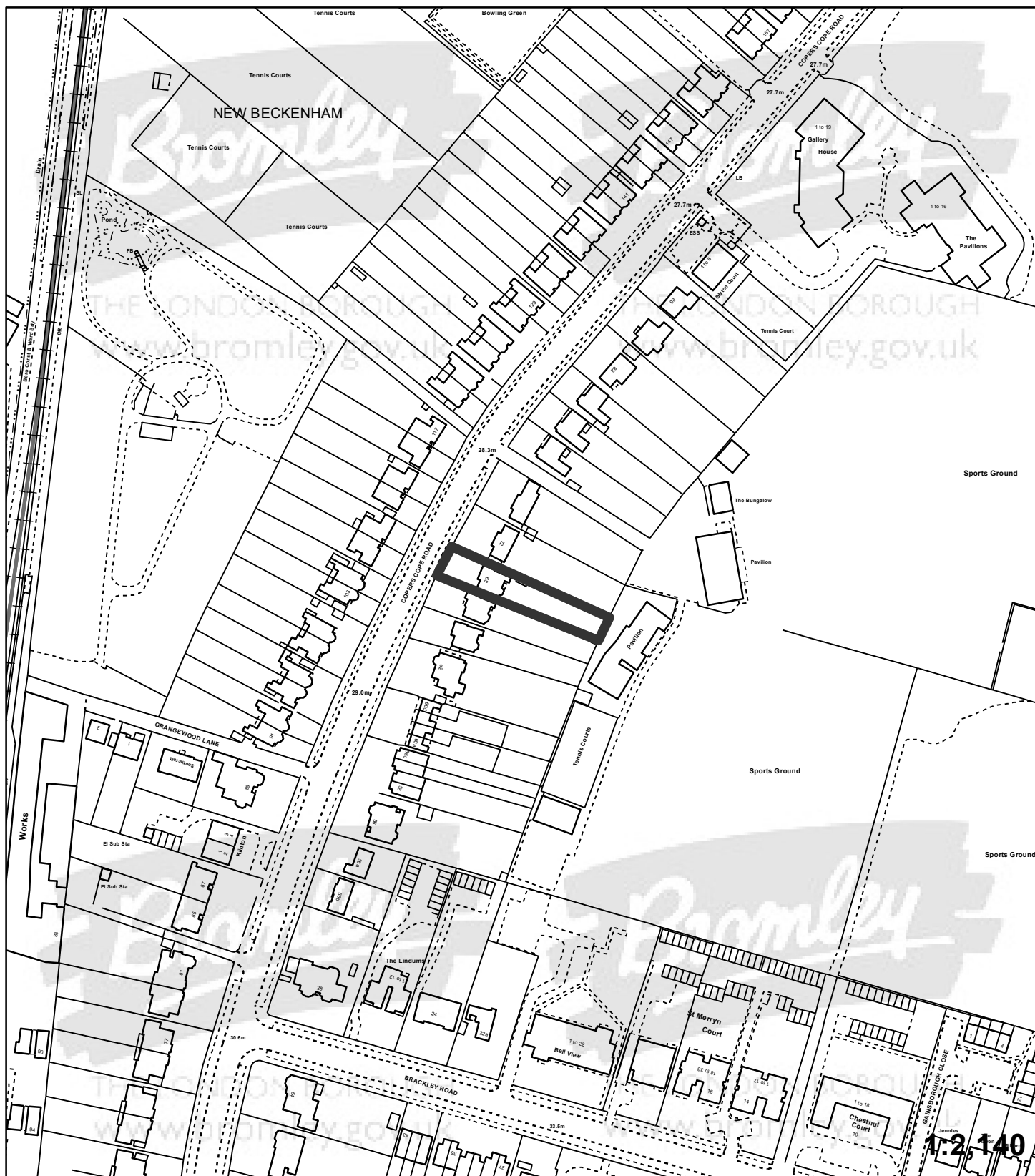
C.1 Development not permitted

Development is not permitted by Class C if it would result in a material alteration to the shape of the dwellinghouse.

Application:13/02589/PLUD

Address: 68 Copers Cope Road Beckenham BR3 1RJ

Proposal: Single storey side and two storey rear extensions. Installation of rear and side dormers and other roof alterations
CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

Application No : 13/02593/FULL1

Ward:
Chislehurst

Address : Coopers School Hawkwood Lane
Chislehurst BR7 5PS

OS Grid Ref: E: 544319 N: 169675

Applicant : Coopers College

Objections : YES

Description of Development:

Demolition of music and LINC blocks and erection of two storey creative arts block to provide accommodation for music, art, dance, drama and dining

Key designations:

Conservation Area:

Biggin Hill Safeguarding Birds

Biggin Hill Safeguarding Area

Green Belt

London City Airport Safeguarding

London City Airport Safeguarding Birds

Joint report with application refs. 13/02574, 13/02575 and 13/02594

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 | ACB01 | Trees to be retained during building op. |
| | ACB01R | Reason B01 |
| 4 | ACB02 | Trees - protective fencing |
| | ACB02R | Reason B02 |
| 5 | ACB03 | Trees - no bonfires |
| | ACB03R | Reason B03 |
| 6 | ACB04 | Trees - no trenches, pipelines or drains |
| | ACB04R | Reason B04 |
| 7 | ACC01 | Satisfactory materials (ext'nl surfaces) |
| | ACC01R | Reason C01 |
| 8 | ACC03 | Details of windows |

- | | | |
|----|--|--|
| | ACC03R | Reason C03 |
| 9 | ACD02 | Surface water drainage - no det. submitt |
| | ADD02R | Reason D02 |
| 10 | ACI21 | Secured By Design |
| | ACI21R | I21 reason |
| 11 | ACK01 | Compliance with submitted plan |
| | ACC01R | Reason C01 |
| 12 | ACK05 | Slab levels - no details submitted |
| | ACK05R | K05 reason |
| 13 | <p>Before any works on site are commenced, a site-wide energy strategy assessment shall be submitted to and approved by the Local Planning Authority. The results of this strategy shall be incorporated into the final design of the buildings prior to first occupation. The strategy shall include measures to allow the development to achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation sufficient to provide 20% of the predicted energy requirements of the dwellings; the feasibility of the provision of combined heat and power (CHP) to supply thermal and electrical energy to the site or the most appropriate buildings within the permitted development should be included within the assessment.</p> <p>Reason: In order to seek to achieve compliance with the Mayor of London's Energy Strategy and to comply with Policy 4A.7 of The London Plan and the aims of Policy ER4 of the Unitary Development Plan.</p> | |
| 14 | ACN10 | Bat survey |
| | ACN10R | Reason N10 |

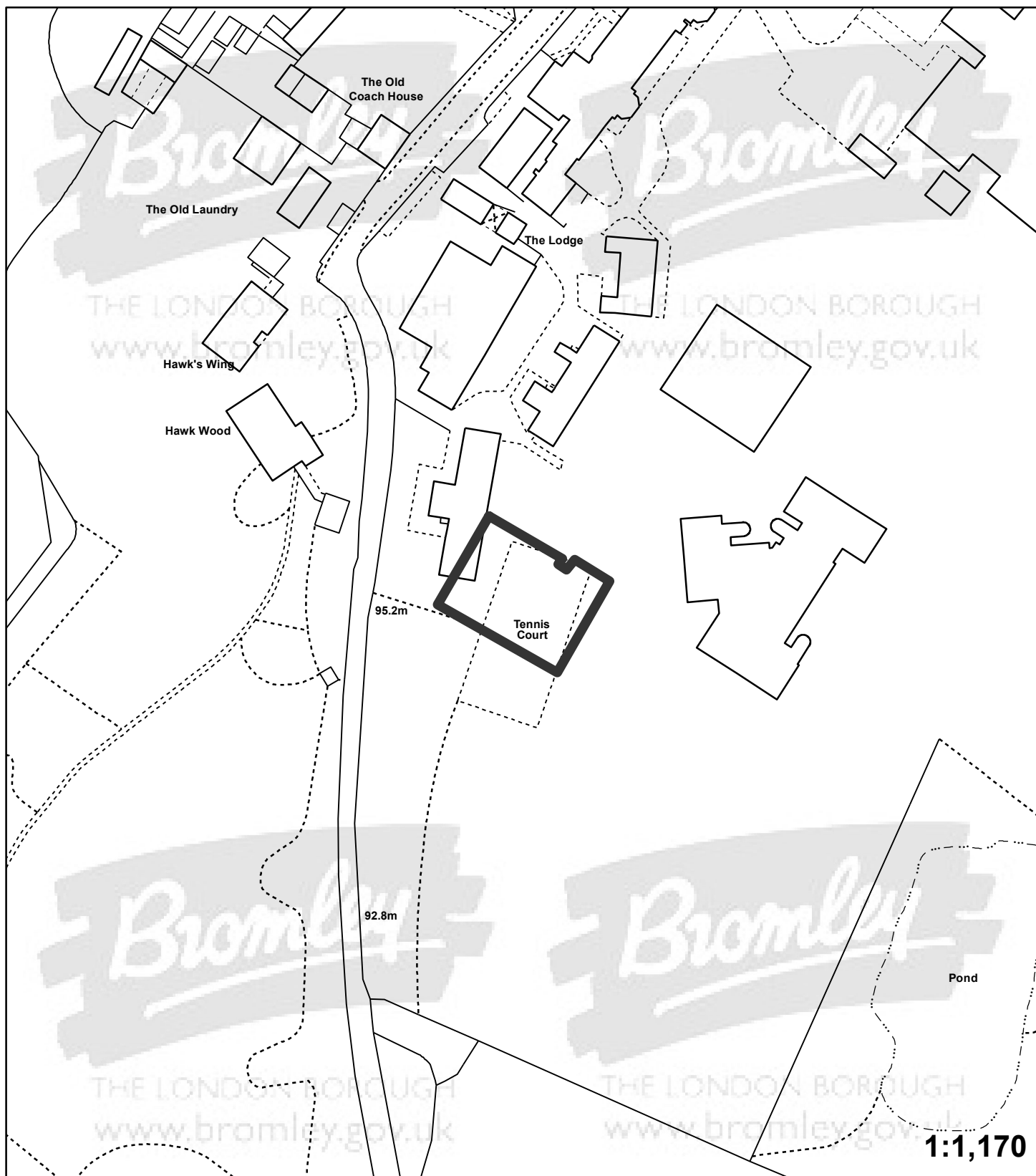
INFORMATIVE(S)

- 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 If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.
- 3 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

Application:13/02593/FULL1

Address: Coopers School Hawkwood Lane Chislehurst BR7 5PS

Proposal: Demolition of music and LINC blocks and erection of two storey creative arts block to provide accommodation for music, art, dance, drama and dining



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

Application No : 13/02594/CAC

Ward:
Chislehurst

Address : Coopers School Hawkwood Lane
Chislehurst BR7 5PS

OS Grid Ref: E: 544319 N: 169675

Applicant : Coopers College

Objections : YES

Description of Development:

Demolition of music and LINC blocks
(Conservation Area Consent)

Key designations:

Conservation Area: Chislehurst

Biggin Hill Safeguarding Birds

Biggin Hill Safeguarding Area

Green Belt

London City Airport Safeguarding

London City Airport Safeguarding Birds

Joint report with application refs. 13/02574, 13/02575 and 13/02593

RECOMMENDATION: GRANT CONSERVATION AREA CONSENT

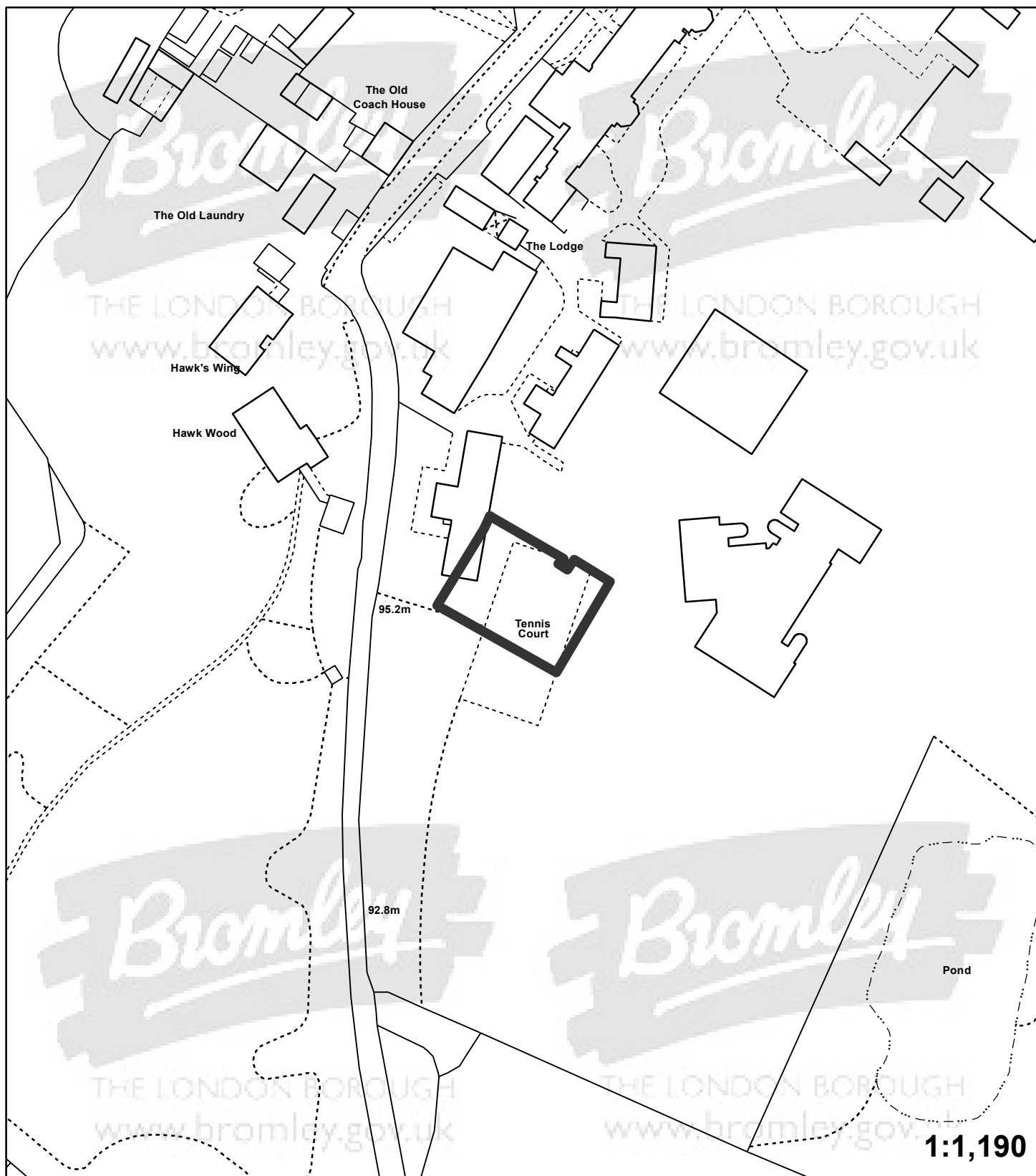
subject to the following conditions:

- | | | |
|---|--------|--|
| 1 | ACG01 | Comm.of dev-Listed Building and Con.Area |
| | ACG01R | Reason G01 |

Application:13/02594/CAC

Address: Coopers School Hawkwood Lane Chislehurst BR7 5PS

Proposal: Demolition of music and LINC blocks
(Conservation Area Consent)



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

Application No : 13/02602/FULL6

Ward:
Bickley

Address : 1 Mount Close Bromley BR1 2PH

OS Grid Ref: E: 542085 N: 169763

Applicant : Mr And Mrs Mark Finch

Objections : YES

Description of Development:

Two storey front extension, first floor front/side extension, pitched roof to front and elevational alterations

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Urban Open Space

Proposal

Planning permission is sought for the following:

- two storey front extension
- first floor front/side extension over existing single storey element
- elevational alterations including partially blocked up ground floor window

Location

The property is located in a small close and is one of four detached houses off of Mavelstone Road and is surrounded by Mavelstone Road Conservation Area (although the property itself does not fall within the conservation area boundary).

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations received (including a letter on behalf of the Sundridge Residents Associations) are summarised as follows:

- The Mount (property on Mavelstone Road) owns the access road
- concerns about the impact of building works on the road, will cause damage

- access road is not designed for heavy lorries etc..
- concerns over provision of trade parking during building work
- impact of noise and dust from construction
- fire and safety concerns due to access
- no provision for extra parking - limited at present
- increase size of property not in-keeping with surrounding properties

Comments from Consultees

No internal or external consultations were made regarding 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
H9 Side Space

Planning History

Most recently, planning permission was granted in 2006 (ref. 06/01196) for single storey extension to front and single storey rear extension to swimming pool and first floor rear balcony. Under ref. 04/00537, part one/two storey rear and first floor side extension was also granted and both of these permission have been implemented.

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 property is also adjacent to Mavelstone Road Conservation Area.

The application site is located off of Mavelstone Road, and is the first property in Mount Close. The dwelling is a detached and set back from the road and is well screened. The proposed extensions would result in two front extensions that would substantially alter the appearance of the property. However the proposed extensions are well designed and Members may consider that the extensions enhance the appearance of the property.

The proposed first floor would be constructed up to the boundary to the south eastern side. Although this is less than the minimum 1m side space normally required for two storey developments, given that the proposed extension is set back from the road and the rear garden of the adjacent new dwelling abuts the proposed extension, Members may consider that the proposal is acceptable to comply with Policy H9.

To the south of the site, new dwellings have been constructed at the site of No.4 Park Farm Road. There are now 4 detached houses sited to the south of the application site. There is vegetation screening along this boundary and it is not considered that the proposal would have any further impact upon these dwellings than the existing house itself. One first floor flank window is proposed to serve an ensuite bathroom which is recommended to be obscure glazed via condition.

Although the existing dwelling already benefits for extensions, on balance, the current proposal is also considered acceptable given its location within the streetscene and relationship with the adjoining neighbours.

Background papers referred to during production of this report comprise all correspondence on file ref. 13/02602, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

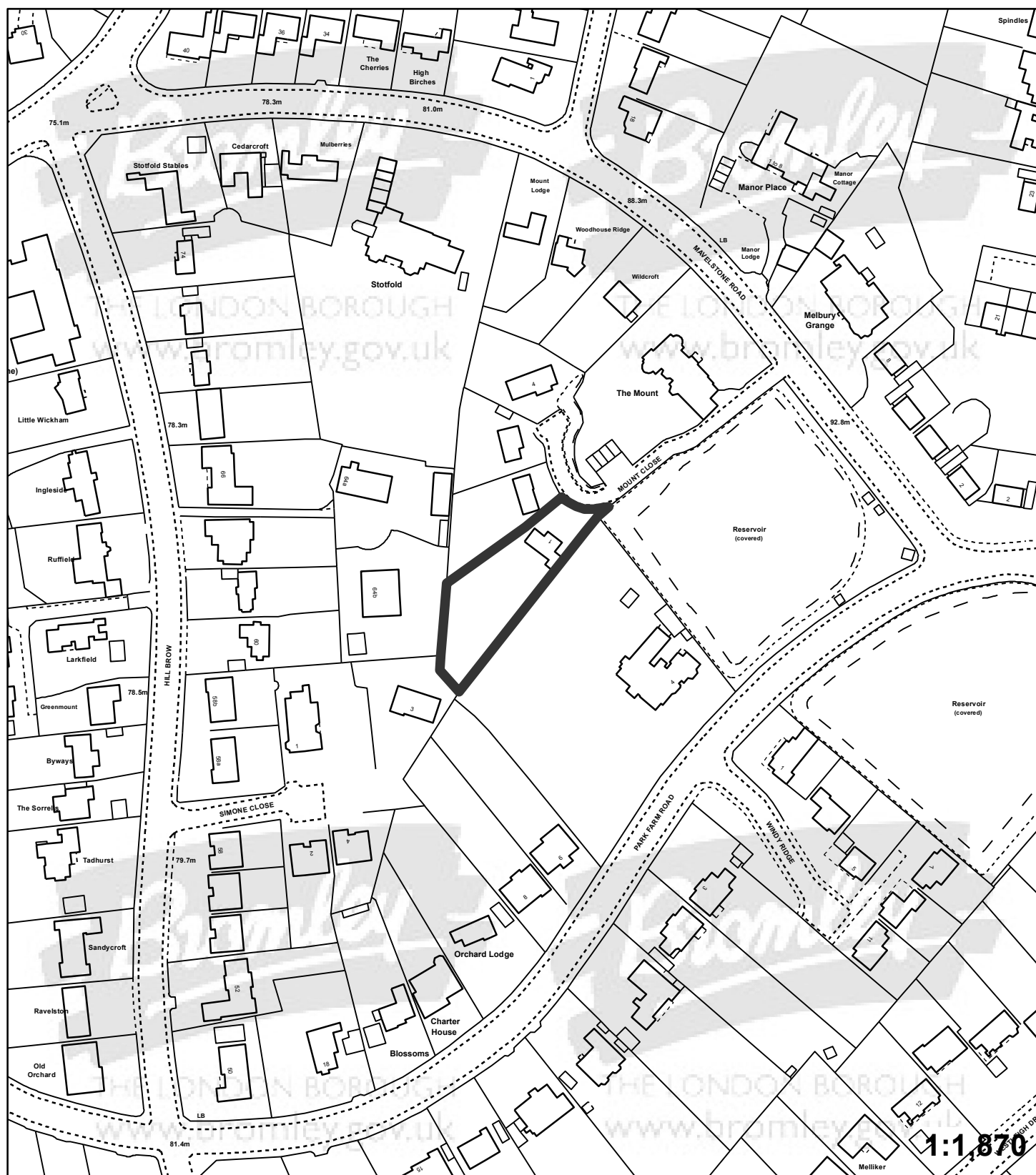
- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACC04 Matching materials
 ACC04R Reason C04
- 3 Before the development hereby permitted is first occupied the proposed window(s) in the ground floor flank elevation of the single storey rear extension shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and details of any openings shall be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained in accordance with the approved details. In the interests of the privacy of adjoining properties any openings should be at high level.
 ACI11R Reason I11 (1 insert) BE1
- 4 ACI17 No additional windows (2 inserts) first floor flank extension
 ACI17R I17 reason (1 insert) BE1
- 5 ACK01 Compliance with submitted plan

Reason: In the interest of the visual and residential amenities of the area.

Application:13/02602/FULL6

Address: 1 Mount Close Bromley BR1 2PH

Proposal: Two storey front extension, first floor front/side extension, pitched roof to front and elevational alterations



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

Application No : 13/02652/FULL6

Ward:
Chelsfield And Pratts
Bottom

Address : 3 Amberley Close Orpington BR6 6NG

OS Grid Ref: E: 545904 N: 164237

Applicant : Mr Kevin Blake

Objections : NO

Description of Development:

Single storey side and rear extension

Key designations:

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

Proposal

The proposed extension will be situated to the south-western corner of the dwelling and occupy an existing recess, projecting a further 2.8m beyond the rear extent of the existing dwelling. It will incorporate a flat roof and rise to a maximum height of 2.7m (as scaled from the submitted plans; excluding the roof dome).

Location

The application dwelling is situated to the south western corner of Amberley Close - a residential cul-de-sac comprising two storey detached houses constructed in the 1980s.

Comments from Local Residents

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

Comments from Consultees

Not applicable.

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

Planning History

Under ref. 11/02031, planning permission was granted for a front porch.

Under ref: 13/01021, an application for a single storey side and rear extension, incorporating a pitched roof, was refused on the following ground:

"The proposed extension would, by reason of its size, proximity and elevated position relative to No 5, adversely affect the amenities of that neighbouring property by reason of loss of light and visual impact, thereby contrary to Policies BE1 and H8 of the Unitary Development Plan."

Conclusions

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

The application dwelling forms part of a small cul-de-sac of detached houses. The proposed extension would be built within close proximity of the neighbouring property at No 5, adjacent to the western boundary. The application dwelling is elevated relative to No 5, and so the proposed extension will be visible from the rear of that property. However, given the height of the proposed extension and its dimensions relative to the existing building it is not considered that neighbouring amenities will be so adversely affected as to warrant refusal. The reduction in height (in response to the Council's refusal of application ref. 13/01021) is considered to make this extension acceptable. It has been reduced by approximately 1m to 2.7m in overall height.

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. 11/02031, 13/01021 and 13/02652, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

	ACC04R	Reason C04		
3	ACI17	No additional windows (2 inserts)	western	extension
	ACI17R	I17 reason (1 insert)	BE1	
4	ACK01	Compliance with submitted plan		
	ACC03R	Reason C03		

Application:13/02652/FULL6

Address: 3 Amberley Close Orpington BR6 6NG

Proposal: Single storey side and rear extension



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

Application No : 13/02707/FULL6

Ward:
Farnborough And Crofton

Address : 1 Starts Hill Road Orpington BR6 7AR

OS Grid Ref: E: 543697 N: 164994

Applicant : Mr Alan Mosley

Objections : NO

Description of Development:

Two storey side and rear extension

Key designations:

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

Proposal

- It is proposed to construct a two storey side/rear extension measuring 1.8m wide from the western flank of the property.
- The extension would 'wrap-around' at first floor level, projecting back in line with the existing ground floor rear extension to a depth of approximately 3m from the original rear building line.
- It would have a pitched/flat roof set below the main roof ridge and would be set approximately 4.2m back from the front building line of the house.
- A minimum side space of approximately 0.5m would be retained between the side wall of the extension and the western flank boundary of the site.

Location

- The application site comprises of a two storey semi-detached dwellinghouse.
- The site is set-back from Starts Hill Road and is flanked to the north-west by Allotment Gardens.
- The properties to the south-east of the site and in the wider surrounding area are predominantly semi-detached dwellings, some of which have also been extended, including the adjoining property, No.3 as well as No.5 Starts Hill Road.

Comments from Local Residents

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

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

London Plan:

5.12 Flood risk management

Planning History

There is no relevant planning history relating to the site.

Conclusions

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

The application site is set well-back from the road with substantial tree and shrub planting along the western site boundary and to the front of the site. Adjacent, to the west of the site, is a large Allotment Gardens. With regard to visual impact, the proposed extension would be well screened from the street view, would be set back from the property's frontage and would be subservient in height to the main roof. Whilst the proposal does not retain a 1m side space from the side boundary of the site to the flank wall of the building, as normally required by Policy H9, given the scale of the development and, in particular, the open space to the west of the site, it is unlikely to appear cramped, nor would any unrelated terracing occur. The impact on the spatial standards and level of visual amenity of the area is therefore considered acceptable.

With regard to the impact on the amenities of occupiers of surrounding residential properties, the first floor extension would be sited approximately 3.2m from the adjoining semi-detached property, which also benefits from a first floor rear extension. There is a first floor flank window at the attached property which overlooks the application site and views from this window are likely to be obscured by the proposed extension. However, it is considered that as this appears to be a secondary window to the room it is serving, the loss of views would not be fundamentally damaging to the enjoyment of the property. Furthermore, given the scale of the extension, its separation from the party boundary and the fact that no

flank windows are proposed which would overlook the neighbouring site, the impact on neighbours is considered acceptable.

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 spatial standards or level of visual amenity of the area.

Background papers referred to during production of this report comprise all correspondence on file ref. 13/02707, excluding exempt information.

RECOMMENDATION: PERMISSION

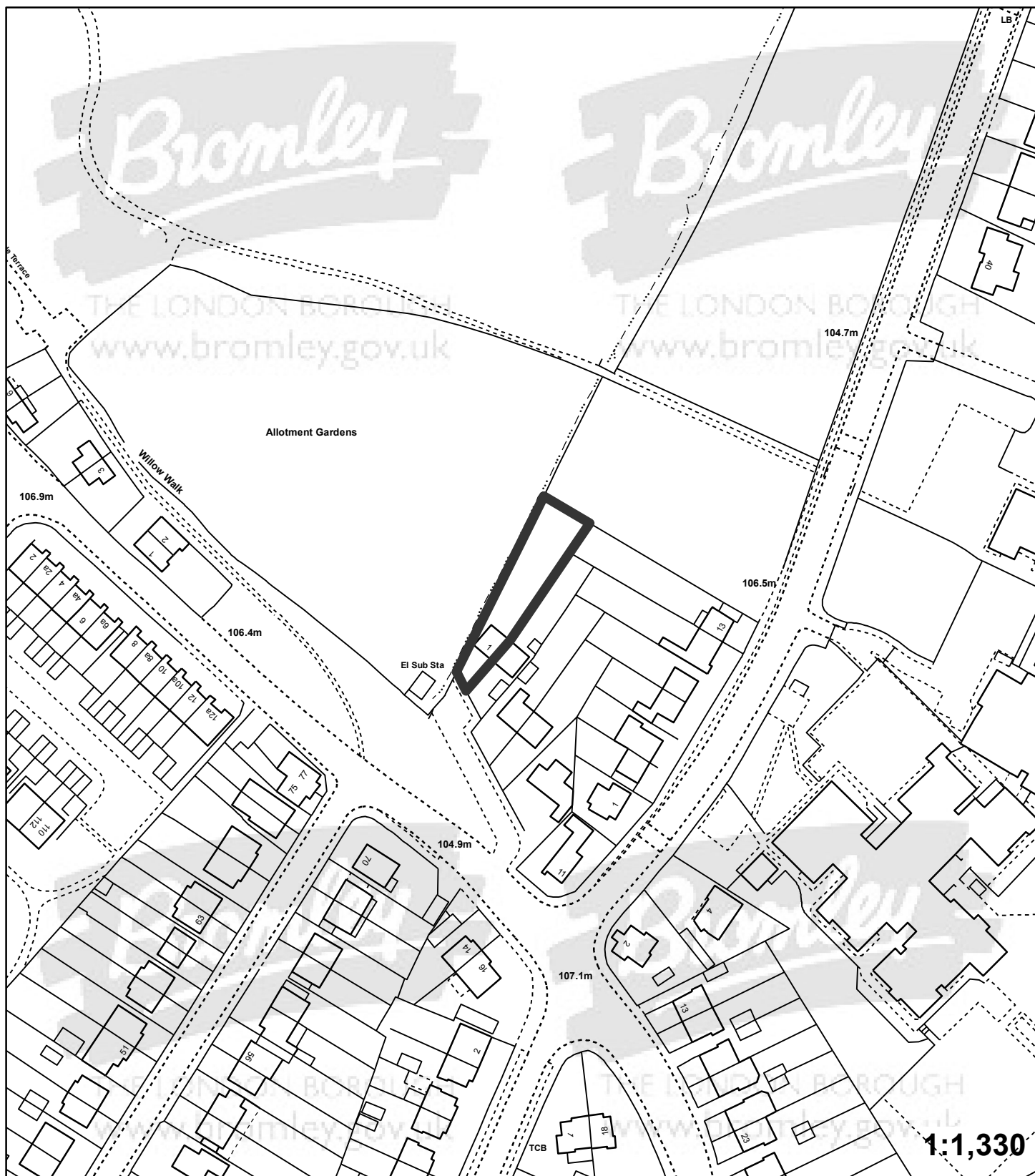
Subject to the following conditions:

- | | | |
|---|--------|--|
| 1 | ACA01 | Commencement of development within 3 yrs |
| | ACA01R | A01 Reason 3 years |
| 2 | ACC04 | Matching materials |
| | ACC04R | Reason C04 |
| 3 | ACI13 | No windows (2 inserts) south-eastern extension |
| | ACI13R | I13 reason (1 insert) BE1 |
| 4 | ACK01 | Compliance with submitted plan |
| | ACC01R | Reason C01 |

Application:13/02707/FULL6

Address: 1 Starts Hill Road Orpington BR6 7AR

Proposal: Two storey side and rear extension



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

Application No : 12/03423/OUT

Ward:
Darwin

Address : Land West Of Layhams Road Keston

OS Grid Ref: E: 539794 N: 162862

Applicant : KPWG International

Objections : YES

Description of Development:

Change of use of agricultural land to cemetery, single storey reception building, maintenance building, 55 car parking spaces, access drive and formation of vehicular access to Layhams Road

Key designations:

Article 4 Direction
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Local Distributor Roads

Proposal

Outline consent is sought for a new burial ground with all matters reserved except access. The proposal includes the following:

- new vehicular access from Layhams Road
- receiving building providing a 100 capacity non-denominational chapel, robing room, small office and toilets (up to 180m² floor space) and adjoining maintenance and service buildings (28m²) to store a mini-digger and trailer- indicative drawings have been submitted indicating a traditional pitched roofed design or an alternative flat, green roofed design
- car parking, for 55 cars within a landscaped setting and ancillary drop-off facilities for 3 funeral service vehicles
- overflow grass-crete car parking for a further 23 cars
- site will accommodate approx. 7,579 graves over a 100 year period - a limit of 90 burials per year is set by the Environment Agency and a limit of 4 burials per day will be set by the operator
- site will be divided into 5 zones as follows:
- informal burial (1.13 ha) - 1130 burials (100 burials per hectare)

- natural denominational burial (3.149 ha) - 3149 burials (1000 burials per hectare)
- natural burials (1.491 ha) - 1491 burials (1000 burials per hectare)
- 2nd field natural burials (1.809 ha) - 1809 burials (1000 burials per hectare)
- ashes (2.862 ha)
- total: 10.44 ha (7579 burials)
- natural burials will be indicated by small grave markers and there will be no formal headstones
- burial ground will operate 10am to 5pm Monday to Friday and will open at weekends and bank holidays for visitors only from 10am to 3pm
- new entrance will be provided to maintain separate access to the adjacent fields for the farmer
- a structural landscaping scheme will be implemented prior to the commencement of the use and will include the following:
 - three 3m high earth berms in north-west corner
 - new hedgerow on the southern boundary including group planting dominated by certain native species
 - woodland barrier planting zone on southern boundary of the site with trees planted at high density to shield the cemetery - this area will be used to scatter ashes
 - retention and management of existing trees and hedgerows
 - an amenity landscaping scheme will be implemented over a 30 year period and will include the following:
 - phased general landscaping
 - woodland paths (2 metre width) constructed from permeable wood chip substrate, as and when needed in denominational and natural burial areas
 - communal memorials / seating areas, as and when needed
 - wild flower and grassland planting
 - ongoing ecology maintenance and management.

The application is accompanied by a Planning, Design and Access Statement which includes the following points:

Site Ownership

- freehold ownership of this site is fragmented but there are agreements in place between the applicant/majority landowner (KPWG International) and the remaining owners to sell the land to KPWG once planning permission has been granted
- it is likely that KPWG and these other owners will remain freehold owners of the site and grant a long lease to a specialist operator
- KPWG have an extensive network of friends and relatives in the UK and in the South London area in particular - many of the current investors have expressed a desire for family burial plots on the site

Operator arrangements

- Christian and Muslim burials will be provided for on the site - there is a synergy between Muslim and green burial as the Muslim faith requires

bodies to not be embalmed, buried within 48 hours with no coffins and in clean graves - the graves are indicated with a small marker with a name and date of birth and death and these burials have little long term impact

- Shari'ah law makes the following provisions for burial:
 - bodies should not be moved from the countries they passed away in - some scholars give permission for bodies to be moved between 2-48 miles
 - placing of flowers or memorials on graves has no basis in Shari'ah - it is considered to be an unnecessary waste of money of no benefit to the deceased - mourners should spend money on behalf of the deceased and pray to Allah Ta'ala to send the reward to them
 - burial plots should be orientated towards Saudi Arabia (the right shoulder must face Mecca)

Option analysis

- proposal is considered the most appropriate for the site because:
- there is a lack of green burial space and separate denominational space within the Borough and a 10 mile catchment area
- less infrastructure is required - paths can be constructed of soft landscaping materials for example
- 90 burials per year would be commercially viable for this model and appropriate for this location
- southern part of the site and water protection area can still be used for the scattering of ashes in a naturally designed memorial gardens
- separate denominations can be accommodated within the green burial design

Burial Need

- burial needs of the Borough are documented in 'An Audit of London Burial Provision, Cemetery Research Group, York University, 2011' and Planning for Burial Space in London, LPAC, 1997 - these are both London wide research papers and fail to provide sufficient information on burial trends, denominational issues and facilities within the cemeteries themselves - KPWG therefore commissioned an up to date and denominational burial needs assessment for the application site in 2011
- assessment confirms the following trends:
 - there is a lack of choice, in terms of types of cemeteries within Bromley
 - there is no natural or green burial areas in existing cemeteries within Borough or a 10 mile radius
 - at current death rates there is 5.7 years of burial capacity within existing cemeteries in the Borough
 - people must be travelling long distances out of the Borough to attend the graves of close family and relatives as the Borough's death rates are far higher than the burial / internment rate within the Borough's cemeteries

- whilst there is capacity in some nearby cemeteries these are formal burial grounds where there is no distinction between denominations, formal and informal burial areas
- there is an increased demand for memorial gardens where ashes can be scattered, especially, as this is now prohibited in many public parks and gardens
- nationally there is shift away from cremations in favour of burial
- people want greater choice whilst being buried close to where relatives can visit
- the Council's Parks and Greenspaces Division advise that there is a need for burial space within the Borough

Appeal Decisions

The applicant has submitted appeal decisions where the Inspectors considered the cemetery and facilities to be appropriate development in the Green Belt as follows:

- cemetery in Brentwood with an emphasis on green burial but also accommodating formal burial with a 100 seat chapel (internal floor area 182 m²), 24 car parking spaces
- natural burial ground in Wimborne with 84m² reception building accommodating toilets, catering facilities, caretakers room and a burial service recreation area for approx. 20 people at an existing
- cemetery and car park in Bournemouth with 144m² prayer hall

The applicant suggests that the following can be concluded from these appeal decisions:

- all types of Cemeteries are appropriate Green Belt development
- essential facilities that are genuinely required for the Cemetery operation are appropriate green belt development - unless there is any harm arising it is not necessary to consider whether there are special circumstances
- a chapel / receiving building capable of accommodating 100 people, including a robing room and office is considered appropriate Green Belt development
- a chapel / prayer hall of between 144m² and 182m² is appropriate Green Belt development
- operational needs, site maintenance and facilities for visitors, including car parking are necessary and appropriate

Impact on Agricultural Land

Development Plan policy seeks to protect the best and most versatile agricultural land and this is addressed within the Planning, Design and Access Statement as follows:

- soil analysis confirms the topsoil comprises sandy loam underlain by sandy clayey loam with stones

- Natural England Agricultural Land Classification (2010) map for London South East confirms that the agricultural land quality of these fields are '3-Good to Moderate'
- sandy loam soil is a mixture which is generally well balanced but has sand as its dominant component - sand particles increase the soils capacity to let water and nutrients flow through it and this type of soil requires regular improvement if used for agricultural purposes
- sandy loam soil can also be more affected by drought more than clayey soils which retain water more easily - crops which are generally grown on this soil type are animal feed, cereal and sugar beet - hay has been grown on the site over the past 5 or so years, before which the land was fallow and very overgrown for a number of years
- proposal will result in the loss of agricultural land but it is not the best or most versatile land and is therefore not protected by UDP and NPPF policy
- land would be capable of re-use as a nature reserve after burials have ceased and the cemetery closes - this is likely to be in excess of 100 years when the lease on individual burial plots expires and remains have decomposed sufficiently - management of the site would continue the work of improving the biodiversity, woodlands and grasslands within the woodland burial proposal

Impact on the Green Belt

- character of the site will change from an open field to natural grassland and woodland with some small memorials enabling its open and undeveloped character to be maintained
- buildings have been sited in the north-west corner of the site where the land drops away - they will be single storey and will be located behind earth berms and landscaping buffers and should not be visible from Layhams Road and the wider area
- roads and paths can be made up of natural and/or permeable materials such as wood chip paths, bound gravel and grass-crete for overflow parking areas
- roundabout doubles as a planted earth berm and the receiving building could include a green roof
- entrance will involve removal of a 42m section of a 260m hedgerow resulting in a change to the character of this part of the Layhams Road frontage - this section of hedgerow is sparsely planted with no trees and it will be relocated / replanted behind the visibility splay resulting in a 10 metre gap in the hedgerow with the entrance road partially visible when close up - any change in the character of the hedgerow and site boundary will not materially harm the openness of the Green Belt and can justified on the grounds of community benefits
- no existing trees will be removed as a result of the proposals
- the openness and character of the site will not be harmed when viewed from the wider area
- cemetery will not be visible from views of the site from the north, east and west

- southern boundary of the application site runs across an open field with no hedgerow - the site is clearly visible from the farm gate opposite the Layhams Farm Shop and Plant Nursery and from the public footpath to the north of Layhams House - here the visual character of the site will be improved with a more natural and green appearance than the current featureless, open agricultural field
- a heavy band of planting will be introduced along the southern boundary of the site, including a new hedgerow planted with native species and a woodland barrier beyond
- applicant is prepared to accept a condition preventing headstones being introduced
- indicative masterplan has been prepared in consultation with potential operators and demonstrates that a commercially viable cemetery can be successfully integrated into the site without harming the site's open Green Belt character

Design

- low burial density in the natural and denominational areas enables more planting to be incorporated providing a more natural landscape setting for the cemetery appropriate to the Green Belt
- scale of the proposed buildings have been minimized to what is absolutely essential in order to accommodate the operational needs - appeal decisions confirm that they can be considered essential facilities which will preserve the openness of the Green Belt and will not conflict with the purposes of including land in it
- layout responds to views into the site and various topographical features and screening provided by existing and proposed trees and hedgerows
- views into the site will be enhanced as the site will be transformed from a fairly featureless field to a green, wooded site with natural planting features such as wild grasslands and flowers
- whilst detailed design matters are not the subjects of detailed consideration at this stage the indicative master plan demonstrates that the cemetery can be accommodated on this site in a sensitive and sympathetic manner whilst improving the appearance of this site.

The application is accompanied by a Business Plan which includes the following points:

- existing site is owned by a large number of parties who purchased small plots from another company - the owners purchased the plots as a long term investment opportunity with returns anticipated within 20-30 years - an investor fund is being managed by the applicant
- investor fund is used to manage the site, promote it through the planning application process and ensure that a financial return can be provided to the owners in the anticipated time frame
- funds will be made available to install the necessary infrastructure and amenities needed and facilitate the operations of a green burial site by a local burial services company

- Year 0-1 works will include habitat enhancement, entry and road access, parking, erection of ancillary buildings and comprehensive landscaping plans
- site will be leased to the funeral operator, initially for a 25 year period
- plot owners will benefit from the steady and regular income
- burial plots will be sold on a 25 year lease at a market price to be determined at a later stage
- site has capacity for 7,579 plots that will be sold over a 100 year period - it is anticipated that the business plan will generate a good profit.

The application is also accompanied by the following:

Phase 1 Habitat Survey and Protected Species Assessment
 Dormouse, Reptile and Badger Survey Report
 Transport Statement (TS)
 Flood Risk Assessment
 Archaeological Desk Based Assessment
 Burial Needs Assessment
 Environmental Audit
 Tree Survey
 Draft Landscape and Ecology Management Plan.

Location

- 12.52 ha site comprises two undeveloped fields
- site has been divided into 489 plots which are owned by a large number of individuals based in various locations including Malaysia, Kuala Lumpur and Hong Kong
- field has been used to grow silage crops over the past year or so and was derelict for some years prior to this
- there are long established hedgerows and mature trees running from south to north in the centre of the site
- a mature hedgerow runs from east to west at the northern end of the site and there is a smaller and newer hedgerow with 4 small trees adjoining Layhams Road
- there are isolated buildings around the site - Layhams House lies to the south, Layhams Farms Shop and various cottages and farm buildings lie to the south-east whilst the Metropolitan Police Dog Training College is located immediately to the north
- New Addington is located across the fields to the west
- open countryside largely surrounds the site to the south and east.

Comments from Consultees

Thames Water - no objections.

Drainage - no objections.

Highways - no objections, subject to conditions.

Thames Water - no objections.

Environmental Health - no objections.

There are no objections in terms of ecology, subject to conditions to allow badgers to access and egress the site and to prevent them disturbing burials and to protect skylark habitats within the site.

The Environment Agency has no objections subject to conditions securing a surface water drainage strategy and a 250m burial exclusion zone around the well at Layhams Farm.

English Heritage has commented that a second stage archaeological investigation should be completed prior to the determination of the application in order that the archaeological implications of the proposal can be properly considered.

The Metropolitan Police Crime Prevention Design Adviser has commented as follows:

- boundary of Metropolitan Police Dog Training Establishment (DTE) with the application site would be both expensive and difficult to secure and patrol
- application site is currently agricultural land and therefore only agricultural workers have a legitimate reason to be on the land and any persons loitering near the boundary of the DTE can be identified as suspicious - proposal to locate a car park and new buildings adjacent to the boundary with the DTE creates a legitimate reason for any persons with criminal intent to be there
- materials and articles restricted by acts of parliament are stored on the police site for use in the training of police dogs and the security of these items is of paramount importance.

Comments from Local Residents

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

- out of character / harm to visual amenities of area / access will alter character of Layhams Road
- erosion of the Green Belt / harm to open character of the site / area is enjoyed for countryside recreation / 'creeping' development in Green Belt / proposal is inappropriate development in the Green Belt by reason of harm to openness
- Inspector considering Downe Road appeal concluded that cemetery was inappropriate development in the Green Belt / scheme has parallels with recent Downe Road proposal and should be refused on similar grounds
- Inspector considering application at Vulcan Way (para. 4.6 of Planning, Design and Access Statement) noted that remodelling of the land was inappropriate development in the Green Belt because it involved eliminating natural landforms - application proposal involves remodelling and is inappropriate

- increased traffic / Layhams Road and surrounding highway network (including Nash Lane, Gates Green Road, North Pole Lane and Fox Lane) are single lane in parts / local highway network is unsuitable for funeral traffic which will include vehicle convoys / HGVs regularly get stuck on the road / funeral corteges meeting large vehicles will cause chaos and distress / increased traffic through Keston Village will block the roundabout at the junction of Heathfield Road and Fox Lane / significant incidence of accidents and fatalities on Layhams Road / Nash Lane is narrow and used by agricultural traffic, horse boxes, horse riders and walkers and is used by traffic when Layhams Road is closed due to accidents, causing chaos / farm vehicles and horse riders use Layhams Road during off-peak times / no white lines, pavements or street lighting on Layhams Road / inadequate visibility for vehicles egressing site / no public transport serving site
- inaccuracies and omissions in TS / TS indicates that road is over capacity for its width therefore capacity should not be increased further / peak time highway capacity should not be used as benchmark in TS due to problems that occur
- demand for car parking may exceed capacity resulting in cars parking on banks and verges causing damage
- impact on walkers, horse riders and cyclists who use the lanes and the surrounding area for recreational purposes
- increased commercialisation and industrialisation of southern end of Layhams Road
- application indicates that the cemetery would be limited to 90 burials per year - how could this be policed? / 90 burials a year cannot be managed if plots are sold in advance / 90 burials a year will not be viable / it is not clear whether reference to burials includes interment and scattering of ashes as this could increase traffic, activity and disturbance
- application for crematorium may follow
- site has around 480 owners - what happens if the holding company ceases to trade and the site becomes derelict or a burden on the Council / fragmented ownership structure could lead to management problems / normally the Council might seek a long term bond to secure the long term management of the site but it may be impossible to enter into a legal agreement with such a large number of registered owners of the site / Council must understand long term management arrangements if planning permission is to be granted
- land has already been 'mis-sold' to foreign residents
- irregular nature of site suggests that individuals have refused to sell some plots - further applications could follow resulting in a larger cemetery
- application emphasises benefits of burial close to the home of the deceased and family members but plots are owned by individuals resident in the Far East and Australia and not Bromley
- applicants admit that they do not have management in place for the scheme should planning permission be granted
- Borough already has adequate burial capacity, particularly given recently opened cemetery at Kemnal Manor / Burial Needs Assessment contains inconsistencies and makes hypothetical assumptions to reach an erroneous conclusion

- Council should be identifying burial sites adequately served by the highways network and public transport through the development plan process
- pollution of soil and water table / application for ski slope on Layhams Road raised concerns regarding soil and water table contamination
- Environmental Audit suggests that proposal will result in moderate risk of ground pollution - this would appear inappropriate and unacceptable / in the event of ground contamination the enforcement powers of the Environment Agency may be limited given that the applicant is a foreign registered company - this may be particularly so when the cemetery approaches capacity and income reduces / difficulties in ensuring that recommended contamination attenuation product is added to graves / contamination attenuation product may not be suitable for all faiths or efficient over the long term
- loss of agricultural land
- loss of habitat for badgers, dormice, foxes, deer, birds of prey, skylarks and endangered birds / wildlife survey contains omissions
- loss of hedgerows
- noise from Metropolitan Police Dog Training Establishment will conflict with proposed use
- burial of Muslims alongside non-Muslims is meant to be unacceptable - mixed denomination burials will be impossible / Muslims should be buried within 24 hours of death - pressure for 365 days a year opening will follow
- area around the cemetery has significant archaeological interest and archaeological implications of proposal have not been properly addressed
- application contains inaccuracies, mistruths and exaggeration
- lack of consultation
- site access falls outside of site ownership
- development adjacent to Mickleham Way in LB Croydon required specialist investigation for unexploded wartime munitions - site could be at similar risk
- proposal will affect the setting of Layham's House.

The Mayor's Office for Policing and Crime (MOPAC) own the adjacent site on which the Metropolitan Police Service (MPS) operate the Keston Dog Training Establishment (DTE). They have submitted an objection which includes a number of comments detailed above and the following comments specifically regarding the compatibility of the proposal with the dog training use:

- site is long established for dog training and is ideally suited for these purposes due to its quiet surroundings and lack of public intrusion which prevents dogs from distraction, whilst the absence of nearby noise sensitive uses ensures that there is no disturbance to neighbouring occupiers from dogs barking
- delivery of public safety and ability of the MPS to effectively carry out its functions is supported at all levels of planning policy
- dogs bark constantly throughout the day and other noisy training exercises are held regularly which includes gunshots, sirens and helicopters - funerals and burials are sombre occasions generally carried out in tranquil and peaceful surroundings to allow for grieving and remembrance - dog training activities are not conducive to such an atmosphere and are likely to cause

distress to those grievors whilst funeral and burial activity will be likely to disturb the dogs resulting in more barking

- MPS would be likely to receive considerable complaints about training activity noise and this would be further compounded by location of the proposed Receiving Building, maintenance building and car parking
- MPS has experienced an analogous situation with a Public Order Training Facility in Hounslow where complaints about noise disturbance resulted in its closure - the MPS is keen to avoid a similar situation
- police dogs are trained in a variety of roles which includes searching out human corpses and the MPS is concerned that the proximity of the proposed cemetery would interfere with training of this task
- there is potential for dogs to dig up bones buried close to the boundary with the training facility - although unlikely this would have dramatic consequences - an appropriate condition could address this issue
- Environmental Audit indicates that movement of pathogenic organisms may occur due to the nature of the soil and geomorphology - this is inappropriate given the proximity to residential accommodation and the dog training centre - police dogs could be taken out of operation due to infection
- should outline permission be granted the following is suggested:
- consideration of revised siting of the receiving building, maintenance building and car park at detailed stage
- a condition precluding burials within 50m of the boundary with Keston Dog Training Establishment
- a condition securing a Construction Management Plan to minimise disturbance
- a condition requiring a Land Contamination Assessment which specifically addresses impacts of the Keston Dog Training Establishment
- a condition restricting burial to those resident in the Borough for 10 years prior to death
- an annual restriction on the number of burials
- a bond for the long term management of the site secured through a Section 106 agreement.

Officers requested further information following receipt of this objection and the following additional comments have been made:

- Hounslow facility was selected for its isolated location later residential development on adjoining land resulted in complaints about noise and the use became untenable - alternative premises were located in Gravesend but these are less convenient for course attendance and impact upon the cost of training delivery
- non-MPS facilities are often unsuitable in terms of size, type or availability and use of Armed Forces sites has reduced due to Ministry of Defence site disposals - when a suitable site exists the MPS needs to protect its investment and longer term use given the challenge and cost of finding suitable alternatives, at public expense
- training exercises need to be undertaken on isolated sites away from public observation and earshot for security and other reasons

- DTE is open 0600 to 2300 daily and attracts comings and goings which can increase the noise level unpredictably and uncontrollably - DTE is regularly visited by operational dog handlers and other operational police units who can depart on calls using sirens
- MPS conducts training exercises from 0700 to 2000, Monday to Friday where firearms may be discharged, sirens may be sounded and, less frequently, helicopters will fly over and occasionally land
- periodic public order training generates a lot of barking, shouting and high levels of noise within the area field adjacent to the proposed receiving building
- noisiest hours are generally 0800 to 1600 but the exercises do not take place at fixed times and are not necessarily continuous during those hours - for example, a training class is being exposed to firearms will involve shots fired for about an hour but at irregular intervals and levels of intensity
- DTE is occasionally active at weekends - for example, dog trials were recently held involving shouting, barking and gunshots all day - it is vital the DTE Officers retain the ability to conduct such exercises as and when need dictates
- the above is all in addition to the noise of dogs barking which takes place almost constantly
- in the event of a major policing / security operation in London the site may be used as a deployment base for other non-police units - for example, it was a potential site for the military emergency response during the Olympics
- financial pressures are resulting in increased collaborative working and co-location across police forces is likely - the British Transport Police (BTP) presently use around 20 kennel spaces and join the MPS in some training exercises - discussions are underway regarding an integrated dog training programme for the two forces at the DTE to save public money and improve training - this is likely to lead to a more intensive use of the site and increased noise.

Responses to MPS objection

The applicant has made the following comments in response to the MPS objection:

- schematic masterplan indicates that the receiving building will be located 60 metres away from the site boundary and the dog kennels are a further 15 metres or more beyond this
- applicant is willing to accept a condition requiring sound attenuation measures to be installed on the site boundary (e.g. a green wall) and the proposed receiving building could also be insulated against any potential noise disturbance
- cemetery use is not considered to be noise sensitive to noise like a residential use is and the noise from the DTE does not occur on a repetitive or regular basis
- green burial ground will be used far less frequently than a conventional cemetery as the number of burials allowed in a year will be restricted
- no noise measurements have been taken to fully assess the impact

- Council has no records of complaints ever being received concerning noise from the facility.

The Council's Environmental Health Officer has made the following comments in response to the objection received from the MPS:

- where a noise complaint is received there is a legal duty to investigate and consider whether a statutory nuisance exists - this involves consideration of a number of relevant factors including severity of noise, duration, character of noise, times of operation, extent of interference with use of property, character of the area, etc.
- a complaint can only be made by a person with a legal interest in the land (i.e. an occupier, tenant, lessee or land owner) so complaints would not be considered directly from members of the public visiting a cemetery
- the danger to the MPS site would be if the cemetery owners received significant complaints from visitors / customers about MPS activities during burials or visits by bereaved persons - the cemetery owners could make a complaint of nuisance and allege that the noise interferes with their lawful use of the land
- Environmental Health Officers would have to take such a complaint seriously and investigate whether nuisance exists - if a nuisance were found to exist there would have a statutory duty to serve a notice and take action to ensure the nuisance is abated - there is no legal discretion on this point
- requirements of a nuisance notice could conceivably have a significant effect on the ability of the MPS site to operate as it does currently
- the fact that the adjacent MPS site has existed long before the proposed use is unlikely to provide a significant defence to them in the event of a complaint of nuisance and there is long-established case law that confirms this point - there is no legal defence for a site operator that the complainant 'came to the nuisance' and the law applies equally irrespective of which operation existed first.

Planning Considerations

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

Unitary Development Plan

- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T11 New Accesses
- T18 Road Safety
- BE1 Design of New Development
- BE3 Buildings in Rural Areas
- NE2 Development and Nature Conservation Sites
- NE7 Development and Trees
- NE12 Landscape Quality and Character

- G1 The Green Belt
- G9 Future re-use of agricultural land
- C1 Community Facilities
- C2 Community Facilities and Development

London Plan

- 6.3 Assessing effects of development on transport capacity
- 7.3 Designing out crime
- 7.4 Local character
- 7.16 Green Belt
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 7.23 Burial spaces.

The National Planning Policy Framework states at Paragraph 89 that the construction of new buildings within the Green Belt will be inappropriate unless they provide essential facilities for uses, including cemeteries, which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it. The NPPF states that Cemeteries are 'appropriate' green belt development if they preserve the openness of the green belt and do not conflict with the purposes of including land within it.

The purposes of including land in the Green Belt are set out at Paragraph 80 as follows:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Policy G1 of the Unitary Development Plan states that:

'The construction of new buildings or extensions to buildings on land falling within the Green Belt will be inappropriate, unless it is for the following purposes:

- (ii) essential facilities for outdoor sport and outdoor recreation and open air facilities and other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it;

The material change of use of land, engineering and other operations within the Green Belt will be inappropriate unless they maintain the openness and do not conflict with the purposes of including land in the Green Belt.

In 2009 the Ministry of Justice published a document entitled 'Natural Burial Grounds - Guidance for Operators'. In the Financial Legislation section on page 8 it states that:

'Operators should have a defined plan for allowances for future financial commitments. The simplest format is to create a sinking fund into which is directed a proportion of plot sale income. Circumstances may vary but, as a guideline, the Association of Natural Burial Grounds have negotiated an agreement with the Valuation Office Agency which suggests 20 percent of plot sales income being treated in this way, dropping to 15 percent when the site has been open for eleven years.'

Prior to the application process the applicant requested a Screening Opinion as to whether an Environmental Impact Assessment was required. The proposal constitutes Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. After taking into account the selection criteria in Schedule 3 of the Regulations and the terms of the European Directive, it was considered that the proposed development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size and location. This opinion was expressed taking into account all relevant factors including the information submitted with the application, advice from technical consultees, the scale/characteristics of the existing and proposed development on the site.

The proposal is considered acceptable in terms of its impact on trees.

Conclusions

The main issues to be considered in this case are as follows:

- impact of the proposal on the character and appearance of the area
- whether the change of use of the land, engineering and other operations preserve the openness of the Green Belt and do not conflict with the purposes of including land in it, and therefore whether they are appropriate in the Green Belt
- whether the buildings provide essential facilities for the proposed cemetery use, preserve the openness of the Green Belt and do not conflict with the purposes of including land in it, and therefore whether they are appropriate development in the Green Belt
- arrangements for long term management and maintenance of the site
- compatibility of the proposed use with the neighbouring police dog training use
- impact on the residential amenities of the occupants of nearby dwellings
- highways implications.

The application is for outline planning permission with all matters reserved except means of access. If outline consent is granted then further detailed application(s) will follow, however the indicative plans submitted indicate the currently anticipated format of the cemetery. The proposal involves two woodland natural burial areas featuring unmarked graves and denominational and informal burial areas with

small grave markers. There will be extensive landscaping with native species including significant tree planting along with a network of paths making use of natural materials. A substantial part of the site is indicated as unsuitable for burials due to a nearby well (which requires a 250m exclusion zone) and is proposed for the scattering of ashes. The scheme will have few of the features of a traditional cemetery such as grave stones and memorials. It can be acknowledged that the scheme has been designed to be sensitive to its context and the site's Green Belt designation and it can be considered that, subject to securing an appropriate landscaping scheme at the detailed planning stage, the scheme has the potential to improve the visual appearance of much of the site.

The proposed receiving building will provide a 100 capacity non-denominational chapel, robbing room, small office and toilets within a maximum of 180m² floorspace. The adjoining maintenance and service building (28m² floorspace) will provide storage for a mini-digger and trailer. The applicant asserts that the buildings will accommodate only essential facilities to support the cemetery use and has submitted appeal decisions where similar sized buildings have been considered appropriate. It can be reasonably concluded that the facilities proposed within the reception and storage buildings are essential to support the cemetery use.

The proposed buildings are relatively modest and, along with the car parking and access road, will be located in the northwest corner of the site where the land drops away from Layhams Road to minimise the visual impact. Earth berms are proposed to screen the buildings from views from the south and east. There is a public footpath along the western and southern boundaries of the site from where the access road, car parking and buildings will be screened by trees. In view of the siting and design of the components of the scheme it can be considered that the change of use of the site, engineering operations and buildings will preserve the openness of the Green Belt and will not conflict with the purposes of including the land within it. The development can therefore be considered appropriate development in the Green Belt.

The proposal involves the sale of 7,579 burial plots and Members will note the Ministry of Justice advice detailed above recommending a sinking fund into which a proportion of plot sales income is directed. No satisfactory mechanism or monies have been proposed to ensure the long term management or maintenance of the site should, for example, the management company fall into receivership. The implications of a lack of long term management and maintenance are that vegetation and grass will become overgrown, weeds will cultivate and the ancillary buildings may fall into disrepair. It is considered that this will not result in harm in Green Belt terms as it will not impact on openness. However, there will be harm to the quality and character of the local landscape, contrary to Policy NE12 of the UDP.

The site is divided into around 489 plots which are owned by a large number of individuals based in various locations including Malaysia, Kuala Lumpur and Hong Kong. This ownership structure of the site presents significant concerns in terms of attaching conditions to a planning permission. In the event of a breach of condition it would be prohibitively difficult to attempt to prosecute the site owners in order to

enforce the requirements of the condition. Similarly, there are concerns in relation to either accepting a Section 106 unilateral undertaking or entering into a Section 106 agreement, which must be with all of the people who have an interest in the land. It would be possible for all of the owners to sign a legal agreement. However, in the event that obligations within a Section 106 agreement were not being met, an application to the High Court for an injunction order would be likely to present significant difficulties.

An objection has been received from the adjacent MPS Keston DTE regarding the compatibility of the proposed use with the existing dog training operation. The dog training use involves noise from firearms and police sirens and occasionally helicopters as well as dogs barking. Police dog training is the lawful use of the site and the MPS would be at liberty to intensify this use, as they have indicated is currently a possibility. The proposed frequency of burial services (90 a year) is such that burial services may be infrequently affected by a noisy police dog training exercise, but when this does occur it is likely to be particularly distressing for mourners. Mourners will be likely to visit graves on a more regular basis and it is therefore likely that this activity will be more frequently affected. The Council's Environmental Health Officer has advised that a complaint from the site owner which resulted in the identification of a statutory nuisance could result in the MPS dog training use being curtailed. It is not inconceivable that this could happen during the anticipated 100 year life span of the cemetery. The DTE is a long established use and performs an important strategic function. It is considered that the proposed cemetery use would have the potential to significantly affect the ability of the MPS site to operate as it does currently and is therefore incompatible with the neighbouring use.

A noise survey has not been submitted so a technical assessment of the noise impact cannot be considered.

English Heritage have raised concerns that inadequate information has been submitted to properly assess the archaeological implications of the proposal and it would be premature to grant planning permission in the absence of sufficient information.

Security concerns have been expressed by the Metropolitan Police Crime Prevention Design Adviser. It is considered that, if permission were to be granted, these could be adequately addressed through a management plan which could be secured through a condition.

Background papers referred to during the production of this report comprise all correspondence and other documents on file ref. 12/03423, excluding exempt information.

as amended by documents received on 31.01.2013 15.05.2013 09.07.2013

RECOMMENDATION: PERMISSION BE REFUSED

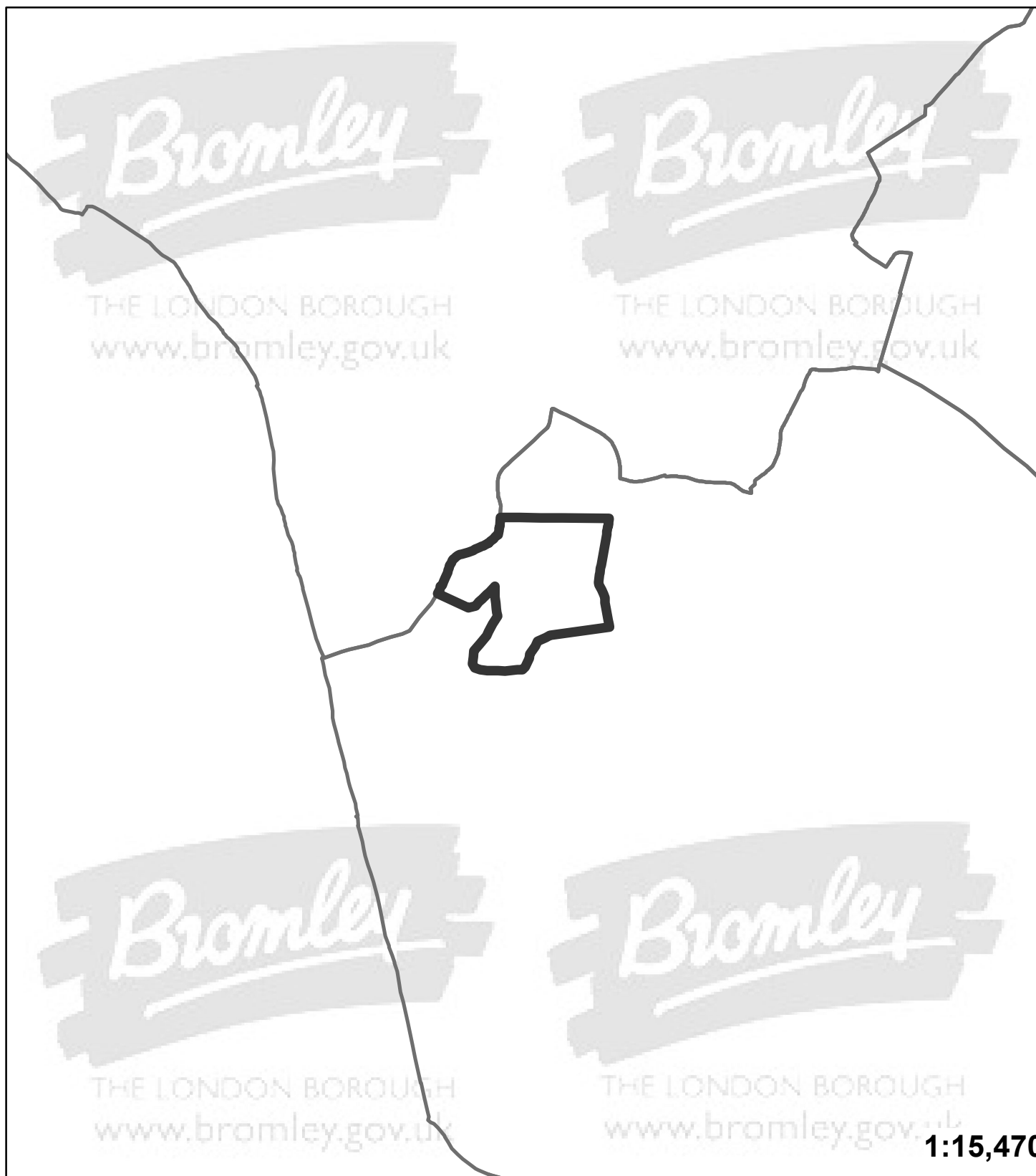
The reasons for refusal are:

- 1 In the absence of adequate, appropriate and reasonably enforceable measures to control the development and operation of the site it is considered that the proposal will potentially have a detrimental impact on landscape quality and character thereby contrary to Policy NE12 of the Unitary Development Plan.
- 2 The proposed cemetery use would have the potential to conflict with dog training activity at the adjacent Metropolitan Police Service Dog Training Establishment and potentially curtail this existing use contrary to Policy 7.13 of the London Plan.
- 3 Insufficient information has been submitted to properly assess the archaeological implications of the proposal contrary to Policy BE16 of the Unitary Development Plan and Policy 7.8 of the London Plan.

Application:12/03423/OUT

Address: Land West Of Layhams Road Keston

Proposal: Change of use of agricultural land to cemetery, single storey reception building, maintenance building, 55 car parking spaces, access drive and formation of vehicular access to Layhams Road



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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