



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333

CONTACT: Rosalind Upperton  
Rosalind.Upperton@bromley.gov.uk

THE LONDON BOROUGH  
www.bromley.gov.uk

DIRECT LINE: 020 8313 4745

FAX: 020 8290 0608

DATE: 11 November 2014

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

Councillor Alexa Michael (Chairman)  
Councillor Charles Joel (Vice-Chairman)  
Councillors Douglas Auld, Teresa Ball, Katy Boughey, Lydia Buttinger, Alan Collins,  
Ian Dunn, Ellie Harmer and Terence Nathan

A meeting of the Plans Sub-Committee No. 1 will be held at Bromley Civic Centre on  
**THURSDAY 20 NOVEMBER 2014 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](mailto: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*  
<http://cds.bromley.gov.uk/>

## 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 25 SEPTEMBER 2014**  
(Pages 1 - 18)
- 4 PLANNING APPLICATIONS**

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

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

### SECTION 2 (Applications meriting special consideration)

Report No.	Ward	Page No.	Application Number and Address
4.1	Penge and Cator	19 - 24	(13/01917/FULL2) - 208B Kent House Road, Beckenham.
4.2	Orpington	25 - 30	(14/02945/FULL6) - 23 Wyvern Close, Orpington.
4.3	Copers Cope Conservation Area	31 - 40	(14/03502/FULL1) - 61 The Avenue, Beckenham.

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

Report No.	Ward	Page No.	Application Number and Address
4.4	Penge and Cator	41 - 48	(14/01672/VAR) - 62 Kings Hall Road, Beckenham.
4.5	Bromley Common and Keston	49 - 62	(14/01818/ELUD) - Hasells Nursery, Jackson Road, Bromley.

4.6	Chislehurst	63 - 68	(14/02730/FULL1) - Edgebury Primary School, Belmont Lane, Chislehurst.
4.7	Chelsfield and Pratts Bottom	69 - 74	(14/03094/FULL6) - 4 Aspen Close, Orpington.
4.8	Darwin	75 - 82	(14/03132/FULL1) - Maple Farm, Cudham Lane South, Cudham.
4.9	Copers Cope Conservation Area	83 - 90	(14/03219/FULL1) - 28 Downs Hill, Beckenham.
4.10	Petts Wood and Knoll	91 - 96	(14/03469/PLUD) - 27 West Way, Petts Wood.

## 5 CONTRAVENTIONS AND OTHER ISSUES

Report No.	Ward	Page No.	Application Number and Address
5.1	Bromley Common and Keston	97 - 98	(DRR14/098) - Land at Keston Court Farm, Blackness Lane, Keston.

## 6 TREE PRESERVATION ORDERS

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

This page is left intentionally blank

## PLANS SUB-COMMITTEE NO. 1

Minutes of the meeting held at 7.00 pm on 25 September 2014

### Present:

Councillor Alexa Michael (Chairman)  
Councillor Charles Joel (Vice-Chairman)  
Councillors Douglas Auld, Teresa Ball, Nicholas Bennett J.P.,  
Katy Boughey, Lydia Buttinger, Ian Dunn and Terence Nathan

### Also Present:

Councillors Peter Dean and Peter Fortune

### 13 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Ellie Harmer; Councillor Nicholas Bennett JP attended as substitute.

An apology for absence was also received from Councillor Alan Collins.

### 14 DECLARATIONS OF INTEREST

No declarations of interest were received.

### 15 CONFIRMATION OF MINUTES OF MEETING HELD ON 31 JULY 2014

**RESOLVED** that the Minutes of the meeting held on 31 July 2014 be confirmed and signed as a correct record.

### 16 PLANNING APPLICATIONS

#### SECTION 1

(Applications submitted by the London Borough of Bromley)

#### 16.1 HAYES AND CONEY HALL

**(14/01873/FULL1) - Isard House, Glebe House Drive, Hayes**

Description of application - Demolition of existing care home and erection of 21 dwellings to provide 2 x one bedroom flats, 10 x two bedroom flats, 6 x three bedroom houses and 3 x four bedroom houses with a total of 36 car parking spaces, provision for refuse/recycling and cycle parking and associated landscaping.

Oral representations from Ward Member Councillor Peter Fortune were received at the meeting. Members having considered the report, objections and representations, **RESOLVED that the application BE DEFERRED** without prejudice to any future consideration, to seek alterations to the scheme in order to provide sufficient side space as required by Policy H9, to increase the level of parking provision and to enter into discussions concerning the proposed development with local residents.

**16.2  
BROMLEY TOWN**

**(14/02066/FULL1) - 7 Hayes Lane, Hayes**

Description of application - 2.59m high (max) fencing and gates to either side of No 7 and 9 Hayes Lane to provide footpath for access to playing field beyond.

Members having considered the report, **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the condition set out in the report of the Chief Planner with the addition of a further 3 conditions to read:-

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

Reason: Section 91, Town and Country Planning Act 1990

3 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and/or drawings unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

4 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.  
Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

**16.3  
CHISLEHURST  
CONSERVATION AREA**

**(14/02204/ADV) - Land fronting 95-113 High Street,  
Chislehurst**

Description of application - 8 non-illuminated lamp column banner signs and one cross-street non-illuminated banner sign. **RETROSPECTIVE APPLICATION.**

Members having considered the report, **RESOLVED that A SPLIT DECISION BE MADE as follows:-**

- 1) **ADVERTISEMENT CONSENT BE GRANTED** for 8 non-illuminated lamp column banner signs as recommended, subject to the condition in the report of the Chief Planner; and
- 2) **ADVERTISEMENT CONSENT BE REFUSED** for cross-street non-illuminated banner sign as recommended, for the reason set out in the report of the Chief Planner.

**16.4  
CRAY VALLEY WEST**

**(14/02313/MATAMD) - Riverside School, Main  
Road, St Pauls Cray**

Description of application - Minor Material Amendment to application ref. 13/01744 - Erection of part 3m/part 1-2m boundary fence and 1.2m gate. Erection of 1.2m internal fence with light fittings. Relocation of existing 3m gates.

Members having considered the report, **RESOLVED that the MINOR MATERIAL AMENDMENT BE APPROVED** as recommended, subject to the conditions set out in the report of the Chief Planner.

**16.5  
PENGE AND CATOR**

**(14/02875/ADV) - 46 Green Lane, Penge**

Description of application - Internally illuminated fascia sign.

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

**SECTION 2**

(Applications meriting special consideration)

**16.6  
BICKLEY**

**(14/00706/FULL6) - 14 Mavelstone Close, Bromley**

Description of application amended to read - 'Increase of roof ridge incorporating front and rear dormers, extension to existing front porch and conversion of existing garage into habitable room.'

Oral representations in objection to the application were received.

Comments from Ward Member Councillor Colin Smith were reported at the meeting.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the

conditions set out in the report of the Chief Planner with the addition of a further condition to read:-

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

Reason: In order to comply with Policies BE1 and H8 of the Unitary Development Plan and in the interests of the visual amenities and character of the area and to prevent an overdevelopment of the site.

**16.7  
CHISLEHURST**

**(14/01312/FULL3) - The Lounge, 1-3 White Horse Hill, Chislehurst**

Description of application - Three storey side and rear extension, second floor extension and alteration and enlargement of existing roof incorporating side and rear dormers and conversion of first and second floors from office and residential use to eight flats (comprising six 2-bedroom and two 1-bedroom units).

**THIS REPORT WAS WITHDRAWN BY THE APPLICANT.**



**16.8  
CHELSFIELD AND PRATTS  
BOTTOM**

**(14/02446/FULL6) - 28 Warren Road, Orpington**

Description of application - Addition of first floor to form 2 storey house and part one/two storey rear extension and porch canopy.

Oral representations in objection to and in support of the application were received at the meeting. Planning Officer comments on behalf of the Chief Planner were reported.

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

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

Reason: In order to comply with Policies BE1 and H8 of the Unitary Development Plan and in the interests of the visual amenities and character of the area and to prevent an overdevelopment of the site.

**16.9  
BROMLEY COMMON AND  
KESTON**

**(14/02458/VAR) - 137 Hastings Road, Bromley**

Description of application - Variation of condition 2 of planning permission ref. 13/01136 (single storey rear extension for use as a separate shop (A1 use class) and installation of associated shop front) to extend hours of operation on Monday to Wednesday 9am to 6pm, Thursday to Friday 9am to 7pm, Saturday 9am to 6pm and Sunday 11am to 4pm at 137 Hastings Road/2A Jackson Road.

Oral representations in objection to and in support of the application were received at the meeting. Planning Officer comments on behalf of the Chief Planner were reported. Comments from Ward Member Councillor Stephen Carr requesting a restriction on operating hours were reported. No objections to the application were received from the Highways Division or Environmental Health.

A late submission from the applicant had been received. A further objection to the application had also been received.

Members having considered the report, objections and representations, **RESOLVED that the VARIATION OF CONDITION BE APPROVED** as recommended, subject to the conditions set out in the report of the Chief Planner with condition 2 amended to read:-

'2 The use shall not operate on any Sunday or Bank Holiday nor before 09:00 or after 18:00 on Monday to Saturday.

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

**16.10  
ORPINGTON**

**(14/02630/FULL6) - 1 Hillcrest Road, Orpington**

Description of application - First floor side extension and bay window to front.

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

Planning Officer comments on behalf of the Chief Planner were reported.

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

**16.11  
ORPINGTON**

**(14/02634/FULL6) - 1 Hillcrest Road, Orpington**

Description of application - First floor side extension and bay window to front.

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

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

**16.12  
CHISLEHURST  
CONSERVATION AREA**

**(14/02650/FULL6) - The House on the Wall, Watts Lane, Chislehurst**

Description of application - Part one/two storey side and rear extension with new basement and patio at rear, single storey attached annexe with glazed link to

main house and demolition of exiting detached annexe.

Oral representations in objection to and in support of the application were received at the meeting. Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions and informative set out in the report of the Chief Planner.

**16.13  
CHISLEHURST  
CONSERVATION AREA**

**(14/02661/LBC) - The House on the Wall, Watts Lane, Chislehurst**

Description of application - Part one/two storey side and rear extension with new basement and patio area at rear, single storey attached annexe with glazed link to main house LISTED BUILDING CONSENT.

Oral representations in objection to and in support of the application were received at the meeting. Members having considered the report, objections and representations, **RESOLVED that LISTED BUILDING CONSENT BE GRANTED** as recommended, subject to the condition set out in the report of the Chief Planner.

**16.14  
CHISLEHURST  
CONSERVATION AREA**

**(14/03055/FULL6) - Ridgeview, Southill Road, Chislehurst**

Description of application - Two storey front and first floor front and part one/two storey front/side/rear extensions to include existing garage and elevational alterations.

Oral representations in objection to and in support of the application were received at the meeting. Planning Officer comments on behalf of the Chief Planner were reported. Members were advised that a previous planning appeal for this application had been dismissed.

Attention was drawn to an error on page 85 of the report; the words 'hipped roof' in paragraph 5, line 4 were amended to read *'flat roof'*.

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

1 The proposed first floor rear extension would be over-dominant and would be detrimental to the

amenities that the occupiers of Eldridge might reasonably expect to be able to continue to enjoy by reason of visual impact and loss of light and prospect in view of its size, bulk and depth of rearward projection, contrary to Policy BE1 of the Unitary Development Plan.

### **SECTION 3**

(Applications recommended for permission, approval or consent)

#### **16.15 BROMLEY COMMON AND KESTON**

#### **(14/01745/FULL1) - Ravens Wood School, Oakley Road, Bromley**

Description of application - Mezzanine floor for sixth form and library, replacement windows with ventilation louvres and roof ventilation.

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

#### **16.16 BROMLEY COMMON AND KESTON**

#### **(14/01934/RECON) - Ravens Wood School, Oakley Road, Bromley**

Description of application - Variation of Condition 1 of permission ref: 12/01755/VAR to allow retention of two mobile buildings for a further two year period.

Members having considered the report, **RESOLVED that the VARIATION TO CONDITION 1 BE APPROVED** as recommended, subject to the conditions set out in the report of the Chief Planner.

#### **16.17 HAYES AND CONEY HALL**

#### **(14/02617/FULL1) - 53 Kechill Gardens, Hayes**

Description of application - Erection of attached two storey 3 bedroom dwelling and extensions and alterations to 53 Kechill Gardens.

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

#### **16.18 PETTS WOOD AND KNOLL CONSERVATION AREA**

#### **(14/02810/FULL6) - 9 The Chenies, Petts Wood**

Description of application - Single storey side/rear extension and part conversion of existing garage to habitable accommodation with flue at rear and

replacement roof to existing garage and existing rear extension.

Committee Member and Ward Member Councillor Douglas Auld reported his views together with those of fellow Ward Member Councillor Simon Fawthrop and Mr Eric Nash, Chairman of the Chenies Road Association. The comments are attached as Appendix 1 to these Minutes.

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

- 1 The proposed development by reason of its size and design, would fail to respect the layout, scale or form of the existing dwelling, would detract from the streetscene and fail to preserve or enhance the character and appearance of The Chenies Conservation Area, contrary to policies BE1 and BE11 of the Unitary Development Plan and the Council's adopted Supplementary Planning Guidance for The Chenies Petts Wood Conservation Area.
- 2 The proposed development would, by reason of the emission of smoke from the wood burner flue, result in a harmful impact upon the amenities that neighbouring residents can reasonably be expected to enjoy, contrary to Policy BE1 of the Unitary Development Plan.

**16.19  
HAYES AND CONEY HALL**

**(14/02977/FULL1) - 11 Alexander Close, Hayes**

Description of application - Conversion of existing dwelling to one 3 bedroom and one 2 bedroom dwelling (Revision to planning permission allowed on appeal reference 13/04292 to include single storey rear extension).

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

**16.20  
KELSEY AND EDEN PARK**

**(14/02988/FULL6) - 5 Croydon Road, Beckenham**

Description of application - Formation of vehicular access and additional hard standing to front.

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

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

**16.21  
PLAISTOW AND  
SUNDRIDGE**

**(14/02998/FULL6) - Treesway, Lodge Road,  
Bromley**

Description of application - 2.1m high (max) front boundary wall, piers, railings, gates and 2.6m high rear boundary fence. RETROSPECTIVE APPLICATION.

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

**16.22  
FARNBOROUGH AND  
CROFTON  
CONSERVATION AREA**

**(14/03218/FULL1) - Public Conveniences adjacent  
to 20 Church Road, Farnborough**

Description of application - Demolition of public convenience building and erection of a detached two storey 3 bedroom dwelling with vehicular access and off-street parking.

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

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner with condition 7 amended to read:-  
'7 No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the flank elevation(s) of the dwelling hereby permitted, without the prior approval in writing of the Local Planning Authority.

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

**SECTION 4**

(Applications recommended for refusal or disapproval of details)

**16.23  
CRAY VALLEY EAST  
CONSERVATION AREA**

**(14/01350/ADV) - Land at Junction with High Street  
Blacksmiths Lane, Orpington**

Description of application - 12 non-illuminated lamppost banner signs on Blacksmiths Lane and High Street, St Mary Cray.

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

**16.24  
CRAY VALLEY EAST  
CONSERVATION AREA**

**(14/01372/ADV) - Land rear of 1-8 Market Meadow,  
Mill Brook Road, Orpington**

Description of application - 5 non-illuminated lamppost banner signs on Mill Brook Road and High Street, St Mary Cray.

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

The meeting ended at 8.55 pm

Chairman

This page is left intentionally blank



**ITEM 4.18 - 9 THE CHENIES, PETTS WOOD**

**COMMENTS FROM COUNCILLOR DOUGLAS AULD, PETTS WOOD AND KNOLL WARD**

You will already have either heard or read the comments of my Ward colleague, Councillor Simon Fawthrop and of the Chairman of The Chenies Road Association , Mr Eric Nash. I will try not to repeat too many of the points which they've already made but it is unavoidable I shall have to touch on some.

This application is in a Conservation Area for which an Article 4 Direction is already in being to preserve the appearance of the frontages. It is for a single storey side/rear extension and part conversion of existing garage to habitable accommodation with flue at rear and replacement roof to existing garage and existing rear extension. The officer's report recommends approval. With the support of both Councillor Fawthrop mentioned above and the third Ward Councillor, Tony Owen I will be opposing the officer's recommendation and proposing at the conclusion of my comments that the application be refused.

The Advisory Panel for Conservation Areas has raised objections to the proposal and the Panel's comments are shown under Comments from Consultees near the top of page 104 of the officer's report. In brief they state that existing garages in conservation areas should be retained as an essential part of the designated character. In answer to this at the top of page 105, line 5, the officer merely states 'Whilst the concerns raised by APCA are noted....'.

The Chenies in Petts Wood **IS** the Conservation Area. The road consists of just twenty-nine large and distinctive houses which remain virtually unaltered since they were built about eighty years ago. It is arguably one of the most attractive roads in the whole Borough. Although there are a number of variations in the architecture of the dwellings, there is a style and a balance which is common to all. Twenty-eight of the twenty-nine houses have either an integral garage or an original 1930s small detached garage to the side, some of which are set back into the garden. In appearance, having been built at the same time as the houses, these garages are very much in accord with the host dwellings and are a part of the street scene.

In turning to this application, I would first of all agree with Councillor Fawthrop that the proposed rear extension in isolation is acceptable in that it would not be visible from the road and would not result in loss of amenity to neighbours. However the proposed side extension and alteration or indeed possible removal of the small detached garage to the side would have negative effects on the Conservation Area in general and on the dwelling at no.9 itself. In respect of this part of the application, Councillor Fawthrop posed the question 'would the proposal enhance or preserve the character and appearance of the Conservation Area?' I believe it would do neither and in fact would detract from the street scene. Bear in mind there are no similar extensions in the whole road.

Were this application to success, it would set a precedent which others in the future may follow and this eventually could result in a diminishing of the attractiveness of this Conservation Area.

The flue or chimney at the rear of the existing garage to serve a wood burning stove is a further worrying element. Obviously wood smoke would emit from it and should the wind be blowing in the wrong direction, this would result in a loss of amenity to neighbour(s). Again, there are no similar flues in existence in the road.

I have visited the venue, read fully the officer's report and the comments made by Mr Nash and Councillor Fawthrop. If we can't protect our conservation areas what can we protect? I believe the application should be refused and so propose, giving as grounds for refusal:-

Contrary to:

BE1 (v) - loss of amenity, disturbance through possible smoke emissions.

BE11 (i) - would not respect the layout, scale and form of existing buildings.

(ii) - does not respect and incorporate in the design features that contribute to the character and appearance of the area.

Thank you Madam Chairman

Douglas Auld  
Councillor Petts Wood & Knoll Ward

## **COMMENTS FROM COUNCILLOR SIMON FAWTHROP, PETTS WOOD AND KNOLL WARD**

I'm sorry I can't be present at the meeting due to another commitment. However, I'd be most grateful if the Committee would take these observations into account.

For anyone that has not visited The Chenies, I would urge them to do so prior to the meeting. On a visit you will see that this Conservation Area is probably in the top five Areas within the Borough. The Area is not just a classic 1930s suburban development, as described in the UDP, but of such quality that when considering the frontages and street scene it is very hard to improve upon the design, outlook and general character of the area. This road is a Conservation Area in its own right and not just as part of a wider scheme as often happens. This small road has been singled as being of an exceptionally high standard.

When looking at the application before you, the main policy considerations that need to be taken into account are policies BE1, BE11, BE12 and H8. When considering BE11 the policy is as follows:-

'In order to preserve or enhance the character or appearance of conservation areas, a proposal for new development, alteration or extension to a building within a conservation area WILL be expected to:-

- (i) respect or complement the layout, scale, form and materials of existing buildings and spaces.
- (ii) respect and incorporate in the design existing landscape or other features that contribute to the character, appearance and historic value of the area; and
- (iii) ensure that the level of activity.....'

This application is for a single storey side/rear extension and conversion of the existing garage to a habitable room. In terms of the rear extension, this on balance, would appear to be acceptable as it is not visible from the street scene and would be neutral in terms of this very important conservation area. However, when it comes to the side extension, this stretch of the conservation area is characterised by detached garages which stand out as part of the design of the buildings in the Conservation Area. The application in respect of this element of the proposal falls woefully short of enhancing or preserving the appearance of the conservation area. Throughout the report before you, there is not one sentence that identifies that this application either enhances or preserves the character and appearance of the conservation area.

Clearly Members will be aware that it does not preserve the conservation area as it is making a change and therefore the question that Members need to address is: does it enhance the conservation area? My view is that it does not because the detracting of the rhythm of housing in the street scene is broken by this proposal and furthermore, the proposed flue goes against the Article 4 Direction which was to preserve the appearance of the frontages. This will be visible from the street scene and will be detrimental to the whole conservation area and cannot be said to enhance the conservation area. There are no other such flues anywhere in the conservation area.

The final point I would make is that the submission from APCA (The Advisory Panel for Conservation Areas) should be given due weight and taken very seriously in your deliberations as it is unusual a) for APCA to respond and b) to raise objections. This underlines the importance of the Chenies Conservation Area not only to the locality but to the Borough as a whole.

I would therefore urge Members to refuse this application or at the very least defer the application to remove the side extension and keep the garage as an integral part of the conservation area.

## **COMMENTS FROM MR ERIC NASH, CHAIRMAN OF THE CHENIES ROAD ASSOCIATION**

Very regretfully I will be unable to attend on Thursday when I understand the Committee will be considering this application. My son's graduation ceremony is taking place on the same day in Peterborough.

I understand that the planning department have already recommended approval for this application to the Committee to discuss. Unfortunately, I cannot agree to this recommendation and without sounding rude or disrespectful, have the planning department representatives visited the Chenies before arriving at their decision? The existing detached garage with gable end visible to the road will certainly not look or resemble anything like the original if allowed to proceed; in actual fact, I can only describe it as looking like a Swiss chalet roof and looking totally unbalanced and out of character. The other point that I wish to mention is that within the comments made regarding the flue, in that planning only seem to have considered its proximity not as being a feature of the street scene. My concerns are that this chimney will only be 2 metres from the rear of my ground level living accommodation and with the proposed lowering of the roof pitch, I still feel the prevailing west/south westerly winds we have, the discharge from this flue will play a prominent feature in our lives. Can the flue not be installed in such a way so that the outlet is on the opposite rear corners of the rear garage that would place it approximately 4 metres away.

We in The Chenies are proud to be residents in this beautiful road which the Chenies Road Association maintain to the highest possible standards and are pleased that we are part of the conservation area which we hope is there to protect areas like The Chenies and similar. The current trend within the Chenies at the current time is that as and when a property comes onto the market for sale, it would appear to be the younger generation that are buying but do not appear to have interest or concerns about conservation, they simply seem intent upon modernisation and alterations. If this front garage elevation extension is approved, it will in my opinion then leave the door wide open for future planning applications which would then possibly look to modify the situation even further, challenging the question of conservation and at that stage what would we have left to conserve?

I sincerely hope the Committee give this application a fair and sympathetic consideration.

Regards  
Eric Nash

This page is left intentionally blank

## SECTION '2' – Applications meriting special consideration

**Application No :** 13/01917/FULL2

**Ward:**  
**Penge And Cator**

**Address :** 208B Kent House Road Beckenham BR3  
1JN

**OS Grid Ref:** E: 536012 N: 170442

**Applicant :** Mr Eben Hackman

**Objections :** YES

### **Description of Development:**

Change of use to 24 hour mini cab office.

Key designations:

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

### **Proposal**

Edencare (the current occupants) will continue to trade from the premises Monday - Friday 9am - 5.30pm. Edencare's Escort and Transport services are available for individuals, carers, airports, schools, the police, charities, local authorities, legal representatives, probation services, court orders and secure units to use on a regular basis. They take referrals from all across the UK. The change to a 24hr mini cab office is required to expand the business which will be operated remotely.

### **Location**

The application site occupies the rear of No. 208 Kent House Rd. No. 208 is a Barbers, No. 208a is a Community Teach Sport Unit & No. 208b (the application site) is occupied by a business called Edencare. The entrance to No. 208b is in the flank elevation of No.208 and fronts a pedestrianised square between Somerville Road and Kent House Road.

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and a large number of representations, including a petition, were received which can be summarised as follows:

- increased traffic and noise

- parking for the cabs would be very limited
- parking is already a problem in the area
- the junction of the road with Thesiger and Kent House Rd is a very busy one and not a viable option for cabs to park
- the cab office is proposed on a pedestrianised road (Somerville) and would be better suited to a high street or next to a station
- it will have a detrimental affect on the area
- there are no parking spaces for mini cabs, it is a no through road and it is situated on a square, comprising benches and plants (no road).
- the Kent House Tavern lost its licence in part because of anti-social behaviour in a residential area. There won't be such control over a mini cab office so the residents will be at the mercy of unruly/noise/out of control clients.

The Council's Highway Engineer was consulted but raised no objection to the proposal after obtaining satisfactory information from the applicant regarding the arrangements concerning the parking of the minicabs.

### **Planning Considerations**

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

- T3 Parking
- T18 Road Safety
- S13 Mini cab and taxi offices
- BE1 Design of New Development

### **Planning History**

Under planning application ref. 99/02177 planning permission was granted for a change of use of part ground floor from retail shop (Class A1) to financial and professional services office (Class A2).

### **Conclusions**

The main issues relating to the application are the impact of the proposal on highway and pedestrian safety and the impact upon the residential amenities of the occupants of nearby residential dwellings.

No.208b Kent House Road is currently occupied by a company called Edens of London Ltd that trade under the title Edencare. The application proposal seeks to change the current use (from B1) to a 24hr mini cab office (sui generis). The applicant has stated that there will not be a booking section within the premises and bookings will only be taken over the telephone, email or online and will allow the existing escort and secure transportation service to be expanded. The premises are expected to continue to be used for administration and controlling of jobs.



It is intended that four mini cabs will be stopping or parking on the following unrestricted public roads close by:

- Theisger Road
- Kent House Road
- Somerville Road
- Lennard Road

The Highways Team was consulted with regards to the application but raised no objection to the proposed scheme.

For the majority of the time (70%) the applicant has further stated that the drivers will not be based on site, they will be at designated locations and jobs and will be dispatched through a sophisticated software system, which reduces congestion within the local area and therefore alleviates parking issues. There will not be a booking section within the premises, booking will be taken over the phone, email or on-line. Regards to the main use of the premises, there will not be more than four cars including staff vehicles at the premises at the same time as jobs will be dispatched remotely.

Whilst the applicant has stated that walk-in passengers will not be accessing the premises, some minicabs (around 30%) are still likely to be parking in surrounding side streets. This activity would be likely to result in some increased noise and disturbance, particularly at night.

A large number of representations have been received from near-by residents with varying concerns namely the increase in parking (which local residents state is already stretched), noise and disturbance (as the proposal is for 24hrs opening) and the potential to have a detrimental impact on the free flow of traffic and highway and pedestrian safety. Minicabs may collect passengers on Kent House Road or other surrounding roads and hold up moving traffic and create a danger for vehicles and pedestrians.

Members will need to weigh up whether the change of use to a 24hr mini cab office would have a detrimental impact on the living conditions of nearby residents through increased noise or disturbance or whether the business which is operated over the telephone, email and online is considered acceptable, given there will be no walk in trade and taxi's (if not on a job) will be parked in nearby side streets which the Highways Department has deemed acceptable.

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

Having had regard to the above it was considered that the development in the manner proposed is unacceptable in that it would be likely to result in a significant loss of amenity to local residents by reason of increased noise and disturbance

and be likely to have a detrimental impact on the free flow of traffic and on highway and pedestrian safety.

Background papers referred to during production of this report comprise all correspondence on the file ref. 13/01917 set out in the Planning History section above, excluding exempt information.

**RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- |   |                 |  |
|---|-----------------|--|
| 1 | ACA01<br>ACA01R | Commencement of development within 3 yrs<br>A01 Reason 3 years |
|---|-----------------|--|

**Application:**13/01917/FULL2

**Address:** 208B Kent House Road Beckenham BR3 1JN

**Proposal:** Change of use to 24 hour mini cab office.



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

This page is left intentionally blank

## SECTION '2' – Applications meriting special consideration

**Application No :** 14/02945/FULL6

**Ward:**  
**Orpington**

**Address :** 23 Wyvern Close Orpington BR6 9DX

**OS Grid Ref:** E: 546811 N: 165220

**Applicant :** Mr Mark Hewlett

**Objections :** YES

### **Description of Development:**

Single storey side/rear extension and roof extension incorporating gable ends/front gable and dormers to front and rear

Key designations:

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

### Update

Members will recall that this application was deferred without prejudice at Plans Sub Committee on 23rd October 2014 in order to seek amendments to the design of the roof to reduce the overall height and bulk. Amended plans were received on 7th November 2014 and the report has been updated to reflect the changes.

### **Proposal**

- The proposal will provide a single storey side/rear extension to the house that will square off the dwelling, and a replacement bay window will be provided to the front elevation at ground floor level. This will have a gabled front roof.
- The roof ridge of the host dwelling will be raised in height from 6.0m to 6.1 metres at the front elevation and 6.3 metres at the rear elevation (due to the land level of the site sloping away towards the rear) with barn end roof sections and front and rear dormers in order to create roof space accommodation and ultimately a first floor level.
- The maximum height of the ridge of the roof has been reduced by 1.2 metres when compared with the previously deferred scheme.

### **Location**

The site comprises a single storey detached dwelling, that forms one of a set of similar bungalows on this side of Wyvern Close. To the north, there is a newer

development of two storey dwellings. The wider area is comprised by predominantly detached dwellings set within spacious plots.

### **Comments from Local Residents**

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

- inaccuracies on the boundary positions on the plans
- impact on amenities due to increase in height and bulk proposed
- loss of light and overshadowing
- visual impact from vertical side wall

### **Comments from Consultees**

None.

### **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

The National Planning Policy Framework and the Council's adopted Supplementary Planning Guidance documents are also considerations.

### **Planning History**

Planning permission was refused under ref. 14/01577 for a single storey side/rear extension and roof extension incorporating gable ends/front gable and dormers to front and rear. The refusal grounds were as follows:

1. The proposed extension, by reason of its siting and design and height increase, would result in a loss of light to the flank windows of No. 21 Wyvern Close and would thereby have a detrimental impact on the amenities currently enjoyed by the occupants of this neighbouring property, contrary to Policies BE1 and H8 of the Unitary Development Plan.
2. The proposed extension, by reason of its design and bulky front gable, would result in an excessively prominent feature within the street scene and would impact harmfully on the character of the house and the wider area, 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 dwelling forms the end house of a group of bungalows on this side of Wyvern Close and is adjacent to two storey newer development. The provision of a first floor and a two storey appearance would not therefore appear out of character and the overall height increase would result in a similar height to these newer adjacent developments. The proposal has been amended in order to reduce the height of the front gable feature so this now has a maximum height of 5.4 metres, which is now only 0.75 metres below the main ridge height, and as a result of the reduction in height it will no longer be a dominant feature within the streetscene. As part of the previously refused scheme, ref. 14/01577, the front gable feature was cause for concern, however the current altered gable feature will not detract from the character of the area and will be more in keeping with the resulting style of the host dwellinghouse.

The overall reduction in height of the main roof has also reduced the impact upon the streetscene and it is no longer considered to constitute a top-heavy addition to the host dwelling.

The dwelling is well separated from No. 25 and would not impact on the amenities of this property, which possesses no facing flank windows. The increase in bulk of the roof of the host dwelling will have some impact upon the side windows of No. 21, however as the overall height of the resulting roof has been reduced by approximately 1.2 metres following deferral by Members on 23rd October 2014, and the separation between the flank elevation of the host dwelling of 2.7 metres to the property boundary shared with No.21, along with a further separation from the property boundary to the flank of No.21 due to the driveway, the impact upon the windows in the flank elevation of No.21 will be kept to a minimum.

The overall proposal has been reduced in bulk and height following the recent deferral by Members. The ridge height of the resulting roof has been lowered so that it is now only 0.1 metres higher than the highest point of the original roof at the front elevation, the front gable feature has been lowered by a significant amount, and as such the overall bulk of the new roof has been reduced. On balance, it is therefore considered that the alterations to the proposed scheme now render the application favourable, unlikely to have a detrimental impact upon the amenities of the residents of the neighbouring properties, and will ensure that the resulting dwelling will now blend into the existing character of the streetscene. The alterations that have been made to the proposal are now considered to overcome the previous points of concern.

Having had regard to the above it was considered that the development in the manner proposed is unacceptable in that it would result in a significant loss of amenity to local residents and would impact detrimentally on the character of the area.

Background papers referred to during production of this report comprise all correspondence on the files refs. 14/01577 and 14/02945 set out in the Planning History section above, excluding exempt information.

as amended by documents received on 07.11.2014

**RECOMMENDATION: PERMISSION**

Subject to the following conditions:

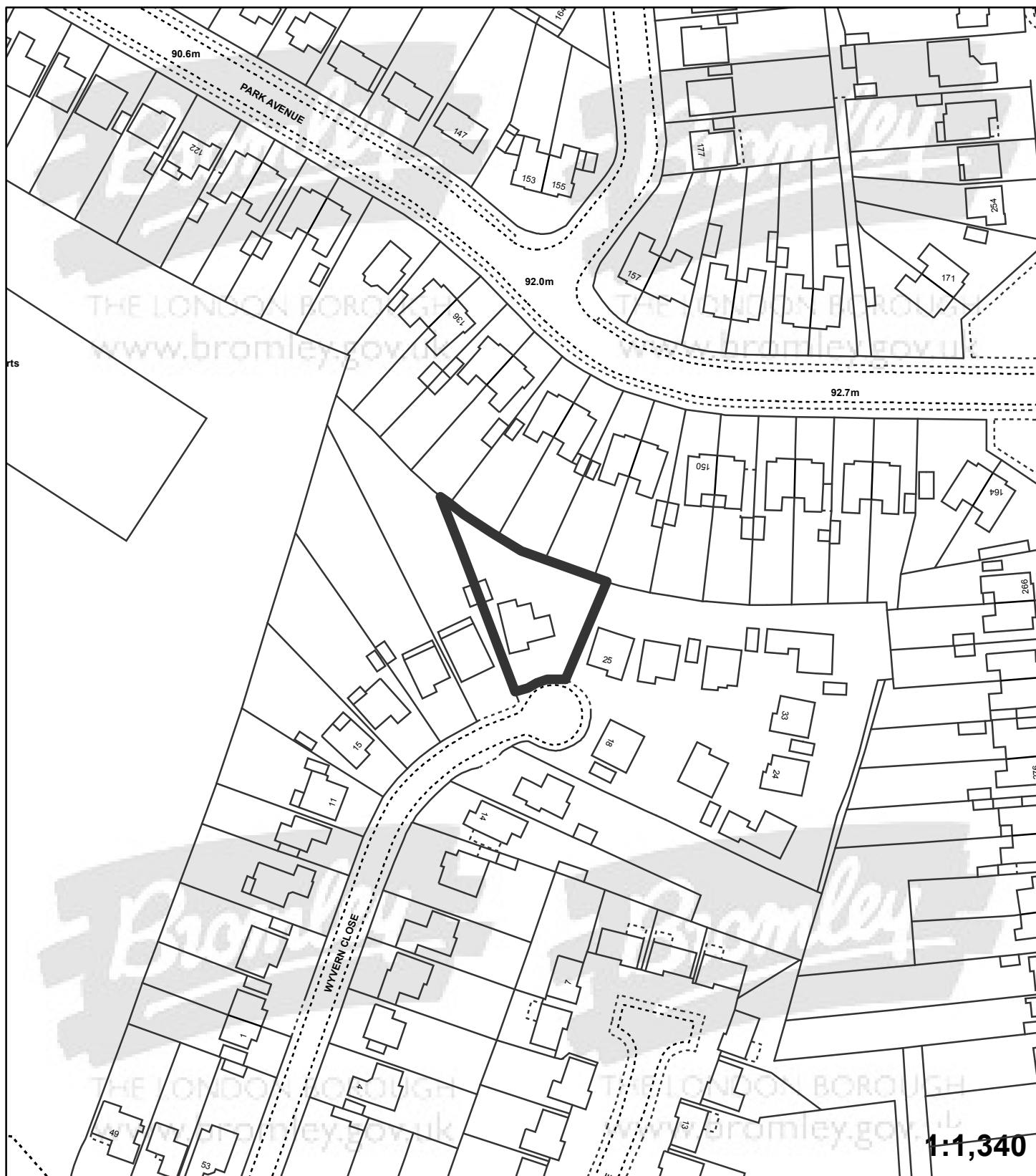
- |   |        |  |
|---|--------|--|
| 1 | ACA01  | Commencement of development within 3 yrs |
|   | ACA01R | A01 Reason 3 years                       |
| 2 | ACC04  | Matching materials                       |
|   | ACC04R | Reason C04                               |
| 3 | ACK01  | Compliance with submitted plan           |
|   | ACC01R | Reason C01                               |



**Application:** 14/02945/FULL6

**Address:** 23 Wyvern Close Orpington BR6 9DX

**Proposal:** Single storey side/rear extension and roof extension incorporating gable ends/front gable and dormers to front 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"

This page is left intentionally blank

## SECTION '2' – Applications meriting special consideration

**Application No :** 14/03502/FULL1

**Ward:**  
Copers Cope

**Address :** 61 The Avenue Beckenham BR3 5EE

**OS Grid Ref:** E: 538603 N: 169870

**Applicant :** Mr J Sales

**Objections :** YES

### **Description of Development:**

Demolition of existing dwelling and erection of 2 two storey buildings with accommodation within the roofspace comprising 8 two bedroom flats with landscaping, two new vehicular accesses and 12 parking spaces.

#### Key designations:

Conservation Area: Downs Hill  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Local Cycle Network  
London City Airport Safeguarding  
London City Airport Safeguarding Birds

### **Proposal**

Permission is sought for the demolition of the existing detached dwelling and the erection of two storey buildings with accommodation within the roofspace to provide eight two bedroom flats. The development comprises two detached buildings, 'Block A' to the western boundary and 'Block B' to the northern boundary on the site of the existing dwelling. Both are to a similar design and width and are of the same height.

Block A features a traditional hipped roof with a gable-end to one side at the front and one front dormer and two rear dormers. The front elevation features four balconies: (two within the gable and front dormer) and the rear features two balconies at first floor level. All first floor balconies feature 1m high flank walls and privacy screen.

Block A comprises two single storey two bed flats are at ground level. Two duplex two bed flats are set at first floor and roof level, with the roof space featuring the two bedrooms.

Block B has a similar hipped roof design, but with the absence of rear dormers. The same balcony provision is set the front elevation, with a single first floor balcony to the rear. Again, 1m high flank walls and privacy screening.

Block B comprises two single storey two bed flats at ground level with one single storey two bed flat at first floor level. A two storey duplex flat is set at first floor and roof level, with the roof space featuring two bedrooms.

The overall development provides 12 parking spaces, with 5 to the front of 'Block A', 4 to the front of 'Block B' and 3 set between the two buildings. The existing driveway is retained with two further accesses created, one to each building. All feature gates set away from the highway and within railing fencing that is set behind the existing tree line between 3m and 5m from the edge of The Avenue. Cycle storage is provided to the rear.

The site has an area of 0.14ha and therefore has a proposed density of 57 dwellings per hectare, or 178 habitable rooms per hectare.

Revised drawings were received 3rd October making minor revisions to the scheme and a revised site plan was submitted 31st October showing the currently pending application at 67 Downs Hill for a single storey side and rear extension, ref. 14/03308.

## **Location**

The application site is located to the northern edge of The Avenue at the eastern end toward Downs Bridge Road and forms the southern boundary of the Downs Bridge Road Conservation Area. The Avenue is an unmade and unadopted highway. The site comprises a detached two storey dwelling to the northern boundary and set within a large corner plot. The other properties within the conservation area are of a commensurate size and scale, although set generally within smaller plots.

To the south of the site is the flatted development of West Oak which falls outside of the conservation area, with the four properties within the conservation area to the west (Nos.55-59a) being detached two storey dwellings. Beyond this to the west at both the northern and southern edges of The Avenue the development is predominately blocks of flats ranging in size and design.

## **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and 33 representations were received. 25 were in objection, which can be summarised as follows:

- the development would not preserve or enhance the character of the conservation area
- the land use should not be changed
- overlooking
- unreasonable overshadowing
- noise nuisance from odour, general disturbance, car movement
- scale would be oppressive on surrounding areas
- out of character
- impacts upon road safety
- there are no blocks of flats in the conservation area

- a precedent will be set
- there is not sufficient parking and overspill will result
- Environmental Health nuisance
- possible land stability issues
- overdevelopment
- the boundary fence to the west belongs to No.59a
- damage to The Avenue and future maintenance
- only houses should be allowed

Additionally, The Ravensbourne Preservation Society have objected on the basis that the proposal would be out of keeping with the area, by reason of bulk and mass, architecture, styling, lack of amenity space, loss of privacy, amenity of future occupiers, landscaping, refuse storage and transport matters.

A further 7 representations were in support, which can be summarised as follows:

- the design in keeping with the surrounding area and would have apposite impact
- appears well designed
- sympathetic to the immediate surroundings
- a well-considered development
- support the provision of smaller more affordable dwellings in Downs Hill
- the area needs more affordable accommodation
- previously concerned there would be a flat-roofed carbuncle but the design in more in keeping with the area
- will give a smart up market feel attracting the right kind of buyer
- open area to front will tidy up that part and give visual security

### **Comments from Consultees**

APCA have raised no objection.

No Highways objections are raised subject to conditions. It is requested that the cycle storage be re-located towards the entrance and that a link path be provided between parking spaces 6-8 and 9-10, it is considered that this can be adequately secured by way of condition. A condition to repair any damage to the highway resulting from the development is also requested, together with details of a lighting scheme and refuse storage.

No Environmental Health (Pollution) objections are raised.

No objections are raised from the Council's Drainage Adviser.

Thames Water raise no objection.

### **Planning Considerations**

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

BE1 Design of New Development  
BE11 Conservation Areas  
BE12 Demolition in Conservation Areas  
H1 Housing Supply  
H7 Housing Density and Design  
H9 Side Space  
NE7 Development and Trees  
T3 Parking  
T18 Road Safety

Supplementary Planning Guidance 1 and 2  
Supplementary Planning Guidance: Downs Hill Conservation Area

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

3.3 Increasing Housing Supply  
3.4 Optimising Housing Potential  
3.5 Quality and Design of Housing Developments  
3.8 Housing Choice  
3.9 Mixed and Balanced Communities  
5.12 Flood Risk Management  
5.13 Sustainable Drainage  
6.9 Cycling  
6.13 Parking  
7.1 Building London's Neighbourhoods and Communities  
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  
8.3 Community Infrastructure Levy

The Mayor's Housing Supplementary Planning Guidance

The National Planning Policy Framework, with which the above policies are considered to be in accordance.

### **Planning History**

81/01123 Permission refused for two detached houses.

82/01136 Permission refused for four terraced dwellings.

Both of these applications relate to the erection of No. 59 and No.59a on land that was formerly part of No.61. The refusal of two dwellings under ref. 81/01123 was subsequently allowed at appeal, with the Inspector commenting:

Also of note is the currently pending application for a single storey side and rear extension to 67 Downs Bridge Road ('No.67'), ref. 14/03308. This property has also benefited from permission for a two storey rear extension and garden store under ref. 09/01850

## **Conclusions**

The main considerations in assessing the proposal are the impact of the development upon the character of the conservation area and immediate vicinity, the level of development proposed, the level of parking provision and the impact upon road safety, the amenities of neighbouring residents, and the quality of accommodation for future residents.

The application site is a relatively large plot with a single medium sized two storey dwelling that is not considered to be of any particular merit. As such the loss of this dwelling is not in itself objected to subject to the acceptability of a suitable alternative development.

## Design and Amenity

The proposed development is the form of two detached properties that are of a designed to give the appearance of two large detached dwellings within the street scene. The roof design, whilst incorporating habitable rooms, is of a hipped design with dormers set proportionally within the front (one) and rear roofslope (two on 'Block A' and none on 'Block B'). it is considered that the overall style and presentation to the street scene is in-keeping with the vernacular of the area and the overall bulk, scale and proportion would not be harmful to the character of the locality or the conservation area.

A side space of between 2.1m and 2.4m is allowed for to the western boundary with No.59a and this is considered to meet the requirements of Policy H9 by exceeding the minimum 1m requirement that is sought for development within conservation areas. A side space of between 1m and 1.2m is provided to the northern boundary and No.67 and although this is lower, it is noted that the current property has a separation of some 0.6m to the rear building line and as such this is improved upon with the northern elevation also not projecting as far beyond the rear of No.67 as at present. The diverging separation between the two proposed properties is also considered acceptable and presents an open frontage to the street scene.

The two buildings a set within landscaping grounds with some 225 square metres of amenity space to the north-western corner of the site. The frontage is well screened by mature vegetation and trees with three new trees proposed to the western boundary and one to the northern boundary together with shrubs to be planted to the full length of the western and northern boundaries.

The western 'Block A' maintains the front building line of No.59a with a projection beyond the rear of some 2m. This rearward projection is considered acceptable and is not of a sufficient depth to represent an unacceptable loss of amenity or outlook. The slope of the site also means that the majority of 'Block A' is set below

No.59a with a hipped roof sloping away from that property, although the overall roof height is greater it is not considered to result in a detrimental loss of daylight or visual impact.

'Block B' to the north largely reflects the footprint of the existing dwelling and although the front building line projects further forward the rear building line is reduced in comparison to that at present. The grounds levels between this building and No.67 to the north are commensurate from Downs Hill and this building would be higher, however it is not considered that, given the roof design, planting and relative proportions, undue harm would result in terms of amenity, or give a harmful presentation to the street scene.

The rear of the proposal features balconies at first floor level - two for 'Block A' and one for 'Block B'. Whilst a degree of overlooking may result from these the design of the balconies features 1m high flank walls with 1m high rear privacy screening and this is considered to mitigate a large degree of the impact. Furthermore, the nearest balcony to No.59a from 'Block A' is some 5.6m, with a 5m distance from that at 'Block B' to No.67. the front balconies, given their location and orientation are not considered to result in any harm.

### Highways

The 12 parking spaces proposed exceed the 1 space per 1-2 bed units required under the London Plan, with a ratio of 1.5 spaces per unit. Concerns have been raised in relation to the creation of two new accesses, however no objection is raised from the Council's Highways officer in this regard and the proposed gates would be set well back from the back of the highway. The mix of hard and soft landscaping is considered to be well designed and laid out and although concerns have been raised in regard to the position of spaces to the boundaries with No.59a and No.67, these five spaces would be set onto the driveways of those properties with the level of impact being commensurate and mutual.

Issues of damage relating to the unmade road can be dealt with by way of condition and the applicant would be required to repair any resulting damage. The upkeep of the unadopted highway by future occupiers would be a private legal matter, with such roads maintained by residents.

### Conservation

No objections are raised to the proposal by APCA or from a conservation perspective. The site is large in comparison to others within the conservation area and the proposed development is considered to be well designed and in-keeping with the surrounding pattern of development. Whilst not within the conservation area itself, consideration must be given to the flatted development opposite within West Oak and the character of the area as a whole. In comparison, the proposed development would not have the immediate appearance of being flats and would be a continuation of the proportions and general scale of the neighbouring dwellings. It is not considered that there is a common style or vernacular in this part of the conservation area, with the neighbouring Nos. 55-61 The Avenue and



Nos. 67-69 Downs Hill being a mixture of styles with their commonality being scale and proportion. The proposal is considered in-keeping with this.

### Density

The proposal achieves a density of 57 dwellings per hectare, or 178 habitable rooms per hectare. The area has a PTAL level of Level 1b with a suburban character and an expected density range would be between 40-65 dwelling per hectare or 150-200 habitable rooms per hectare. The development proposal fits well within these ranges and in conjunction with the overall design of the buildings within the context of the area the proposal is not considered to represent an overdevelopment of the site.

### Summary

The proposal is considered to be a well-designed scheme that reflects the general pattern of development and is set within a well-screened site that has been sensitively landscaped. The appearance of the two buildings would be that of two large detached dwellings and it is not considered that the proposal would result in harm to the character of the conservation area or the locality. The level of separation to the boundaries is acceptable and the development is not considered to result in harm to the amenities, daylight or outlook of the adjoining residents. The parking levels are above that required by policy and are well laid out within the site.

Background papers referred to during production of this report comprise all correspondence on the file ref. 14/03502 set out in the Planning History section above, 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     ACA07        Boundary enclosure - no detail submitted  
      ACA07R      Reason A07
- 6     ACC01        Satisfactory materials (ext'nl surfaces)  
      ACC01R      Reason C01
- 7     ACC03        Details of windows  
      ACC03R      Reason C03
- 8     ACI24        Details of means of screening-balconies  
      ACI24R      Reason I24R
- 9     Before the development hereby permitted is first occupied, the proposed window(s) in the western elevation of 'Block A' and the northern elevation of

'Block B' shall be obscure glazed to a minimum of privacy level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor of the room in which the window is installed and shall subsequently be permanently retained as such.

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

10 ACD02 Surface water drainage - no det. submitt

**Reason:** To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan.

11 ACH03 Satisfactory parking - full application

ACH03R Reason H03

12 ACH19 Refuse storage - implementation

ACH19R Reason H19

13 ACH22 Bicycle Parking

ACH22R Reason H22

14 ACH23 Lighting scheme for access/parking

ACH23R Reason H23

15 ACH26 Repair to damaged roads

ACH26R Reason H26

16 ACI21 Secured By Design

ACI21R I21 reason

17 ACK01 Compliance with submitted plan

ACK05R K05 reason

#### INFORMATIVE(S)

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

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

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

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

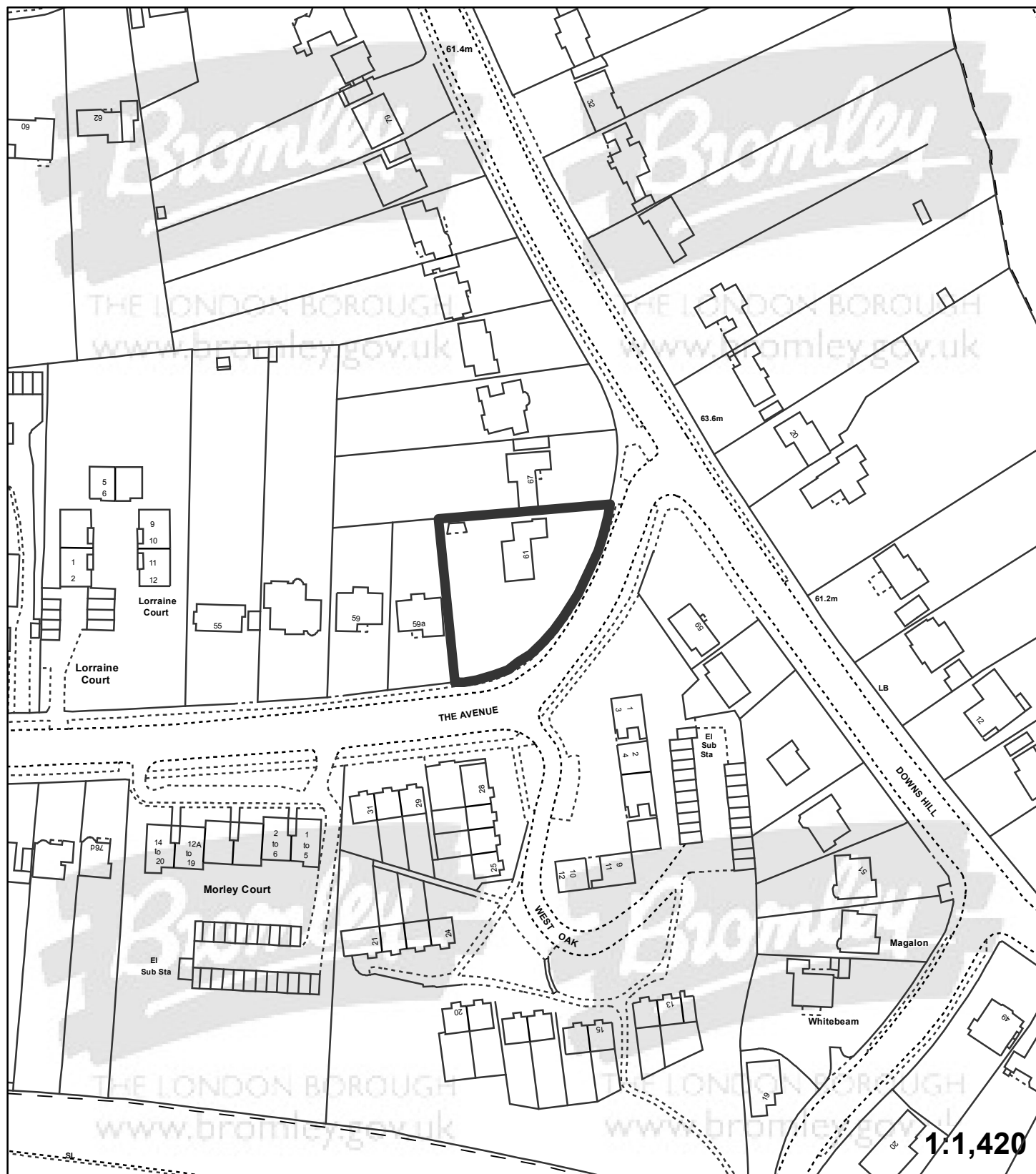
Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.

- 3 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.
- 4 In order to check that the proposed storm water system meets our requirements, we require that the following information be provided:
  - A clearly labelled drainage layout plan showing pipe networks and any attenuation soakaways.
  - 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.
  - Calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change.
- 5 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. 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.
- 6 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 Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

**Application:**14/03502/FULL1

**Address:** 61 The Avenue Beckenham BR3 5EE

**Proposal:** Demolition of existing dwelling and erection of 2 two storey buildings with accommodation within the roofspace comprising 8 two bedroom flats with landscaping, two new vehicular accesses and 12 parking spaces.



"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 :** 14/01672/VAR

**Ward:**  
Penge And Cator

**Address :** 62 Kings Hall Road Beckenham BR3  
1LS

**OS Grid Ref:** E: 536207 N: 169928

**Applicant :** Fennies Day Nurseries Limited

**Objections :** YES

**Description of Development:**

Variation of Condition 4 (a) of permission ref: 09/03023/FULL1 to allow up to 86 children and 25 staff to be accommodated at any one time.

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Local Cycle Network  
Local Cycle Network  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
Local Distributor Roads  
Water Link Way

**Proposal**

Planning permission is sought for the variation of Condition 4 (a) of permission ref. 09/03023 to allow up to 86 children and 25 staff to be accommodated at any one time.

Currently the number of children are limited to 58 and staff to 17 persons.

No variation to the operational hours imposed under condition 4(b) is proposed.

No physical alteration to the building is proposed as part of this variation. The extensions built under planning ref. 09/03023 and the rear outbuilding under planning ref. 11/01600 will remain unaltered and used as existing.

**Location**

The property is an existing day care nursery which currently is permitted to operate between 7.30am and 8pm Monday to Friday excluding weekends and Bank

Holidays. The nursery is situated within a substantially extended detached house which was formerly one pair of semi-detached properties covering two floors and rooms in the roof.

The area is predominantly residential in character and there is an area of hard standing fronting Kings Hall Road currently used for car parking. The premises have been in use as a day nursery since 1988. The rear garden area is used as a play space during operational hours and there is an additional rear garden outbuilding used as an extra play room for the children. To the rear of the site is the railway line. To the west of the garden play area are the rear garden curtilage of properties on Densole Close. To the east of the site is the rear garden curtilage of No. 64 King's Hall Road.

### **Comments from Local Residents**

- increase in parking stress on local roads. There is not plenty of parking in local roads as suggested.
- any increase in number of staff or children will have detrimental effect on the area, roads and residents.
- area is already under stress from commuter parking. Parents block drives and park on grassed areas.
- suggestion of availability of ample parking is inaccurate.
- if commuter parking in Barnmead Road ceases this will increase parking on Kings Hall Road.
- suggestion ample parking is available in Aldersmead Road is inaccurate.
- concerns regarding driving standards of parents using the nursery being hazardous to other road users.
- concern regarding speeding cars in the vicinity. More needs to be done to reduce speed.
- concerns regarding current staff already parking in private residents areas in Densole Close. Fears that this will increase.
- an additional 28 children will massively increase parking stress in the area.
- unclear how Fennies proposes to persuade its clients into using more sustainable forms of transport to drop off/ pick up children. This needs to be demonstrated by Fennies.
- concern regarding parking on cycle lanes and negative effect on highway safety.
- customers unlikely to cycle to the nursery without properly monitored cycle lanes and a 20mph traffic speed limit in Bromley.
- issue of staff smoking in street and discarding butts indiscriminately.
- site is not large enough to accommodate that number of people. Concern regarding fire evacuation.
- noise from children and staff is a constant problem for residents in Densole Close.

### **Comments from Consultees**

Technical Highways Officer has commented as follows regarding the travel information submitted with the application.

The nursery is situated in a detached house covering two floors plus roof space. The number of children would increase from 58 to 86, and the staff members would also increase from 17 to 25 full-time. Furthermore the site is within a medium PTAL rate of 3.

The revised Travel Plan has meet the minimum standard so the Travel Plan Asser is happy to discharge it.

Staff Travel Patterns - Of the 27 staff employed at the nursery, 23 completed the survey which translates to a response rate of 85%.

The results show that all staff work full time hours over a five day week, Monday to Friday. The majority of the nursery nurses work on a shift system which comprises a 07:30 - 17:00 shift and a 08:50 - 18:00 shift. Catering staff and lunchtime assistants generally work mid-morning to mid-afternoon. The mode of travel that employees use to get to/from work is often affected by the distance they live away from work.

In a survey of staff travel modes the responses show that 34% of staff live under 3 miles from the nursery, the majority of staff (61%) live between 4 miles to get to work. The survey of the staff indicated that 60% of staff currently travel to the nursery by non- car modes of transport.

Parent Travel Patterns - At the time of the travel survey, the nursery was caring for 50 children. The travel survey captured 49 of the children, with one child on holiday at the time of the survey. The survey highlighted that children generally arrive at the nursery between the hours of 07:45 - 08:30. In the evening, children are generally collected between 17:00 and 18:00, with the most popular collection time being 17:30.

From the data supplied of parents travelling to the nursery, currently, 46% of parents walk to the nursery and 46% bring their children to the nursery by car. A total 5% of trips are made by train with the smallest proportions 2% by bus and bicycle.

Car Parking Demand/Traffic impact - On the bases of the above surveys 17% of the new staff will arrive by car which equates to 1 additional staff and 10 additional parent cars throughout the operational day.

Car Parking Survey - The survey was conducted on Tuesday 4th March 2014 between the twelve hour period of 07:00hrs and 19:00hrs. Data was gathered over 15 minute periods. However at the request of this office the data has been amended in line with 'Lambeth Parking Survey Methodology'; where the extent of the parking survey is limited to 200m from the application site. This office also requested that the assessment would be focused on morning drop off (07:30-09:00hrs) and afternoon pick up (16:30 and 18:00hrs). The new area study area has a total of 121 car parking spaces available on-street.

The survey demonstrated that during the morning drop off period of 07:30 - 09:00hrs on street parking increased from 56 to 72 cars, or 46% to 62% of the

available capacity. This indicates that 49 car parking spaces were available throughout the morning drop off period.

Similarly the evening pick up period of 16:30 - 18:00hrs on street parking decreased from 68 to 58 cars, or 56% to 48% of the available capacity. The data indicates that 52 car parking spaces were available throughout the evening drop off period.

Therefore the additional car parking demand generated by the application (5 cars in the morning drop-off and 6 cars in the evening drop off) can be accommodated within the available on-street parking.

### **Planning Considerations**

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

- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- C1 Community Facilities
- C7 Educational and Pre School Facilities
- BE1 Design of New Development

#### London Plan

- 3.18 Education facilities
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking

### **Planning History**

- Ref. 88/04253 Planning permission was granted on 21st December 1988 for a single storey side extension and change of use of ground floor from residential to a day nursery.
- Ref. 02/01998 Planning permission was granted on 5th December 2002 for the change of use of first floor from residential to a day nursery.
- Ref. 08/01528 Planning permission was refused and dismissed at appeal for a part one/two storey side/rear extension. The Inspector concluded that the single storey rear extension was incongruous and out of keeping with surrounding development due to its excessive depth. The Inspector also concluded that due to the limited available rear garden area the increase in staff and children would result in an over intensive use of the site harmful to living conditions of adjoining properties.



Ref. 09/03023          Planning permission was approved for a single storey side and part one/two storey rear extensions to children's nursery to increase number of children from 36 to 58.

Condition 4 of the decision was added as follows:

- (a)    The children attending the day nursery/play group shall be between the ages of 0 and 6 years and not more than 58 children and 17 staff shall be accommodated at any one time.
- (b)    The use of the premises as a children's nursery shall be limited to Mondays to Fridays inclusive between the hours of 7.30am and 8.00pm.

Ref. 11/01600          Planning permission was approved for a detached single storey building rear for use as and ancillary playroom.

## **Conclusions**

The main planning considerations relevant to this application are:

- the impact of the increased numbers of users of the site and additional staff on the residential amenity of neighbouring properties.
- traffic, parking and servicing.

Policy C1 is concerned with community facilities and states that a proposal for development that meets an identified education needs of particular communities or areas of the Borough will normally be permitted provided the site is in an accessible location.

Policy C7 is concerned with educational and pre-school facilities and states that applications for new or extensions to existing establishments will be permitted provided they are located so as to maximise access by means of transport other than the car.

Policy BE1 also requires that development should respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure their environments are not harmed by noise and disturbance.

The submitted Design and Access Statement details a childcare sufficiency assessment that was undertaken in 2011 to look at the Borough's childcare services at ward level. The assessment concluded that there was circa a 45% supply of the required 0-5 year old childcare places resulting in a shortfall of provision in Penge and Cator.

Members will be aware of the additional demand for primary school places currently being experienced in the Borough in the same way as the demand detailed above for pre-school places. It is noted that the planning condition imposed in 2009 to limit the number of children allowed to attend the nursery was to control the use of the site in terms of neighbouring amenity. However, in the intervening time, demand for the facility and others like it has increased in terms of

population demographics and it is considered that some further flexibility to address the demand need is required.

No alteration of the building will take place and therefore the increase in usage numbers will mainly affect the external garden area where there may be a greater number of children using space at any one time. The usage of the space is currently controlled by the operators of the nursery in terms of age group use and numbers. It has been indicated that there would currently never be more than 20 children outside at any one point and mainly between 10am and 4pm. It is considered therefore, that subject to a formal planning condition which can control the numbers outside, to a maximum of 20 children that with the increased usage of the site the external effect of noise and disturbance would be minimally altered as approximately the same amount of children would use the external garden area as currently exists on site.

A number of objections from local residents have detailed parking issues and congestion as being problematic in the immediate area. An extensive travel assessment has been undertaken by the applicants which has also been amended during the assessment of the application following comments from the Council's Highway Engineer. From the additional information supplied and survey data it is not anticipated that the additional usage of the site will be problematic to local parking conditions in the immediate vicinity.

Therefore given the above sustainable impacts and the justified need for the demand for extra places, the variation of the original planning condition to increase the numbers of children from 58 to 86 and staff from 17 to 25 is considered acceptable.

Background papers referred to during production of this report comprise all correspondence on the file references set out in the Planning History section above, excluding exempt information.

as amended by documents received on 03.10.2014

## **RECOMMENDATION: APPROVAL**

subject to the following conditions:

1 (a) The children attending the day nursery/play group shall be between the ages of 0 and 6 years and not more than 86 children and 25 staff shall be accommodated at any one time.

(b) The use of the premises as a children's nursery shall be limited to Mondays to Fridays inclusive between the hours of 7.30am and 8.00pm.

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

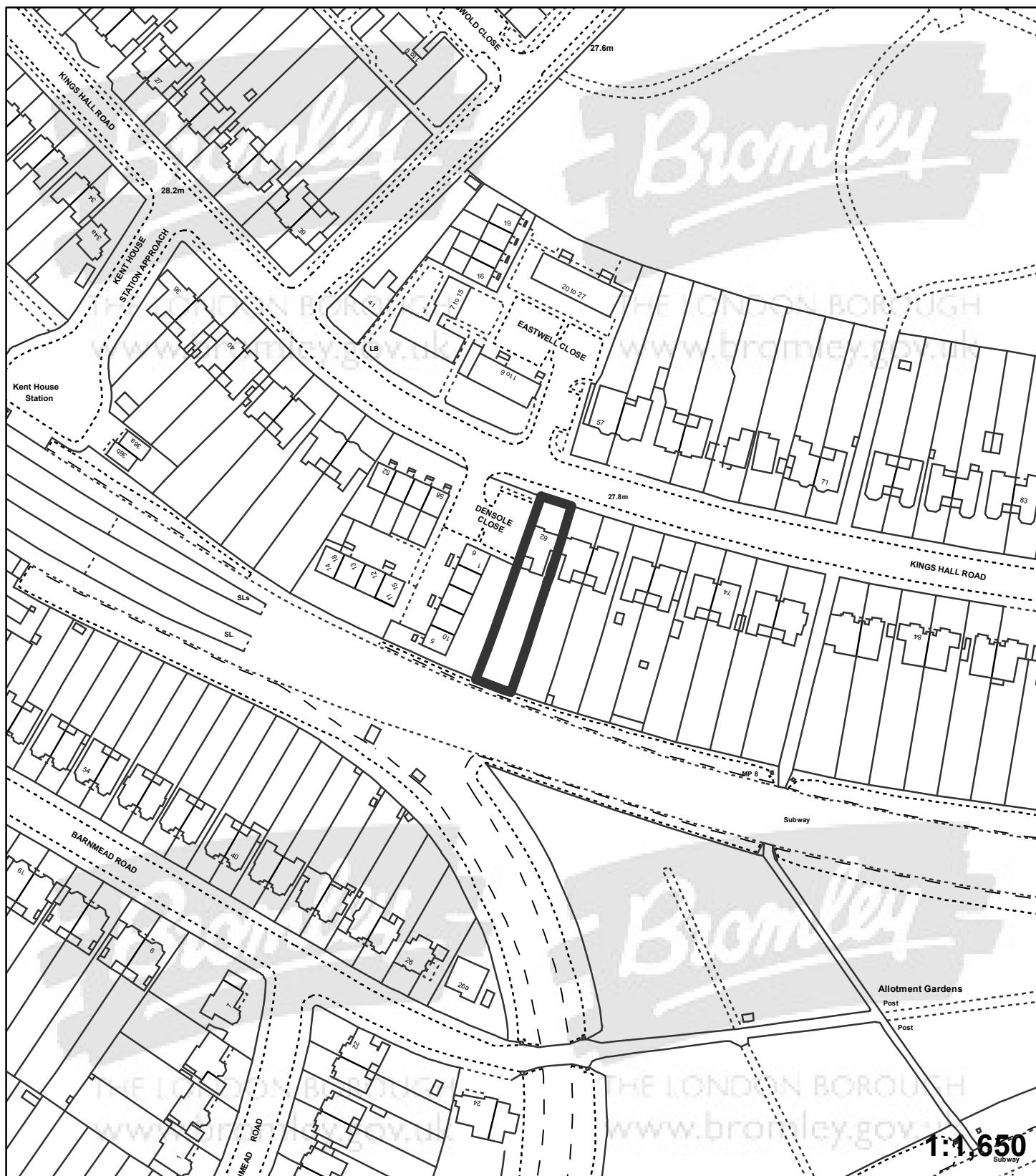
2 No more than 20 children shall be allowed into the rear curtilage play space area at any one time.

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

**Application:** 14/01672/VAR

**Address:** 62 Kings Hall Road Beckenham BR3 1LS

**Proposal:** Variation of Condition 4 (a) of permission ref: 09/03023/FULL1 to allow up to 86 children and 25 staff to be accommodated at any one time.



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

This page is left intentionally blank

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

**Application No :** 14/01818/ELUD

**Ward:**  
Bromley Common And  
Keston

**Address :** Hasells Nursery Jackson Road Bromley  
BR2 8NS

**OS Grid Ref:** E: 542769 N: 165975

**Applicant :** Mr J Hasell

**Objections :** NO

**Description of Development:**

Use of the site shown on the attached plan for a composite use in connection with a bedding plant nursery and a general building and ground works company and in particular comprising use of building A for vehicle maintenance and repair, of building B for storage and maintenance of tools, of area D for car and lorry parking, of building I to store building and fencing materials and of building J to store tractors and excavators and of buildings C, E, F, G and H as a bedding plant nursery

CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR DEVELOPMENT

**Key designations:**

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding  
London City Airport Safeguarding  
Open Space Deficiency

This application was deferred from Plans Sub Committee on 23<sup>rd</sup> October, without prejudice to any future consideration, to seek further details and clarification on the use of the land and more detailed information on the concept of abandonment as it relates to planning. Further to that committee meeting the agents wrote to Members seeking to clarify a number of matters and to offer Members an accompanied site visit. The letter makes reference to the concept of abandonment and highlights that for abandonment to occur there should be clear evidence that there is no intention by the owner to resume the use; that the site might not be used for a short period or at a low level of use does not in law constitute abandonment. The letter addresses the reference made at Committee that there appeared to be little activity taking place at the time when certain Members visited the site. The letter advises that in the summer the greenhouses would have been

seen to be full of plants and in relation to the landscape contractor, fencing and ground works uses, activity falls to early morning/late afternoon with loading up vans to carry out work at various sites. A copy of that letter is available to view on file.

For information the following excerpt is taken from the well-regarded reference publication "Development Control Practice" in respect of the concept of 'abandonment':

'Abandonment is a legal concept used by the courts to describe the circumstances in which rights to resume a use which has been lawfully carried on in the past may be lost because of the cessation of that use. As it is not a principle embodied in planning law assessments of whether 'abandonment' has occurred may create contention, particularly as court decisions on the matter have not been entirely consistent. However, the basic rules which have emerged are that abandonment may occur where a use has ceased a) due to leaving premises vacant for a considerable period or by allowing the building/s on which the use relies to deteriorate to the extent that re-use would involve what would be tantamount to rebuilding b) by the introduction of a different use (whether with or without planning permission) supplanting that which went before. However note should be made of the judgment in *Smith v Hillingdon LB*. 5/5/93 where it was held that changes having planning permission but which only apply to part of a planning unit do not mean that "abandonment" has occurred per se.

The case of *Trustees of Castell-y-Mynach Estate v SoS* 10/7/84 laid down the criteria to be considered when determining whether the residential use of an existing building had been abandoned. These were repeated in the *Hughes* case detailed later. The four factors relevant to an assessment of abandonment are:

- 1) - the physical condition of the building;
- 2) - the length of time for which the building had not been used;
- 3) - whether it had been used for any other purposes; and
- 4) - the owner's intentions.

These criteria are of equal relevance and are to be tested by considering whether a reasonable man with knowledge of all the circumstances would conclude that the building had been abandoned. In the *Hughes* Court of Appeal case it was found that the test was an objective one and, accordingly, it was wrong to regard the wishes and intentions of the owner as the determinative factor. The intentions were only one of the factors to be taken into account by the inspector, who, in evaluating all the circumstances, had been entitled to conclude that residential use had been abandoned'.

Based on the tests set out above it is clear that there is no question of the use of this site being considered abandoned in planning terms.

The planning report has considered the available evidence, including comments received from nearby neighbours. The application claims that there are two

companies operating from the site and there is no compelling evidence before the Council to refute that claim. Although the uses are not particularly active at the moment it appears, on the balance of probability that the land and buildings have been used for a variety of purposes for Kent House Nursery and for JT Hassell Services which is a building and ground works company and that these uses remain the lawful use of the site. Therefore the considerations within the report lead to the said recommendation, using the Council's substituted description.

The previous report is repeated below.

## **Proposal**

This application seeks to establish the lawful use of the land and buildings. The response to Section 8 on the application form, which asks 'What is the existing site use(s) for which the Certificate of lawfulness is being sought?', states 'use of land and buildings for a mixed use comprising Use Classes B1, B2 and B8 and Bedding Plant Nursery as more particularly described in accompanying statement and statutory declaration'. It is claimed that use began more than 10 years before the date of application.

The supporting letter to the application states 'The applicant is giving consideration to the future of the site which comprises previously developed land located within the Green Belt'. He wishes therefore, to obtain legal confirmation of the commercial uses that have been carried out at the site for more than 10 years and which continue to be carried out at the site at the current time'. It goes on to state that 'The site has been used for more than 10 years for a mixed use relating to vehicle and machinery maintenance workshops, building and fencing contracting yard and offices in connection therewith, the parking of commercial vehicles, building materials, plant and machinery. These uses would all appear to fall within Use Classes B1, B2 and B8. In addition, the site is also used for the propagation and potting of bedding plants, a horticultural use and has been so used for more than 10 years'.

The application is supported by documentary evidence and Statutory Declaration by Mr James Hasell. The Statutory Declaration advises that two businesses are run from the site J T Hasell Services and Kent House Nursery - for more than 10 years; that J T Hasell Services is a building and groundworks company which undertakes general building work, landscape contracting and fencing contracting. The activities undertaken on the land in connection with this business are: the storage and manufacture of goods for the building works that are undertaken; storage of building materials; vehicle maintenance; parking of commercial vehicles; storage of skips for waste, plants and machinery. Kent House Nursery is a bedding plant nursery which uses the glasshouses; plug plants are bought and potted on for wholesale merchandisers and garden centres. The bedding plants are bought to the site on HGVs. HGVs are used to transport the plants around London to the Wholesalers

Additional information received 9/7/14 includes:

- Copy of Letter from Bromley Demolition Co Ltd - advises they have used JT Hasell based at 60 Jackson road Bromley for building and ground works contracts for over 15 years. It advises that it has used the yard premises to park, maintain equipment, including a lorry and excavator, stack various building materials including a range of fencing.
- Copy of Letter from PJ Construction - which confirms that JT Hassel Services have allowed us to store plant and equipment at 58 Jackson Road since c 1998. It advises '...They have also provided us with ground working and landscaping equipment from the same premises over that period of time. We are currently storing timber and some machinery there'.
- Copy of letter from Ravensbourne Property Services Ltd - advises JT Hasell Services have been a contractor of theirs for the last 10 years starting in 2002 carrying out landscaping and paving and various other projects including fencing. He stores materials for us at 60 Jackson road which include temporary fencing, site toilets and various other materials that he delivers in his lorries and vans
- Copy of a letter from S & L United Storage Systems Ltd - advises that for more than the last 10 years that have used J T Hassell Services of Kent Road Nursery, Jackson Road to erect and dismantle racking systems supplied by them. He stores equipment for us and they have use of his forklift truck. On one occasion they placed a skip at Kent House Nursey for old panes of glass and had new panes delivered.

Additional information received 8th August includes:

- Clarification of the site and addresses
- Records of the horticultural side of the business back to 2005/06
- Invoices for services/supply notes in relation to Kent House Nursery
- Invoices/letters bills relating to J T Hasell Services

## **Location**

The site is located within the Green Belt to the east side of Jackson Road. Buildings adjacent the site at 48, 58 and 60 Jackson Road are listed.

## **Comments from Local Residents**

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

- lived at Seymour Drive for over 25 years and the Hasell Nursery has been in operation throughout this period. Although cannot comment in detail - are aware that the outbuildings consist of glass-houses and a small amount of brick built structures which have been used as office/light industrial space. The land-locked pasture to the rear has been used for grazing of livestock.
- investigated the premises prior to buying a nearby property - advised it was a bedding nursery only;
- advised deliveries to and from premises were roughly once in the morning and once in the evening with the odd small van in between and nothing at



weekends apart from people to water the plants - since moving in the traffic has been much as discussed. No sign of any other business operating from the premises - fencing stores may not have been too obvious

- references to camping have been made - (note - this was in connection with the letter from the Council erroneously saying 'camping' instead of 'comprising')
- aware of use as the premises as a nursery since moving to property in 1995. Not aware of any other use of the property
- resident since 1934 - advises use as a nursery throughout those years
- resident since 1937 - always been a bedding plant nursery
- confirm open grassland been used for grazing (since resident moved in, in 2008) - no other activity on that land. Cannot confirm what activities have taken place inside the buildings. There is very little external activity on a day to day basis (on the east side of the site) and very little disturbance; there are large day time bonfires on a fairly regular basis from Spring to Autumn
- lived nearby since 1999 - aware that the premises have been used as a bedding plant nursery and (I believe) the base for a landscaping business
- since resident in 2003 the site has operated as a nursery

### **Comments from Consultees**

The division dealing with the collection of Business Rates for the Council have no record of Business Rates being paid at the site. . Following enquiries in relation to this Certificate Application it is understood that the valuations office have been asked to consider rating the property.

### Comments from the Applicant's Agent

The Agent advises that in his opinion it is clear that the site has functioned as one planning unit, used and operated by the two businesses owned by Mr Hasell.

### Burdle v Secretary of State for the Environment

The planning unit is a concept which has evolved as a means of determining the most appropriate physical area which to assess whether a material change of use has occurred. The general rule and starting point is that the whole of the area in the same ownership or occupation should be considered. However the High Court in the case of Burdle suggested three broad tests for determining the appropriate planning unit.

First, whenever it is possible to recognise a single main purpose of the occupier's use of his land to which secondary activities are incidental or ancillary, the whole unit of occupation should be considered. That proposition emerges clearly from *G. Percy Trentham Ltd. v. Gloucestershire County Council* [1966] 1 W.L.R. 506, where Diplock L.J. said, at p. 513:

"What is the unit which the local authority are entitled to look at and deal with in an enforcement notice for the purpose of determining whether or not there has been a 'material change in the use of any buildings or other land'? As I suggested in the course of the argument, I think for that purpose what

the local authority are entitled to look at is the whole of the area which was used for a particular purpose, including any part of that area whose use was incidental to or ancillary to the achievement of that purpose."

But, secondly, it may equally be apt to consider the entire unit of occupation even though the occupier carries on a variety of activities and it is not possible to say that one is incidental or ancillary to another. This is well settled in the case of a composite use where the component activities fluctuate in their intensity from time to time, but the different activities are not confined within separate and physically distinct areas of land.

Thirdly, however, it may frequently occur that within a single unit of occupation two or more physically separate and distinct areas are occupied for substantially different and unrelated purposes. In such a case each area used for a different main purpose (together with its incidental and ancillary activities) ought to be considered as a separate planning unit.

To decide which of these three categories apply to the circumstances of any particular case at any given time may be difficult. Like the question of material change of use, it must be a question of fact and degree. There may indeed be an almost imperceptible change from one category to another. Thus, for example, activities initially incidental to the main use of an area of land may grow in scale to a point where they convert the single use to a composite use and produce a material change of use of the whole. Again, activities once properly regarded as incidental to another \*1213 use or as part of a composite use may be so intensified in scale and physically concentrated in a recognisably separate area that they produce a new planning unit the use of which is materially changed. It may be a useful working rule to assume that the unit of occupation is the appropriate planning unit, unless and until some smaller unit can be recognised as the site of activities which amount in substance to a separate use both physically and functionally.

### **Planning Considerations**

This Lawful Development application is to be considered under Section 191 of the Town and Country Planning Act 1990 (as amended). The Town and Country Planning Act 1990, section 191 provides for consideration of a Certificate of Lawfulness of existing use or development if any person wishes to ascertain whether any existing use of buildings or other land is lawful.

For the purposes of the Act uses and operations are lawful at any time if –

- (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason);

### **Planning History**

The planning history of the site includes a previous planning refusal of an outline application ref. 90/02426 for the demolition of the glasshouses and the erection of single storey nursing home (Class C2). This was also refused on appeal.

The inspector noted in the appeal decision 'The appeal site is an irregularly shaped former nursery, now disused'.

## **Conclusions**

If, on an application under section 191, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

To assess the Lawfulness of the use applied for the supporting documentation, local comments received and any other evidence must be carefully considered.

Exhibit 1 shows a plan with a red line around the site to which the application refers. The red line excludes adjacent sites at Nos. 60 and 58 Jackson Road as numbered on the plan. Information received 8th August seeks to clarify the position regarding the site. It states '... the site shown within the red line application plan is actually No. 60 Jackson Road. The adjacent dwelling to the south of the access drive (shown as No. 60 on plan) is No. 60A Jackson Road. Historically the site has been known as Kent House Nursery and you will see from subsequent documents to which reference is made that the site is described in many of these as Kent House Nursery. Additionally I should also advise you that the applicant, Mr Hasell resides at No. 58 Jackson Road. Although this is a dwelling with its own residential curtilage, the garden opens straight into the yard such that Mr Hasell lives 'on site'. As you will see from some of the evidence submitted and subsequently referred to, there are certain documents which are addressed to No. 58 Jackson Road and others to Kent House Nursery. Because Mr Hasell effectively lives on site, the billing address for many suppliers is No. 58 Jackson Road because it is simpler for invoices etc to be delivered to Mr Hasell's home rather than to be put into a post box in the yard...'. The information goes on to advise that the various documents submitted are addressed '...variously to Kent House Nursery, J T Hasell, No. 60 Jackson Road and No. 58 Jackson Road. They all relate, however, to the same site, the same business and the same use...'.

It is noted that a number of the submitted documents also indicate the delivery address to Kent House Nursery, Park Farm, Frittenden, Cranbrook, for example the statement from Southern Farmers Ltd for March 2006 (including goods from February 2006), Haynes Invoice dated 29/3/2006, NP Seymour invoice 28/02/2006. A number of the invoices, March/April 2006, indicate deliveries from Florenis (trading name of Hamer Flower Seeds Limited) and are invoiced to JT Hasell Services Kent House Nursery No. 58 Jackson Road, similar from Fargo, March/ April 2006 to Kent House Nursery at No. 60 Jackson Road, and a number relate to JT Hasell Kent House Nursery, No. 58 Jackson Road Bromley.

Local comments have been received which for the most part indicate awareness of the use of the site as a bedding plant nursery with very little activity going on. One letter indicates a belief that it may now be the base for a landscaping business. One letter has been received which indicated an awareness that the outbuildings consist of glass-houses and a small amount of brick built structures which have been used as office/light industrial space.

As part of the supporting documentation Exhibit 3 is a map of the site on which are marked the various buildings. The following building references and descriptions are taken from Exhibit 3 and the Statutory Declaration, with officer comment in italics below:

Building A - the building is metal clad and used as a vehicle workshop

The site visit revealed this building to have some storage racking and various paraphernalia in it; the rear section of the building seems to act as storage and includes some gardening equipment and various other items including domestic appliance; photos available on file.

Aerial photos from 1998, 2001/3, 2006, 2010 and 2013 reveal one parked vehicle between the space of Building A and Building B

Building B - Brick building used for storage and maintenance of tools

The site visit revealed the building hosted an oil tank and various tools; photos available on file

Building C - Glasshouse used for bedding plant nursery

The glasshouse had some plants (vegetable) growing; a small outside area adjacent to Building C had plants growing. The site visit photos also record a stack of blue pallets adjacent to Building C

Area D - main parking area for the site/ used for some vehicle maintenance

At the time of the site visit there were some cars parked in this area and a van pulled alongside. The available aerial photos indicate between 3 and 7 vehicles parked in the area - a mix of cars and vans

Building E - glasshouse used for bedding plant nursery

Building F - glasshouse used for Nursery

Building G - glasshouse used for Nursery

Building H - glasshouse

Building I - corrugated metal clad storage building - used mainly to accommodate all of the building and fencing materials used by J T Hasell Services

The site visit revealed this building to have an inner breeze block structure to part of it which Mr Hasell advised he used as a stabling area for his children's horses when they had them. The area appeared to be used for storage with a few fence and trellis panels included. Other parts of the building housed what looked like a horsebox, a car and various other items of equipment; photos available on file.

Building J - storage building in which tractors and excavators are kept; larger tools stored and maintained in area to the front of Building J

The site visit did not reveal any storage of tractors or excavators; there was some minor storage of items but the grass did not appear in a 'ridden over' state and there appeared no evidence of any vehicle tracks to this area. A goat was wandering loose in the vicinity; photos available on file. The aerial photos provide no evidence of any external storage to the front of this building.

Area K - concrete hardstanding area on which is stored fork lift trucks, Pallets used for deliveries, fencing and other materials; racking for storage of a range of building material

At the time of the site visit there was a large royal Mail van, a transit van and fork lift parked in the area. There was some racking with storage of hard landscaping materials. There were what looked like some old gas cylinders. The 1998 aerial photos do not seem to show any racking or vehicles parked in this area. Those from 2001/3 onwards seem to indicate the presence of racking and some parking of vehicles. It is quite a tightly defined area rather than relating to the entire area K as indicated on plan

Exhibit 4 - Certificate of Public Liability Insurance

Shows date of commencement of insurance as 3/12/04-3/12/05 and 3/12/03 - 3/12/04. The Certificates do not indicate or identify the location to where the business was based/carried out from. The business described for the purpose of the Certificate of Public Liability Insurance is 'Builders - General Fencing Contractor Landscape Gardeners

Exhibit 5 - letters from the accountants

Dated 17/4/14 re JT Hasell Services

These advise they have been accountants for JT Hasell Services for over twenty years and state '...We can confirm that JT Hasell Services has been engaged throughout this period in the business of general builders, contractors, fencing contractors, ground works and drainage contractors.

To our knowledge these business operations have been carried out for that same period of time at the site of Jackson Road Nursery, at No. 60 Jackson Road.

We can confirm that the businesses are currently undertaken at this site, which is used jointly with Kent House Nursery'.

Dated 17/4/14 re Kent House Nursery

These advise they have been accountants for Kent House Nursery for over twenty years and state '...We can confirm that Kent House Nursery has been engaged throughout this period in the business of commercial production of bedding plants and their wholesale trade.

To our knowledge this business operation has been carried out for that same period of time at the site of Jackson Road Nursery, at 60 Jackson Road. The use involves plants being brought in on heavy goods vehicles and subsequently delivered to London markets in heavy goods vehicles.

We can confirm that the business is currently undertaken at this site, which is used jointly with the business operated by JT Hasell Services'.

The applicant is responsible for providing sufficient information to support an application. The applicant's evidence should be sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

The application claims that '...the site has been used for more than 10 years for a mixed use relating to vehicle and machinery maintenance workshops, building and fencing contracting yard and offices in connection therewith, the parking of commercial vehicles, building materials, plant and machinery. These uses would all appear to fall within Use Classes B1, B2 and B8. In addition, the site is also used for the propagation and potting of bedding plants, a horticultural use and has been so for more than 10 years...' and that there are two companies operating from the site Kent House Nursery and JT Hasell which relate to '...the same site, the same business and the same use...'. The application claims that there are two companies operating from the site and it seems there is no evidence before the Council to refute that claim.

In relation to the use of the site for more than 10 years as a bedding plant nursery some records are available from 2005/2006. Historically the site appears to have been used as a bedding plant nursery and whilst there may have been a period of non-use (see planning history) from c 1988 the site history and knowledge from the majority of local comments appear to support the bedding plant nursery use of the site. There is no evidence to show payments for Business Rates in this respect however given the existing (and historical) layout of the site this does not necessarily demonstrate or provide evidence that there has been a new chapter in the planning history of the site particularly given the existing (and historical) site layout. From the available information and evidence submitted it seems that the use of the site as a bedding plant nursery has continued for at least a ten year period.

In relation to the use of the site for more than 10 years by JT Hasell Services there is some evidence for uses relating to vehicle and machinery maintenance, landscaping, building and fencing materials, the parking of commercial vehicles, plant and machinery, with a number of documents submitted, however the application claim is wider than that in respect of separate B1, B2 and B8 uses at the site.

A number of invoices, mostly dated around June 2003, from Southern Motor Factors have been submitted in support of the application but these do not appear to offer any link to deliveries to/or works at the application site. Another from Morgan Elliot Ltd, 5/2/04, gives the operators name and address as James Hasell, 60 Jackson Road. A number of other invoices are submitted in support and include from aggregate, fencing and timber companies. Some are addressed to 58 and some to 60 Jackson Road. Some use this as a delivery address and some seem just to invoice. The extent of storage on site at the time of the site visit appeared limited and Building A and Area D did not have the appearance of vehicle maintenance workshop/facility.

Local knowledge suggests little external activity at the site and there is no evidence to show payments for Business Rates in this respect.

The Insurance Certificate describe the business as Builders - General, Fencing Contractor, Landscape Gardeners and the accountants letter as general builders, contractors, fencing contractors, ground works and drainage contractors. The letter from the Accountant confirms a use in similar terms.

From the available information and evidence it would appear that the glasshouses C, E, F, G and H have been used for the purposes of a bedding plant nursery. Mr Hasell in his affirmation states "Kent House Nursery is a bedding plant nursery which uses the glasshouse". He makes the express claim that these buildings have been used for the bedding plant nursery (other than building H for which no claim is made). However the glass houses require access and servicing from the remainder of the site and on balance it is not felt there is a sufficient physical and functional separation for the glasshouses to be regarded as a separate planning unit from the remainder of the site. The conclusion is that the second Burdle test applies rather than the third.

It is difficult to ascertain separate on-going use of the remainder of the site. Although the uses are not particularly active at the moment it appears, on the balance of probability that the land and buildings have been used for a variety of purposes for Kent House Nursery and for JT Hassell Services which is a building and ground works company. On the basis of the information submitted whilst it would appear that there is a composite use for the bedding plant nursery and for a general builder and groundworks company. Whilst the use of the site may encompass a number of mixed uses including storage and vehicle repair change totally to a use within one of the named use classes may be material and require planning permission.

However, on balance the evidence is appears to be sufficiently precise and unambiguous to justify a Certificate being granted in revised terms as set out in the recommendation rather than a more widely drawn Certificate encompassing separate B1, B2 and B8 uses.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) set out in the Planning History section above, excluding exempt information.

as amended by documents received on 09.07.2014 08.08.2014

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

That the claimed description of the claimed use be modified pursuant to section 191(4) of the Town and Country Planning Act 1990:

Use of the site shown on the attached plan for a composite use in connection with a bedding plant nursery and a general building and ground works company and in particular comprising use of building A for vehicle maintenance and repair, of building B for storage and maintenance of tools, of area D for car and lorry parking, of building I to store building and fencing materials and of building J to store tractors and excavators and of buildings C, E, F, G and H as a bedding plant nursery.

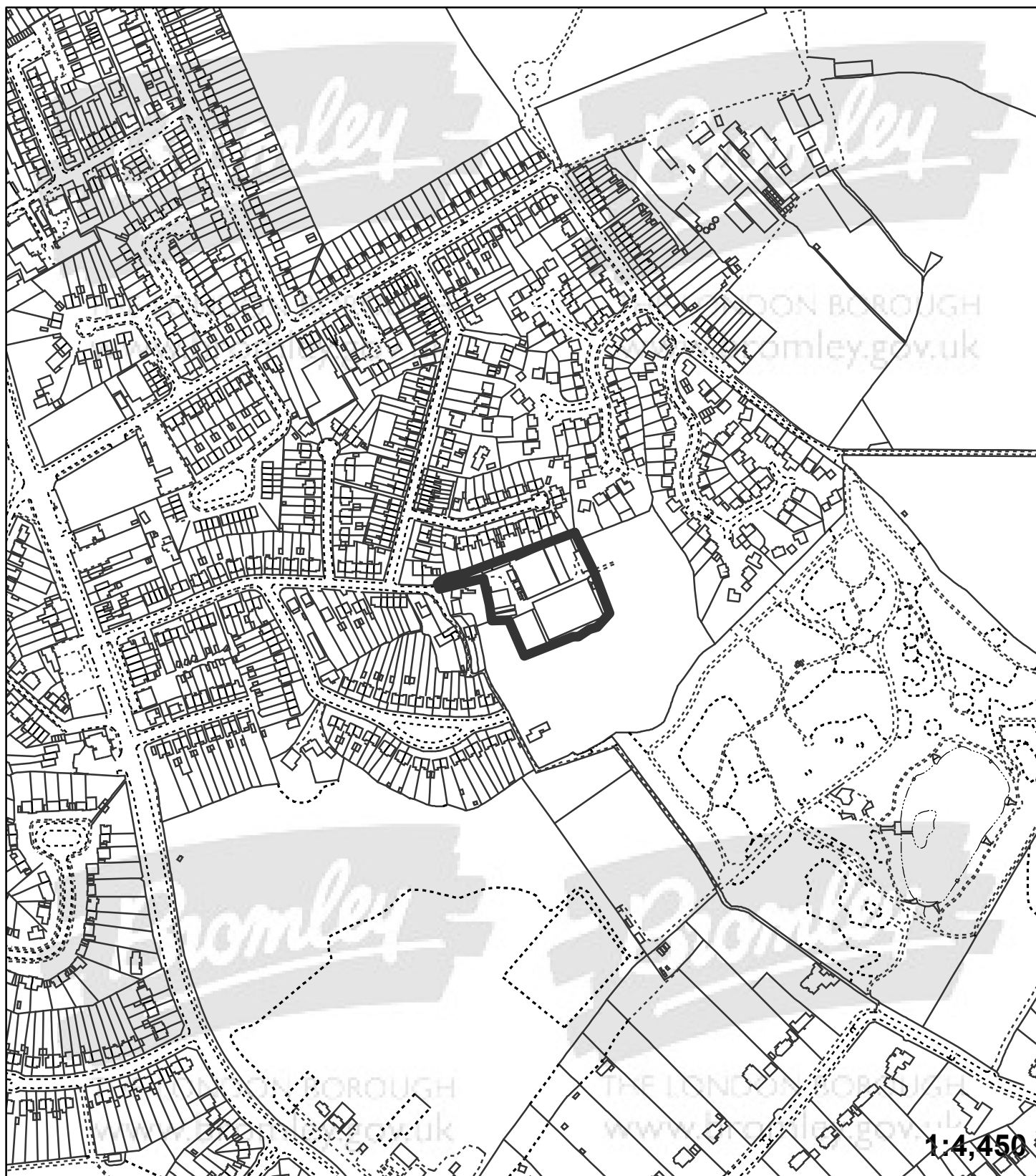
Reason: For a period of at least 10 years it is considered that the use of the premises as certified has been carried on, on the balance of probability, is therefore considered to be lawful. The Council has use the powers under section 191 (4) of the Town and Country Planning Act 1990 to substitute this description as it has concluded that the site is being used for composite purposes and change to a single use within a use class may be material and require planning permission.



**Application:**14/01818/ELUD

**Address:** Hasells Nursery Jackson Road Bromley BR2 8NS

**Proposal:** Use of the site shown on the attached plan for a composite use in connection with a bedding plant nursery and a general building and ground works company and in particular comprising use of building A for vehicle maintenance and repair, of building B for storage and maintenance



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

This page is left intentionally blank

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

**Application No :** 14/02730/FULL1

**Ward:**  
**Chislehurst**

**Address :** Edgebury Primary School Belmont Lane  
Chislehurst BR7 6BL

**OS Grid Ref:** E: 544161 N: 171654

**Applicant :** Mr Daniel Margetson

**Objections :** YES

### **Description of Development:**

Two storey extension to provide additional classrooms to increase school size from 1-form entry to 2-form entry, offices, reception area and break out space with stairs and ramped access. Single storey extension to existing hall with covered walkway. Extension to existing car park, covered play area and new hard surfaced play area and associated plant.

Key designations:

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

### **Proposal**

Permission is sought for the construction of extensions to this primary school comprising a two storey extension to the north-eastern side of the main school building which would contain 7 classrooms, staff offices, toilet facilities, and a new reception area and lobby with ramped access, along with a single storey extension to the school hall with covered walkway. The proposals would enable the expansion of the school from one form of entry to two forms of entry, effectively doubling the size of the school in due course.

It is also proposed to extend the existing staff car park accessed from Belmont Lane (increasing the number of spaces from 11 to 13) and provide an additional 5 spaces along the access way from Edgebury, giving a total of 7 new spaces. A new covered play area is proposed adjacent to the north-western buildings, along with an additional play area adjacent to the grassed embankment which would be re-shaped. The changing rooms for the existing swimming pool would need to be re-located as a result of the proposed hall extension.

The application is accompanied by a Transport Assessment, Drainage Report, Tree Survey, Soil Survey and Ecological Habitat Survey.

## **Location**

Edgebury Primary School is located within a residential area close to Chislehurst town centre. It lies on the western side of Belmont Lane, and its southern boundary abuts the rear gardens of residential properties in Edgebury. The whole of the site is designated as Green Belt.

The school was originally built in the 1960s, and comprises single storey buildings on the southern level part of the site, with large playing fields at a slightly raised level located to the north.

Pedestrian and vehicular access to the school is from both Belmont Lane and Edgebury, and a small staff car park is accessed from the Belmont Lane entrance.

## **Comments from Local Residents**

Two letters of objection have been received from nearby residents who have raised the following concerns:

- increased traffic congestion during drop-off and pick-up times
- increased pressure for parking in surrounding roads
- construction works should not disrupt the education of pupils
- sense of community may be lost as a result of doubling the size of the school.

## **Comments from Consultees**

The Council's Highway Engineer comments that the existing car parking on site doesn't meet the current demand, and the expansion of the school would mean that more staff are likely to drive. Although the additional spaces proposed could accommodate some of the demand, without knowing the additional numbers of staff, it would be difficult to estimate the increase in vehicles being parked on the street. As staff would generally arrive before pupils, and leave after them, any on-street parking would conflict with parents parking.

The expansion of the school would also result in an increase in the number of cars parking during the drop-off and pick-up periods, but Belmont Lane in particular has on-street parking available with no residential frontages. Therefore, given the location and limited duration of the additional parking, this is not considered to have a seriously detrimental impact on parking and road safety in the close vicinity to warrant a refusal on highway grounds.

The school does not currently have a School Travel Plan, therefore, there is potential for measures to be put in place to reduce the number of car trips, and a standard condition is recommended.

The Council's Education Department supports the proposals for the expansion of Edgebury Primary School which would help to address the pressure for school places at both Key Stage 1 and 2 within the Chislehurst and Mottingham area, and would enhance the facilities available at the school.

No drainage objections are seen to the proposals, and Thames Water have no concerns.

The Crime Prevention Officer has no objections to the proposals subject to the inclusion of measures to reduce the risk of crime, which can be secured by a standard planning condition.

No objections are raised from an Environmental Health point of view.

Any comments from the Council's Tree Officer will be reported verbally at the meeting.

### **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
- G1 The Green Belt
- C1 Community Facilities
- C7 Educational and Pre-School Facilities
- T3 Parking
- T18 Road Safety

### **Planning History**

A number of applications for mobile classrooms were permitted in the 1980s/90s, whilst permission was granted in 1995 (ref. 95/00274) for an extension and additional car parking, and in 2009 (ref. 08/04179) for a music room and covered walkway.

### **Conclusions**

The main issues in this case are; whether the proposals comprise inappropriate development in the Green Belt, and if so, whether very special circumstances exist that clearly outweigh the harm by reason of inappropriateness or any other harm; the impact of the proposals on the open nature and visual amenities of the Green Belt; the impact on the amenities of nearby residents; and the impact on pressure for parking and road safety in surrounding roads.

The proposed extensions would be considered inappropriate development within the Green Belt as educational uses (Class D1) would not fall within the appropriate uses defined by Policy G1 of the UDP. However, the extensions are required as part of the Council's agreed school expansion programme in areas of high demand

for school places, and have been designed so as to minimise the impact on the open nature of the site (eg. the extensions would be kept within the southern built-up part of the site, and the provision of a two storey development would help to minimise the increase in the overall footprint of built development on the site). Members may, therefore, consider that these special circumstances outweigh the harm by reason of inappropriateness caused by the proposals.

The proposals would result in two storey development on the site where there is currently only single storey buildings, but the two storey extension would not appear overly large or bulky within the street scene, and would provide a focal point for the main entrance to the school. It would not encroach onto the main open playing fields to the north, although part of the grassed embankment would need to be re-shaped, and would not, therefore, have a detrimental impact on the open character or visual amenities of the Green Belt. The single storey hall extension would be contained within existing built development on the site, and along with the additional play areas, would not be harmful to the Green Belt.

With regard to the impact on neighbouring residential properties, the nearest dwellings are located in Edgebury which back onto the site, and the two storey development would be set some distance away from them. The hall extension would be modest in size, and would not impact on residential amenity, and the re-located changing rooms would still be set back 16m from the boundary with Edgebury properties. The proposals are not, therefore, considered to have a detrimental impact on the privacy and amenities of adjoining residents.

The Council's Highway Engineer has confirmed that the proposals for the expansion of the school from one form entry to two form entry is considered acceptable from a highway point of view, subject to safeguarding conditions and the submission of a School Travel Plan.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) set out in the Planning History section above, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

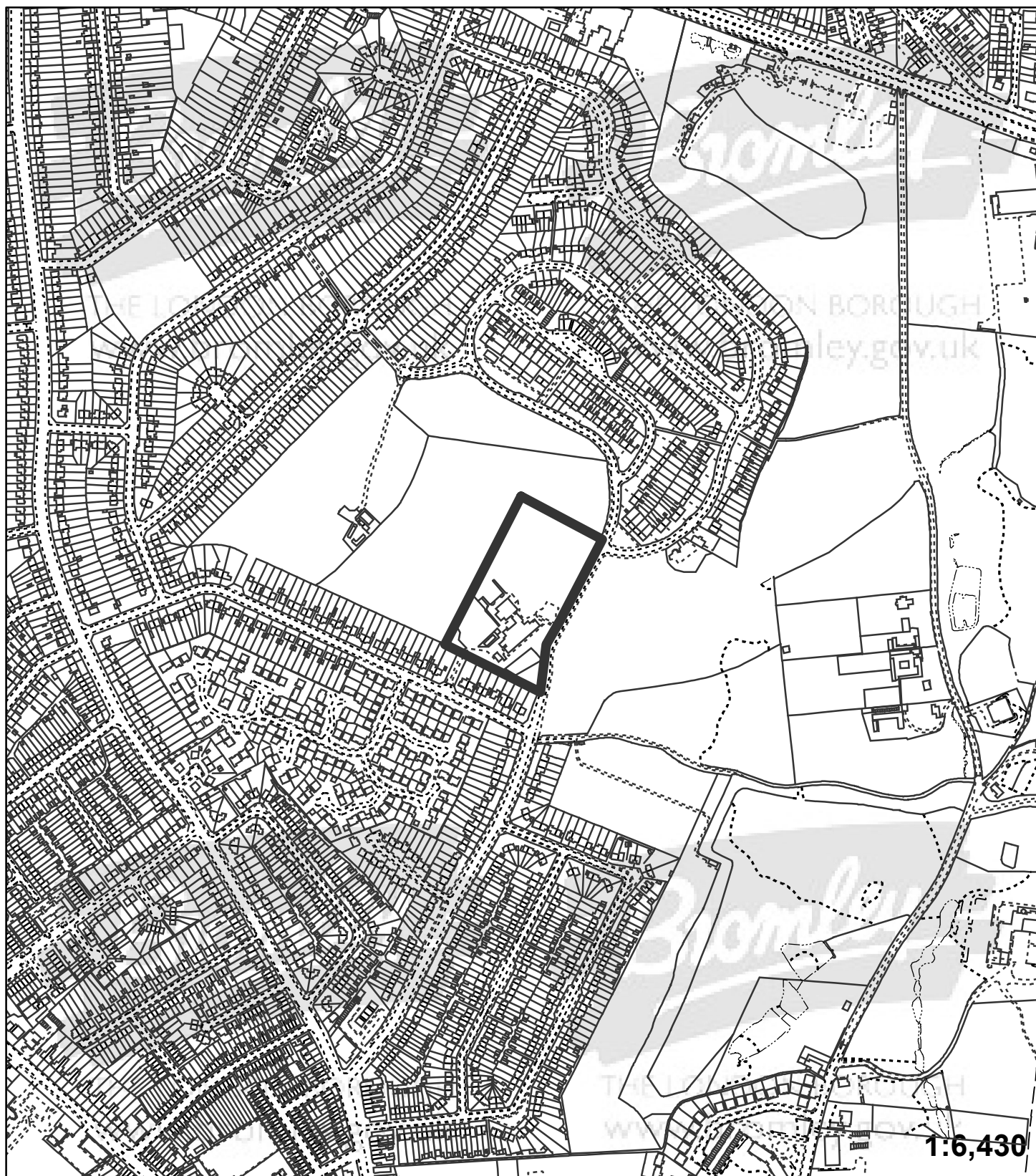
- |   |        |  |
|---|--------|--|
| 1 | ACA01  | Commencement of development within 3 yrs |
|   | ACA01R | A01 Reason 3 years                       |
| 2 | ACA04  | Landscaping Scheme - full app no details |
|   | ACA04R | Reason A04                               |
| 3 | ACC07  | Materials as set out in application      |
|   | ACC07R | Reason C07                               |
| 4 | ACD02  | Surface water drainage - no det. submitt |
|   | AED02R | Reason D02                               |
| 5 | ACH03  | Satisfactory parking - full application  |
|   | ACH03R | Reason H03                               |
| 6 | ACH29  | Construction Management Plan             |
|   | ACH29R | Reason H29                               |

7	ACH30	Travel Plan
	ACH30R	Reason H30
8	ACI21	Secured By Design
	ACI21R	I21 reason
9	ACK01	Compliance with submitted plan
	ACK05R	K05 reason
10	ACK06	Slab levels - compliance
	ACK06R	K06 reason

**Application:**14/02730/FULL1

**Address:** Edgebury Primary School Belmont Lane Chislehurst BR7 6BL

**Proposal:** Two storey extension to provide additional classrooms to increase school size from 1-form entry to 2-form entry, offices, reception area and break out space with stairs and ramped access. Single storey extension to existing hall with covered walkway. Extension to existing car



"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 :** 14/03094/FULL6

**Ward:**  
Chelsfield      And      Pratts  
Bottom

**Address :** 4 Aspen Close Orpington BR6 6JL

**OS Grid Ref:** E: 546448 N: 164164

**Applicant :** Mr T Merritt

**Objections :** YES

**Description of Development:**

Single storey rear extension

Key designations:

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

**Proposal**

The application seeks permission for a single storey rear extension.

There is planning history at the site, with the most recent being a lawful development certificate granted for a single storey rear extension under ref. 13/02833. The current application is retrospective as the development has been built slightly larger than allowed under 'permitted development' tolerances.

Under the certificate of lawfulness application, the enlarged part of the dwellinghouse would have a single storey and would extend no more than 4 metres beyond the rear wall of the original dwellinghouse. The current application seeks permission for a rearward projection of 4.26 metres as measured along the southern flank elevation and 4.22 metres along the northern flank elevation, as measured on site, although the plans indicate a rearward projection of 4.2 metres.

**Location**

The application site comprises a detached two storey dwellinghouse.

**Comments from Local Residents**

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

- must have realised the extension was larger than it should have been under 'pd' when first course of bricks were laid;
- original rooflights were designed as two low-levels windows, now seeking permission for one large roof lantern with a height of 70cm which will rise above the bathroom window sill;
- unattractive view of high-level roof lantern from neighbouring properties;
- is it now allowable to gain planning permission then build larger, resulting in building creep towards neighbouring properties;
- renders planning process useless if people ignore what's been agreed and build what they want anyway.

### **Comments from Consultees**

No consultations were made.

### **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

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

### **Planning History**

In 2000, under planning ref. 00/03282, permission was refused for a two storey side extension.

In 2001, under planning ref. 01/00195, permission was refused for a two storey side extension. This was subsequently allowed at appeal.

In 2001, under planning ref. 01/01623, permission was granted for a single storey side and rear extension.

Permission was refused under ref. 12/01371 for a single storey rear extension. This extension had a proposed rearward projection of approximately 5m beyond the rear elevation of the existing dwellinghouse.

Following this, a Certificate of Lawfulness application was granted for a single storey rear extension under ref. 13/02833. This development has been built however the rearward projection built on site is larger than that approved under 'permitted development' tolerances.

The current application is therefore seeking to regularise the development on site.

### **Conclusions**

The principle of development has already been granted under a Certificate of Lawfulness application with a single storey rear extension that previously had a rearward projection of 4 metres, and was approved under ref. 13/02833. The development has been built slightly larger than previously approved however, with a rearward projection as measured on site as 4.26 metres along the southern flank elevation and 4.22 metres along the northern flank elevation.

The adjacent property No. 3 is located to the north of the application site and is set back approximately 3.5m behind the rear elevation of No.4. This property has previously constructed a single storey rear extension of a significantly smaller scale than that proposed at approximately 2.5m, although this does not appear to have the benefit of planning permission.

Whilst the depth of the application proposal would project approximately 5m beyond the rear elevation of No. 3, as previously stated the principle of an extension at 4 metres depth has already been approved. The main difference now to be considered is whether the additional 0.22 metres along the northern flank elevation is acceptable in terms of the additional impact upon the amenities of the residents of the neighbouring property, or whether the additional depth creates an unacceptable impact upon the neighbouring property in respect of which it would be expedient to take enforcement action to remove the additional element of the structure.

Another matter to be considered is the insertion of a roof lantern into the flat roof of the structure. This design of roof lantern is not uncommon across the Borough, however concerns have been raised by neighbouring properties with regard to the height, which is considered by residents to be excessive, and the disturbance to neighbouring properties by reason of excessive light spillage.

Whilst it is appreciated that increasing the depth of the structure previously approved under the certificate of lawfulness is frustrating for neighbouring residents, this in itself is not a reason for refusal. The main consideration here is whether the additional depth of 0.22 - 0.26 metres is acceptable or whether it would result in an unacceptable impact upon the amenities of the neighbouring property, No.3.

It is acknowledged that No.3 is set further forward on the site, and the rear elevation of No.4 is already sited further rearward than the rear elevation of No.3. However it is considered that the difference in depth of the current proposal when compared with the previously approved scheme is not significant enough to have a seriously detrimental impact upon the amenities of No.3 and it would also not be expedient to take enforcement action.

Concern has also been raised with regard to the introduction of a roof lantern into the flat roof of the structure by reason of visual impact to neighbouring properties.

While concerns were raised relating to the residential amenities of adjoining properties through the introduction of a roof lantern into the flat roof of the structure by reason of visual impact, given an approximate distance of 3.2 metres would be retained to the eastern boundary with Nos. 17 and 19 Woodland Way and given

the orientation of the plot it is not anticipated that the roof lantern will have a seriously detrimental impact on the residential amenities of these properties to such an extent as to warrant refusal. In addition, the edge of the roof lantern would be sited approximately 1.8 metres away from the northern flank elevation of the extension, and as a result it is considered that the impact of this element of the proposal upon No.3 is considered to be minimal.

Background papers referred to during production of this report comprise all correspondence on the files refs. 00/03282, 01/00195, 01/01623, 12/01371, and 13/02833, set out in the Planning History section above, excluding exempt information.

**RECOMMENDATION: PERMISSION**

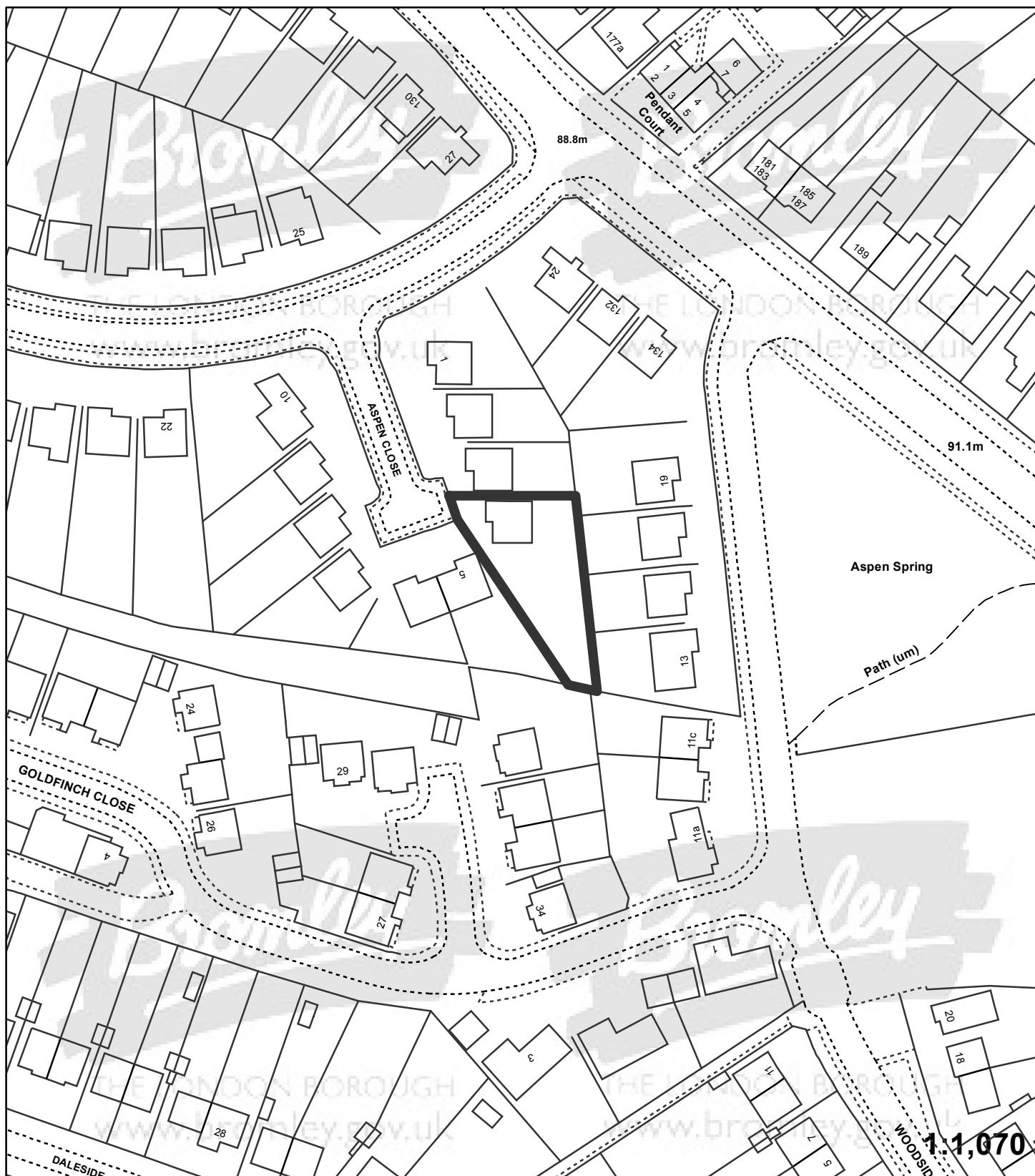
Subject to the following conditions:

- |   |                 |  |
|---|-----------------|--|
| 1 | ACK01<br>ACC01R | Compliance with submitted plan<br>Reason C01 |
|---|-----------------|--|

**Application:** 14/03094/FULL6

**Address:** 4 Aspen Close Orpington BR6 6JL

**Proposal:** Single storey 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"

This page is left intentionally blank

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

**Application No :** 14/03132/FULL1

**Ward:**  
Darwin

**Address :** Maple Farm Cudham Lane South  
Cudham Sevenoaks TN14 7QD

**OS Grid Ref:** E: 544852 N: 159111

**Applicant :** Mr & Mrs C Ganley

**Objections :** NO

### **Description of Development:**

Demolition of existing dwelling and 3 outbuildings and erection of detached single storey 3 bedroom dwelling.

Key designations:

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

### **Proposal**

It is proposed to demolish the existing bungalow and three other outbuildings on the site, and construct a detached L-shaped single storey three bedroom dwelling in a similar position to the existing bungalow.

The dwelling would be set back approximately 13m from the front boundary of the site (as is the existing), and 1.5m from the side boundary with Maple Cottage. It would have a pitched roof and would reach an overall height of 6.5m.

### **Location**

This detached bungalow is located on the eastern side of Cudham Lane South within the Green Belt, and occupies a site area of 0.18ha. It was built in the mid-1930s, and originally contained a sitting room, kitchen, two bedrooms, and a small scullery at the rear. A conservatory was added to the side of the bungalow in 1966, and a single storey rear extension was permitted in 1968 (ref. 68/01185).

There are a number of outbuildings to the rear of the bungalow and the applicant also owns fields to the south and east.

The site is bounded to the north by Maple Cottage which is a two storey dwelling.

### **Comments from Local Residents**

A letter has been received from Orpington Field Club querying whether bats roost in any of the buildings to be demolished as they are known to forage in this part of LB Bromley, and if so, a bat survey may be required. Even if no bats are present, they consider that due to the close proximity to Cudham Frith Site of Metropolitan Importance for Nature Conservation, the applicant should consider installing bat bricks in the new development.

### **Comments from Consultees**

No objections are seen to the proposals from a highways point of view as there are no proposals to alter the existing access to the site, and the proposals are unlikely to result in a significant increase in the use of the access.

No drainage objections are seen to the proposals in principle, subject to the submission of further details of the surface water drainage system.

No objections are raised by Thames Water in principle, and Environmental Health suggest that informatives are attached regarding measures for any site contamination found, and compliance with the Control of Pollution and Environmental Protection Acts.

### **Planning Considerations**

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

BE1 Design  
H7 Housing Density & Design  
G5 Dwellings in the Green Belt  
T3 Parking  
NE7 Development and Trees

The application was called in to committee by a Ward Councillor.

### **Planning History**

With regard to the recent history of the site, permission was refused in 2007 (ref. 06/04221) for a four bedroom replacement dwelling, and the appeal was dismissed in October 2008 on grounds relating to inappropriate development within the Green Belt, with no very special circumstances to justify the proposal.

Under refs. 09/00068, 09/02085 and 10/03320, Certificates of Lawfulness for various extensions to the property were refused in 2009/10 as they were considered to exceed the permitted limits.

Under ref.11/01635, a Certificate of Lawfulness was granted in August 2011 for a proposed single storey side extension to replace the existing lean-to, and roof



extensions providing first floor accommodation over the original part of the bungalow.

Permission was refused in 2012 (ref.12/00961) for the demolition of the existing dwelling and an outbuilding, and the erection of a replacement two storey 4 bedroom dwelling on grounds relating to its excessive bulk and height, and its detrimental impact on the character and openness of the Green Belt.

Permission was subsequently granted in 2013 (ref.12/03282) for the demolition of the existing dwelling and outbuildings and the erection of a detached two storey four bedroom dwelling and stable building to the rear.

A Certificate of Lawfulness was granted in March 2014 (ref.14/00255) for single storey side and rear extensions, roof extensions comprising side gables and a rear dormer, and a detached building within the rear garden for use as a sauna and hydro pool house.

A further application was granted in July 2014 (ref.14/00298) for the construction of a sand school on land to the rear of Maple Farm.

None of the permitted schemes have yet been implemented.

## **Conclusions**

The site is located within the Green Belt, and the main issues are; firstly, whether the proposals comprise inappropriate development, and if so, whether very special circumstances exist that clearly outweigh the harm by reason of inappropriateness or any other harm; and secondly, whether the proposals would be harmful to the character or appearance of the surrounding area, or detrimental to the amenities of nearby residential properties.

The National Planning Policy Framework (NPPF) contains a general presumption against inappropriate development within the Green Belt. Paragraph 87 states that such development should not be approved except in very special circumstances, whilst paragraph 89 sets out a number of exceptions, including the replacement of a building where the new building is in the same use and not materially larger than the one it replaces.

Policy G5 of the UDP allows for a replacement dwelling in the Green Belt provided that the resultant dwelling would not result in a material net increase in floor area compared with the existing dwelling (an increase of over 10% would normally be considered material, depending on design issues), and that the size, siting, materials and design of the replacement dwelling would not harm the visual amenities or the open or rural character of the locality.

The existing dwelling has a floor area of 120.87sq.m., whilst the nearest outbuilding to be removed which lies approximately 5m from the dwelling, measures 30.38sq.m (Building B), giving a total floor area of 150.88sq.m. The proposed dwelling would have a floor area of 198.59sq.m., which would result in an increase in floor area of 47.71sq.m., and equates to a 32% increase. This would

result in a material net increase in floor area compared with the existing dwelling, and would thus be considered inappropriate development in the Green Belt. However, the applicant has put forward the following special circumstances to justify inappropriate development:

- The Certificate of Lawfulness granted under ref.14/00255 would, if implemented, result in a part one/two storey dwelling with a floor area of 267.56sq.m. which greatly exceeds the floor area of the replacement dwelling currently proposed (198.59sq.m.)
- The design of the replacement dwelling, although slightly higher, would be much improved over the contrived and unattractive appearance of the extended dwelling permitted by the Certificate of Lawfulness, and would be single storey only
- The dwelling would have less impact on the Green Belt than the two storey dwelling permitted under 12/03282
- The design of the dwelling would be more suited to a rural location than either of the permitted dwellings.
- The removal of 3 domestic outbuildings within the residential curtilage would result in an improvement to the appearance of the site and to the openness of the Green Belt
- The applicant would accept the removal of permitted development rights for Class E outbuildings within the residential curtilage (including the hydro pool spa building granted under the Certificate of Lawfulness).

The "fallback position" of the two earlier schemes, the replacement dwelling (12/03282) and the extended dwelling permitted under a Certificate of Lawfulness (14/00255), is an important consideration as both schemes could realistically be implemented.

The current scheme would have a slightly greater floor area than the permitted replacement dwelling (198.59sq.m. as opposed to 181.7sq.m.), but it would be significantly smaller than the permitted development scheme comprising ground and first floor extensions (267.56sq.m.). Although the height of the replacement dwelling at 6.55m would be greater than the existing dwelling or permitted development scheme (both 5.39m), it would not be as high as the permitted replacement dwelling (6.9m).

The proposed replacement dwelling would be single storey only compared with the previous two storey developments permitted, and the removal of three outbuildings located around the rear garden (which total 70sq.m. in floorspace) would help to open up the site. It is therefore considered, on balance, that there is sufficient justification to allow the current proposals which would result in an acceptable form of redevelopment, and would adequately protect the open and rural nature of the site along with the visual amenities of the surrounding area.

In dismissing an earlier scheme for a replacement dwelling (ref. 06/04221), the Inspector considered that the proposed dwelling (with a floor area of 261sq.m.) would be significantly larger than the existing, and that the removal of a number of former agricultural buildings would not be sufficient to justify inappropriate development in the Green Belt. However, the current scheme is for a significantly

smaller dwelling containing 198.59sq.m. floor space, and subject to a condition removing permitted development rights for extensions and outbuildings, the proposals are not considered to result in an overdevelopment of the site, nor be harmful to the open and rural nature of the Green Belt.

With regard to the impact on neighbouring properties, the replacement dwelling would be sited a similar distance away from the northern boundary with Maple Cottage, and would contain only four ground floor windows in the facing flank elevation, two of which would be obscure glazed. It would extend further to the rear of Maple Cottage, but would not project significantly beyond the permitted development scheme for extensions to the existing property. The proposals are not, therefore, considered to result in any undue loss of light, privacy or prospect to the adjacent property.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) set out in the Planning History section above, 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      ACC01      Satisfactory materials (ext'n'l surfaces)  
ACC01R      Reason C01
- 4      ACD02      Surface water drainage - no det. submitt  
AED02R      Reason D02
- 5      ACH03      Satisfactory parking - full application  
ACH03R      Reason H03
- 6      ACH16      Hardstanding for wash-down facilities  
ACH16R      Reason H16
- 7      ACH27      Arrangements for construction period  
ACH27R      Reason H27
- 8      ACI02      Rest of "pd" Rights - Class A, B,C and E  
ACI03R      Reason I03
- 9      ACK01      Compliance with submitted plan  
ACK02R      K02 reason (1 insert)      G05
- 10     ACK05      Slab levels - no details submitted  
ACK05R      K05 reason
- 11     Before commencement of the development hereby permitted, the existing dwelling and outbuildings shown to be removed on Plan No.2195/12, shall be demolished and the site cleared of all waste material, unless previously agreed in writing by the Local Planning Authority.  
ACK04R      K04 reason
- 12     The residential curtilage attached to the dwelling hereby permitted shall be as shown on Plan No.2195/12.

**Reason:** To safeguard the character and openness of the Green Belt and to comply with Policy G1 of the Unitary Development Plan and the National Planning Policy Framework.

INFORMATIVE(S)

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

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

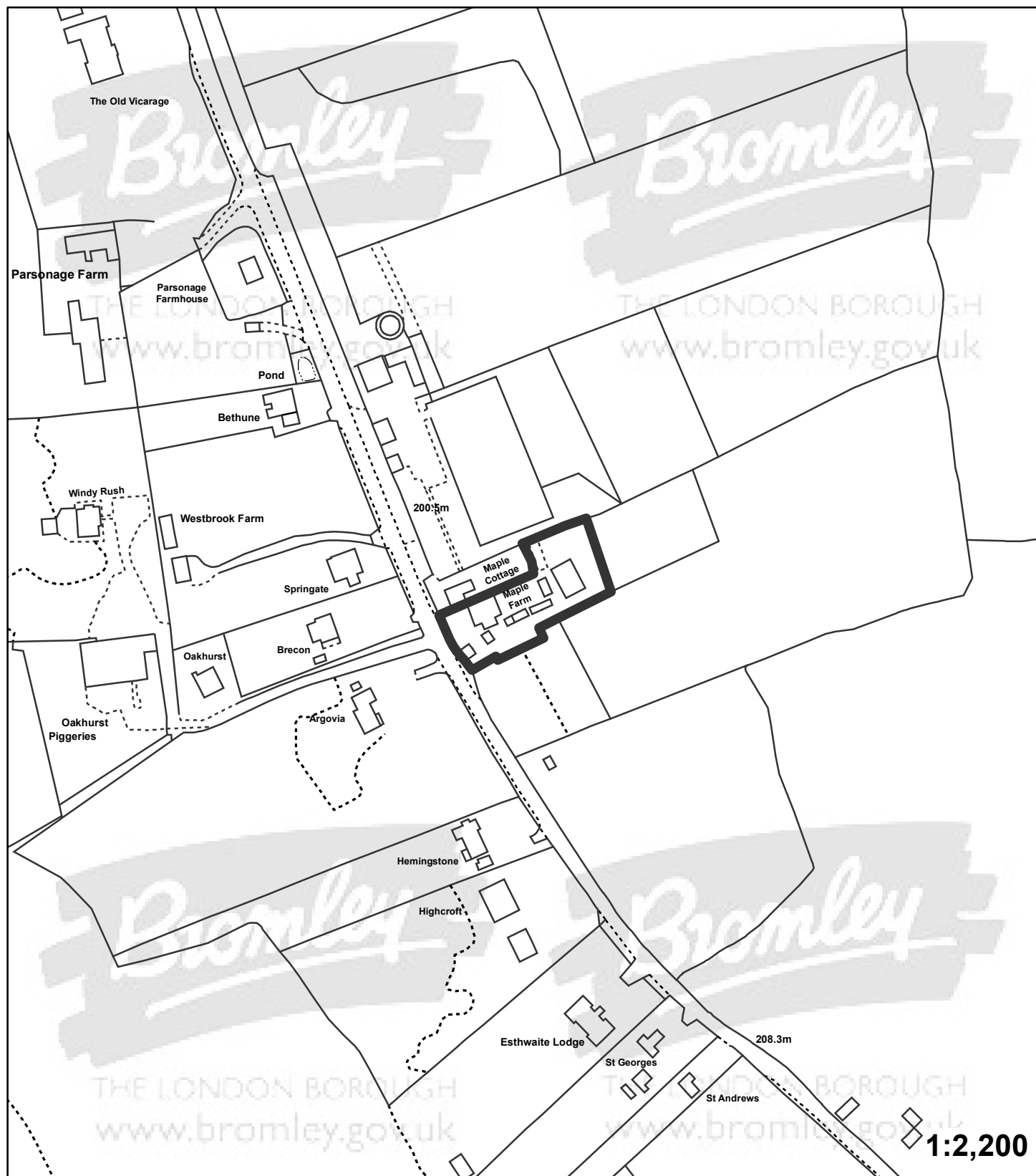
Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)

- 2 In order to check whether the proposed storm water system meets drainage requirements, you are advised to submit the following information:
  - a clearly labelled drainage layout plan showing pipe networks and any attenuation soakaways
  - 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
  - calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change.
- 3 If during works on site 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.
- 4 Before works commence, 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.

**Application:**14/03132/FULL1

**Address:** Maple Farm Cudham Lane South Cudham Sevenoaks TN14 7QD

**Proposal:** Demolition of existing dwelling and 3 outbuildings and erection of detached single storey 3 bedroom dwelling.



**1:2,200**

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

This page is left intentionally blank

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

**Application No :** 14/03219/FULL1

**Ward:**  
Copers Cope

**Address :** 28 Downs Hill Beckenham BR3 5HB

**OS Grid Ref:** E: 538641 N: 169959

**Applicant :** Mr A Brandi

**Objections :** NO

### **Description of Development:**

Demolition of existing house and erection of replacement single family dwelling with associated excavation, landscaping and front boundary treatment.

Key designations:

Conservation Area: Downs Hill

### **Proposal**

The application proposes the demolition of the existing detached dwelling and the erection of a replacement, detached dwelling with associated parking, terracing and landscaping. The submitted street scene indicates that the ridge height will not exceed the higher gable to the adjacent house to the south. The proposed site plan indicates a proposed side space to the southern boundary of 2m; that to the northern boundary is shown as 2.6m decreasing to 2.4m.

A number of trees are to be removed as part of the development proposal. An arboricultural report has been submitted in support of the application and a supporting statement.

### **Location**

The site is located to the east side of Downs Hill and within Downs Hill Conservation Area. It is a residential area with predominantly detached dwellings of varying design within the vicinity; the land levels vary within the locality with the land particularly falling away significantly to the east.

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application. A press advertisement was undertaken and site notice displayed. Representations were received which can be summarised as follows:

- concerns over accuracy of plans - including windows and boundaries

- require assurance that gable ends at 28 will be no higher than those at 26
- concerns with basement excavation and potential landslip
- concerns with terrace and steps and impact on privacy

### **Comments from Consultees**

APCA raise no objection subject to consideration of roofing materials which should be natural clay tiles or natural British slate in keeping with other houses in the Conservation Area.

Highways raise no objection in respect of car parking on the site; conditions are suggested in the event of a planning permission.

Comments from a Conservation point of view advise that the existing building makes a neutral contribution to the area and raise no objection to its demolition. The proposed replacement design approach is considered acceptable and a minimum of 2 m sidespace is provided on each side which would appear to overcome one of the previous grounds of refusal. No objections are therefore raised and conditions are recommended in the event of a planning permission.

No objections were previously raised in respect of trees; any additional comments will be reported verbally to Committee.

No objections are raised in respect of drainage; conditions and informatives are suggested in the event of a planning permission.

No objections are raised by Thames Water in respect of sewerage infrastructure capacity and water infrastructure capacity.

### **Planning Considerations**

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

- BE1 Design of New Development
- BE11 Conservation Areas
- BE12 Demolition in Conservation Areas
- BE14 Trees in Conservation Areas
- H7 Housing Density and Design
- H9 Side Space
- T3 Transport and Road Safety
- T18 Transport and Road Safety

and Supplementary Planning Guidance (SPG) of Bromley's Unitary Development Plan

### **Planning History**

Application ref. 14/00231, for demolition of existing house and erection of replacement single family dwelling with associated excavation, landscaping and front boundary treatment, was refused for the following reasons:



The proposal would constitute an overdevelopment of the site by reason of the limited side space to the southern boundary (given the height and design of the proposed replacement dwelling) which would cause harm to the character and appearance of the Downs Hill Conservation Area contrary to Policies BE1 and BE11 of the Unitary Development Plan.

Insufficient information has been submitted to demonstrate that the proposed development could be undertaken in a satisfactory manner, so as to not result in unsatisfactory levels of overlooking, especially given the changes in level on the site, thereby contrary to Policy BE1 of the Unitary Development Plan.

## **Conclusions**

The main issues relating to the application are the effect of the proposal on the character and appearance of the area, the effect of the proposal on the living conditions of neighbouring occupiers, highway considerations and if the scheme has sufficiently addressed the previous grounds of refusal.

The existing dwelling is not considered to be of any significant architectural merit and no planning objection is raised to its demolition subject to Policy BE12 and the requirement for acceptable and detailed plans for a replacement scheme that will make a positive contribution to the character and appearance of the Conservation Area.

Downs Hill SPG advises that the Council will expect all proposals for new development to conform to the character of the area, especially in regard to scale and height of construction, location within the plot and the design and materials used.

Planning policy emphasises the need for development to respect important views and landscape features and should not detract from the existing street scene and the importance of space about buildings and the creation of attractive settings.

It is considered that the design approach of the replacement dwelling is acceptable and the plans now indicate a minimum of 2m side space to each boundary. This may be considered sufficient to address the spatial qualities of the area and preserve or enhance the character and appearance of the conservation area and thereby addresses the previous ground of refusal in this respect. A street scene has been submitted to support the application and this demonstrates that the height of the ridge will not exceed the higher gable to No. 26 but is 1.8m higher than No. 30. A greater separation of the proposed development to the northern boundary helps to justify the greater ridge height in relation to No. 30.

Neighbour concerns were raised in respect of correct boundary and elevation details; any further comment in respect of revised plans received will be reported verbally to Committee.

Plans have been amended which delete the ground floor bay window; a bay window is now shown to the lower level only. Although trees are shown to be

removed to the southern boundary it may now be considered that the extent of potential overlooking would not be so significant as to warrant a planning ground of refusal.

There is a large bay window to the flank of the neighbouring house at No. 30 with what appears to be a roof terrace alongside. It is noted the layout of the proposed dwelling introduces a c 2.4m separation to this boundary and no flank windows are proposed. This proposed relationship will help to address impacts on neighbouring amenities however the proposed layout also includes an elevated terrace to the north side and rear of the proposed dwelling. Neighbour concerns are raised in respect of the impact from the terrace and steps on privacy. The raised terrace is set just over 7m from the southern boundary. Given this and that its siting adjacent to the projection of the southern 'wing' it is unlikely to result in such undue impact as to raise a planning concern in this respect.

No. 30 appears to be at a lower level than the application site. Plan No 116 rev P3 indicates levels to the site and those adjacent which help to demonstrate the relationship between the application site and the neighbouring properties. In order to safeguard against undue overlooking to the site to the north (No. 30) screening to the terrace is to be considered in the event of a planning permission. Additionally, in the event of a planning permission, a slab level condition can be applied.

Although neighbour concerns are noted in respect of land slip and the proposed basement any new dwelling will need to comply with relevant Building Regulations.

It is noted that the development will be CIL liable.

For the reasons discussed above it is considered that the development in the manner proposed has sufficiently addressed the previous grounds of refusal and is considered acceptable in that it would not result in a significant loss of amenity to local residents and would preserve or enhance the character of the conservation area.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) set out in the Planning History section above, excluding exempt information.

as amended by documents received on 23.10.2014

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- |   |        |  |
|---|--------|--|
| 1 | ACA01  | Commencement of development within 3 yrs |
|   | ACA01R | A01 Reason 3 years                       |
| 2 | ACC01  | Satisfactory materials (ext'nl surfaces) |
|   | ACC01R | Reason C01                               |
| 3 | ACC03  | Details of windows                       |
|   | ACC03R | Reason C03                               |

- 4 ACH04 Size of parking bays/garages  
ACH04R Reason H04
- 5 ACH11 Visibility splays (new buildings) (3 in) 3.3m x 2.4m x  
3.3m 1m  
ACH11R Reason H11
- 6 ACH32 Highway Drainage  
ADH32R Reason H32
- 7 No loose materials shall be used for surfacing of the parking and turning area hereby permitted.

**Reason:** In the interest of highway safety.

- 8 ACD02 Surface water drainage - no det. submitt  
AED02R Reason D02
- 9 ACK01 Compliance with submitted plan  
ACC01R Reason C01
- 10 ACK05 Slab levels - no details submitted  
ACK05R K05 reason
- 11 Details of the proposed balcony screening shall be submitted to and approved in writing by or on behalf of the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved details. before any part of the development hereby permitted is first occupied and shall be permanently maintained thereafter.

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

### INFORMATIVE(S)

- 1 In relation to Condition 8 (our ref D02) the following applies:

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

- A clearly labelled drainage layout plan showing pipe networks and any attenuation soakaways.
- 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.
- Calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change

- 2 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. 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.

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

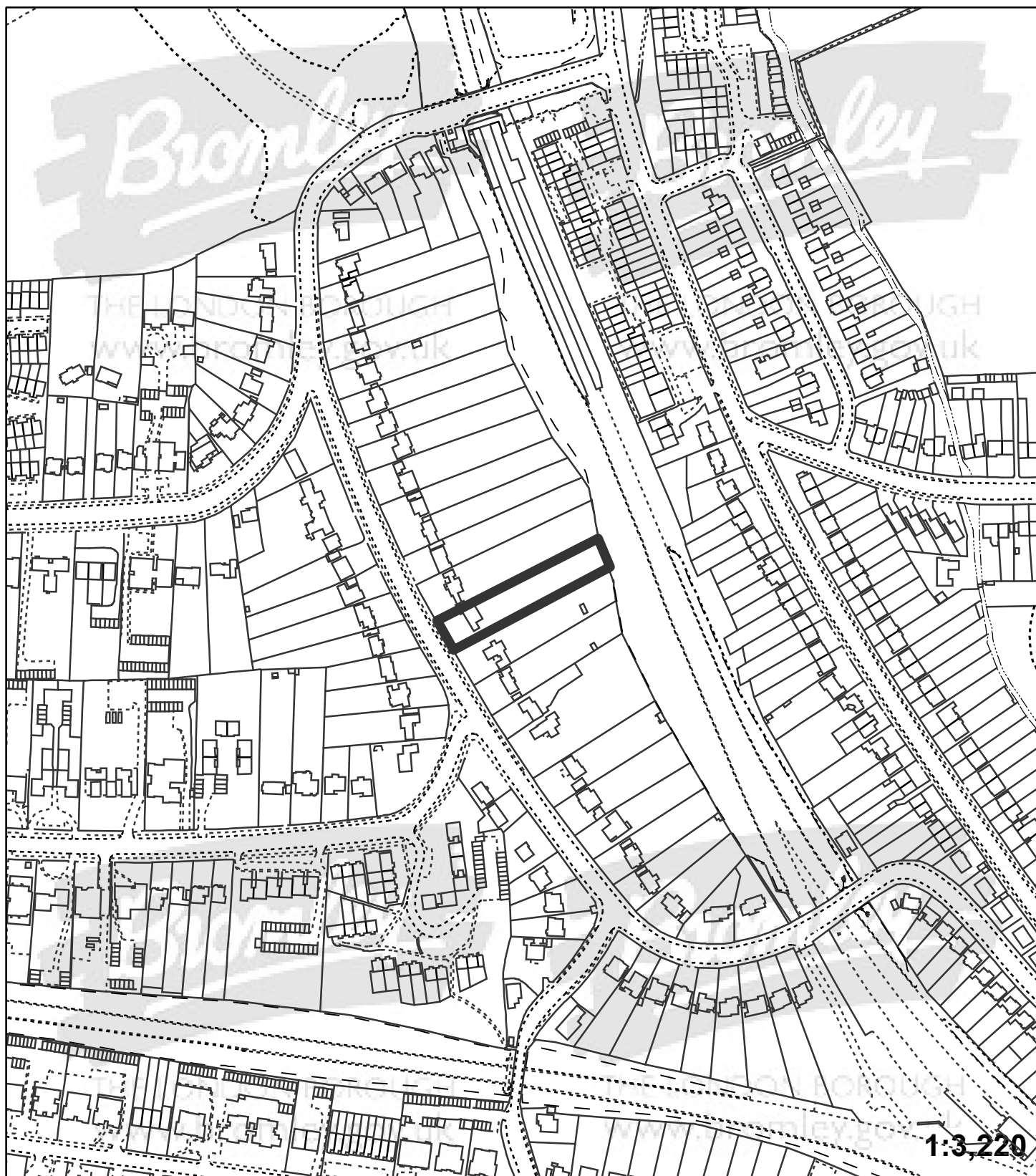
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

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

**Application:** 14/03219/FULL1

**Address:** 28 Downs Hill Beckenham BR3 5HB

**Proposal:** Demolition of existing house and erection of replacement single family dwelling with associated excavation, landscaping and front boundary treatment.



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

This page is left intentionally blank

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

**Application No :** 14/03469/PLUD

**Ward:**  
Petts Wood And Knoll

**Address :** 27 West Way Petts Wood Orpington  
BR5 1LN

**OS Grid Ref:** E: 544700 N: 167659

**Applicant :** Mr Cristian McDermott

**Objections :** YES

**Description of Development:**

Single storey side extension  
CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT

Key designations:

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

**Proposal**

This application was deferred by the Planning Sub-Committee which convened on 23rd October in order to consider the implications of case law, including (Chisnell) v LB Richmond (Newham J) (2005) EWHC 134 and to clarify the scope of Local Planning Authorities' considerations in determining Certificates of Lawfulness, including in relation to the 2013 amendments to the General Permitted Development Order.

The previous report is repeated below with further clarification.

A Certificate of Lawfulness is sought in respect of a single storey side extension.

The proposal comprises of a single storey side extension which will be built beyond the eastern flank elevation of the host dwelling. It will extend 2.8m sideward and 7.53m in depth and incorporate a garage and kitchen extension. The design will include a fake pitch at the front which will rise to a height of 3.0m, whilst the eaves will be 2.2m in height. The remainder of the roof will be flat, 2.3m in height.

**Location**

The site is situated along on the northern side of West Way. It is occupied by a semi-detached two storey dwelling. The area is characterised by similar semi-detached houses set within relatively spacious plots. The area is characterised by generous side space between buildings and the area falls within the Petts Wood Area of Special Residential Character.

### **Comments from Local Residents**

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

- given the Inspectorate's unequivocal verdict of the effect of side extensions on this side of West Way on the ASRC it would seem appropriate for that the Council use an Article 4 Directive to remove permitted side extension rights
- to grant a Lawful Development Certificate would set a dangerous precedent
- application dwelling already has permission to extend at the rear and in the roof
- dimensions on the plans are unclear
- proposed garage would be too narrow to accommodate a car
- a similar proposal for a single storey side extension was refused a Lawful Development Certificate at Hawthorne Road, Bickley under ref. 14/02812
- proposal should be considered consistently as the above refused proposal
- site is not in A1 use class as indicated on the application form
- it is odd that a proposal previously refused by the Council and dismissed at appeal can be considered under another application process, and it is anomalous that this application can even be considered
- proposal will undermine local character and lead to other similar applications
- key concern relating to the impact on the spacing between the dwellings has not been addressed
- there are no other properties along the road with such an extension
- out of character
- character of Petts Wood Area of Special Residential Character will be undermined
- contrary to local planning policies
- in law Residue de Carta applies meaning that once a matter has been decided upon by a Judicial Authority it cannot be decided upon by a different route

It should be noted that comments relating specifically to the planning merits of the application cannot be considered and this is made clear in the notification letters.

### **Comments from Consultees**

Not applicable

### **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 Class A of Schedule 2, Part 1 of the General Permitted Development Order 1995 (as amended).

R(Chisnell) v London Borough of Richmond Upon Thames v Tom Dillon (2005) EWHC 134 Explained in relation to an application for a Certificate of Lawful Use

A certificate of lawful use is conclusive as to the lawfulness of the matters to which it deals. The certificate may be revoked if material information misleads by withholding or providing false information. The Local Authority may seek further information where relevant. It is important for the Local Authority to act reasonably.

Turning on to the matter of R(Chisnell) v London Borough of Richmond Upon Thames v Tom Dillon (2005) EWHC, that decision related to a grant of planning permission by the London Borough of Richmond and did not deal with a certificate of lawful use application, where there are different considerations.

The matter was a judicial review where the Court quashed a planning permission granted by Richmond Council. The Claimant sought the remedy of a judicial review, the 3 grounds may be summed up as follows: The first ground was that the committee were led into error by information provided by the officer. The second ground related to the first in that it prevented members from considering the impact that the development had on the neighbours. The third ground related to the importance of providing reasons when issuing planning permissions. The importance of consistency being a material considerations is also mentioned.

Whilst Judge Newman states that the Committee were misinformed as to the approach to be adopted in connection with the previous decisions. The Judge was satisfied that the Committee did consider the neighbours amenity objections. He then refers to Ground 3 by specifically point out that: "Committees or decision-makers should, as a general rule, give their decision by way of a separate summary of reasons, not by way of global reference to a document nor in itself a summary..." Ground 3 bears the main point of the Chisnell decision.

The Chisnell case has been superseded by the changes in planning law. The Town and Country Planning (General Permitted Development) (Amendment and consequential Provisions) (England) Order 2014 (SI 2014/564), art.8 with effect April 6, 2014 Paragraph 3B - 2230 31(1) ((a) reads " Where planning permission is granted subject to conditions, the notice shall state clearly and precisely their full reasons for each condition imposed;)

Therefore, the above Order no longer states that there is a need to provide reasons when a planning permission is granted, unless planning permission is granted with conditions. Only when conditions are imposed that the need to provide reasons arise.

On the point of consistency Judge Newman states (paragraph 19 line 5-7): " the requirement for consistency does not mean that they (the Committee) must be slaves to the previous decision and are in any sense bound by it, or must therefore

come to the same conclusion. Their judgment and discretion is informed but not fettered by the history". Hence the committee is free to make a decision according to the facts and merits of the application before them, rather than dogmatically following a previous history or decision.

Members should also note that the applicant has a right of appeal to the Secretary of State on a point of law. Parties are normally expected to meet their own expenses. Costs would be awarded on an application against a party who behaved unreasonably in an appeal process.

## **Planning History**

Planning permission was refused under ref. 11/03348 for a part one/two storey side and rear extension. The refusal grounds related to inadequate side space provision and its adviser impact on the Petts Wood Area of Special Residential Character, contrary to Policies BE1 and H10 of the Unitary Development Plan. The proposal was subsequently dismissed on appeal.

Planning permission was refused under ref. 12/02038 for a part one/two storey front/side and rear extension. The refusal grounds stated that the proposal would erode the space between the buildings and would result in a detrimental impact on the character, rhythm and spatial standards of the streetscene and this part of the Petts Wood Area of Special Residential Character. This application was also subsequently dismissed on appeal, with the Inspector raising similar concerns.

Planning permission was refused under ref. 13/02272 for a single storey front/side and rear and first floor rear extension, roof alterations to incorporate rear dormer extension. This was refused on similar grounds as the 2012 application. However, the application was subsequently part allowed and part dismissed at appeal. The Inspector rejected the ground floor side section of the proposal. The proposal was allowed so far as it related to the single storey rear and first floor rear extension and roof alterations to incorporate rear dormer extension.

Most recently, under ref. 14/00698 a proposed single storey side extension was refused by the Council on the basis that the proposal, by reason of its design and siting, would erode the space between the buildings and would result in a detrimental impact on the character, rhythm and spatial standards of the streetscene and this part of the Petts Wood Area of Special Residential Character. The proposal was subsequently dismissed at appeal.

## **Conclusions**

Following the previous 2014 planning application, the depth of the side extension has been revised so that it no longer projects beyond the rear building line. Other aspects of the proposal remain unaltered. This change is aimed at making the proposal PD-compliant.

Class A permits the enlargement, improvement or other alteration of a dwellinghouse. In this instance, the proposed single storey side extension would

fall within the scope of Class A and is considered to be permitted development for the following reasons:

- 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 and the height of the eaves would not exceed those of the original house
- The proposal would not extend beyond a wall that fronts a highway AND forms the principal or side elevation of the original house
- The extension is within 2m of a boundary and the eaves height will not exceed 3.0m
- The extension would not exceed 4m in height, would not have more than one storey, and will not have a width greater than half the width of the original dwellinghouse
- The proposal does not consist of or include a veranda, balcony or raised platform
- The proposal does not consist of or include the installation, alteration or replacement of a microwave antenna
- The proposal does not consist of or include an alteration to any part of the roof of the dwellinghouse.
- The materials proposed for the exterior will be similar in appearance to those used in the construction of the original house.
- The proposal does not consist of or include the installation, alteration or replacement of a chimney, flue or soil and vent pipe

Whilst the planning merits of the proposal have previously been considered and deemed to have been unacceptable, given that the applicant has submitted this proposal as a Lawful Development Certificate, the Council is obliged to consider this scheme solely on the basis of its legal merits, in terms of its compliance with the terms of the GPDO. On this basis, the proposal is considered to constitute permitted development. In addition, the Chisnell case (explained in detail above) concerns a planning application, rather than a Lawful Development Certificate which concerns a point of law. This application before the Council has not been considered and determined by a higher authority, so there is no reason why the Council should not determine this application in accordance with the General Permitted Development Order. Based on the above assessment, Members are advised to grant planning permission.

Background papers referred to during production of this report comprise all correspondence on the files refs. 11/03348, 12/02038, 13/02272, 14/00698 and 14/03469 set out in the Planning History section above, excluding exempt information.

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

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

**Application:** 14/03469/PLUD

**Address:** 27 West Way Petts Wood Orpington BR5 1LN

**Proposal:** Single storey side extension

**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"

Report No.  
DRR14/098

London Borough of Bromley

PART ONE - PUBLIC

---

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

**Date:** Thursday 20 November 2014

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

**Title:** LAND AT KESTON COURT FARM, BLACKNESS LANE,  
KESTON

**Contact Officer:** Philip Spiteri, Planning Enforcement Officer  
Tel: 020 8461 7751    E-mail: Philip.Spiteri@bromley.gov.uk

**Chief Officer:** Chief Planner

**Ward:** Bromley Common and Keston;

---

1. Reason for report

To obtain authority to take Direct Action to remove an apparently abandoned residential caravan from the land

---

2. **RECOMMENDATION(S)**

That authority to take direct action to facilitate the removal and disposal of the caravan and a charge be put on the land in order to recover the costs.

### 3. COMMENTARY

- 3.1 The site is an area of land to the West of Blackness Lane and Orchard Place, the former orchards previously named Keston Fruit Farm extending to approximately 80 Hectares (200 Acres) of Agricultural land.
- 3.2 The Land is currently being advertised for sale by Gladwish Land Sales in the form of small plots.
- 3.3 On 20<sup>th</sup> September 2013 as a result of messages from concerned local residents to a caravan having been bought onto the land by Eastern European Males, they had been spoken to by them, the residents were advised the males had purchased a plot of land and were trying to get the caravan on to the required site.
- 3.4 On 23<sup>rd</sup> September 2013 the site was again visited and the caravan had been moved to the plot of land purchased Plot 128A2, a contact number for the owner had been placed on the caravan a Brentmere Kadett measuring 26' x 10' . The person spoken to advised the caravan was to be used as storage for machinery some of which was to be used for maintenance of the land. A further phone call to the same person the following day became very abusive and was terminated..
- 3.5 On 27<sup>th</sup> September 2013 a phone call was received from a female advising she was in fact the owner of the caravan, she was advised that a Planning Contravention Notice was to be issued to obtain further information regarding the intended use of the caravan
- 3.6 On 13<sup>th</sup> November 2013 a Planning Contravention Notice was issued with a compliance date of 3<sup>rd</sup> December. No reply to the Notice has been received.
- 3.7 On 24<sup>th</sup> April 2014 following several unsuccessful attempts to contact the owner by phone a letter was sent to the owners home address this was returned as addressee gone away.
- 3.8 Several further complaints have since been made as to the deteriorating condition of the caravan
- 3.9 A S215 Untidy Site Notice has been served requiring removal of the caravan. It appears unlikely that a response will be made to the S215 Notice.
- 3.10 Two quotations have been received for the removal and disposal of the caravan these were for £1547 and £1950 , the issue of removal may become considerably more difficult once the wet weather arrives and access onto and off the field where the caravan is situated becomes more difficult.