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DATE: 10 March 2015

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 19 MARCH 2015 AT 7.00 PM

MARK BOWEN
Director of Corporate Services

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

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

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

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

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

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

Copies of the documents referred to below can be obtained from
<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 22 JANUARY 2015 (Pages 1 - 12)

4 PLANNING APPLICATIONS

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

Report No.	Ward	Page No.	Application Number and Address
4.1	Kelsey and Eden Park	13 - 26	(14/04882/FULL1) - Unicorn Primary School, Creswell Drive, Beckenham.

SECTION 2 (Applications meriting special consideration)

Report No.	Ward	Page No.	Application Number and Address
4.2	Hayes and Coney Hall (REPORT TO FOLLOW)		(13/03743/FULL3) - All Saints Catholic School, Layhams Road, West Wickham.
4.3	Chislehurst Conservation Area	27 - 36	(14/03754/VAR) - Darul Uloom, Foxbury Avenue, Chislehurst.
4.4	Bromley Town	37 - 54	(14/04199/FULL1) - 165 Masons Hill, Bromley.
4.5	Kelsey and Eden Park	55 - 60	(14/04503/FULL1) - 33 Upper Elmers End Road, Beckenham.
4.6	Darwin Conservation Area	61 - 66	(14/04878/FULL1) - Trowmers, Luxted Road, Downe.
4.7	Darwin	67 - 72	(14/04955/FULL6) - Uplands, Single Street, Berrys Green, Westerham.
4.8	Bromley Town	73 - 82	(14/05019/FULL1) - 74 Madeira Avenue, Bromley.
4.9	Copers Cope	83 - 86	(15/00200/PLUD) - 89D Albemarle Road, Beckenham.

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

Report No.	Ward	Page No.	Application Number and Address
4.10	Chislehurst	87 - 92	(14/04436/FULL1) - Pavilion, Chislehurst Recreation Ground, Empress Drive, Chislehurst.
4.11	Copers Cope	93 - 100	(14/04658/FULL1) - 10 Copers Cope Road, Beckenham.
4.12	Chislehurst Conservation Area	101 - 106	(14/04688/FULL6) - 2 Green Lane, Chislehurst.
4.13	Orpington	107 - 112	(15/00023/FULL2) - Berwick House, 8-10 Knoll Rise, Orpington.

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

Report No.	Ward	Page No.	Application Number and Address
4.14	Cray Valley East	113 - 118	(14/02868/FULL2) - Waldens Farm, Crockenhill Road, Swanley.

5 CONTRAVENTIONS AND OTHER ISSUES

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

6 TREE PRESERVATION ORDERS

Report No.	Ward	Page No.	Application Number and Address
6.1	Kelsey and Eden Park	119 - 124	(DRR/15/031) - Confirmation of Tree Preservation Order No. 2601 at Land Adjacent to 131 Merlin Grove, Beckenham.

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PLANS SUB-COMMITTEE NO. 1

Minutes of the meeting held at 7.00 pm on 22 January 2015

Present:

Councillor Alexa Michael (Chairman)
Councillor Charles Joel (Vice-Chairman)
Councillors Douglas Auld, Teresa Ball, Kevin Brooks,
Lydia Buttinger, Alan Collins, Russell Mellor and Tony Owen

Also Present:

Councillors Nicholas Bennett J.P. and Mary Cooke

22 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Katy Boughey, Ian Dunn and Ellie Harmer and Councillors Russell Mellor, Kevin Brooks and Tony Owen attended as their substitutes respectively. An apology for absence was also received from Councillor Terence Nathan.

23 DECLARATIONS OF INTEREST

There were no declarations of interest reported.

24 CONFIRMATION OF MINUTES OF MEETING HELD ON 20 NOVEMBER 2014

RESOLVED that the Minutes of the meeting held on 20 November 2014 be confirmed.

25 PLANNING APPLICATIONS

SECTION 1

(Applications submitted by the London Borough of Bromley)

25.1 BIGGIN HILL

(14/04232/REG3) - Valley Hall Community Centre, Sunningvale Avenue, Biggin Hill.

Description of application – Elevational alterations to change window to door on western elevation fronting Churchside Close.

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.

SECTION 2

(Applications meriting special consideration)

**25.2
WEST WICKHAM**

**(14/03324/FULL1) - Summit House, Glebe Way,
West Wickham.**

Description of application – Demolition of existing buildings and redevelopment to provide a four storey building comprising 1,623sqm Class A1 (retail) use at ground floor and 54 residential units at first, second and third floor (8x1 bedroom, 43x2 bedroom and 3x3 bedroom) with associated car parking, landscaping and infrastructure.

Oral representations in support of the application were received. Oral representations from Ward Member, Councillor Nicholas Bennett JP, in support of the application were received at the meeting. Councillor Bennett also spoke on behalf of his fellow Ward Members, Councillors Hannah Gray and Tom Philpott. A supporting statement from the applicant, a late representation in support of the application and further proposed conditions by Environmental Health had been circulated to Members.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED, SUBJECT TO A LEGAL AGREEMENT** in respect of health and education contributions, as recommended and subject to the conditions and informatives set out in the report of the Chief Planner with an amendment to Condition 4 and eight further conditions to read:-

“4. Notwithstanding the materials indicated on the approved drawings, details and samples of all external materials, including roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details.

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

26. At any time the combined noise level from all fixed plant at this site in terms of dB(A) shall be 10 decibels below the relevant minimum background

noise level, LA90(15mins) measured at any noise-sensitive building. This requirement shall be subject to an absolute lower limit of 28dB(A) so that at times when the minimum background L90 level is below 38dB the plant noise rating requirement does not fall below 28dB(A). If the plant has a distinctive tonal or intermittent nature the predicted noise level of the plant shall be increased by a further 5dBA. Thus if the predicted noise level is 40dB(A) from the plant alone and the plant has a tonal nature, the 40dB(A) shall be increased to 45dB(A) for comparison with the background level. The L90 spectra can be used to help determine whether the plant will be perceived as tonal.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and Policy 7.15 of the London Plan and to ensure a satisfactory standard of residential amenity.

27. A scheme for protecting the proposed dwellings from traffic noise (including glazing\facade and ventilation specifications in line with the recommendations of Grant Acoustic report GA-2014-0025-R1 of August 2014) shall be submitted to and approved in writing by or on behalf of the Local Planning Authority before development commences and the scheme shall be fully implemented before any of the dwellings are occupied and permanently maintained as such thereafter.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and Policy 7.15 of the London Plan and to ensure a satisfactory standard of residential amenity.

28. A scheme for reducing traffic noise on the proposed balconies on the Northern Façade (which shall include imperforate front screen\balustrades and Class A absorption on the balcony soffits) shall be submitted to and approved in writing by or on behalf of the Local Planning Authority before development commences and the scheme shall be fully implemented before any of the dwellings are occupied and permanently maintained as such thereafter.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and Policy 7.15 of the London Plan and to ensure a satisfactory standard of residential amenity.

29. Before external illumination becomes operational, full details of the lighting scheme including type, orientation and screening of the lights shall be submitted to and approved by the Local Planning Authority and shall be permanently maintained as

approved thereafter.

REASON: In order to comply with Policy ER10 of the Unitary Development Plan and in the interest of amenity and public safety.

30. Air Quality mitigations during the construction phase shall be fully in accordance with Table 6.1 of submitted Ardent Air Quality report reference T930-05 of August 2014.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and Policy 7.15 of the London Plan and to ensure a satisfactory standard of residential amenity.

31. In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NO_x emission rate of <40mg/kWh.

REASON: In order to comply with Policy 7.14 of the London Plan and the National Planning Policy Framework and to minimise the effect of the development on local air quality to ensure a satisfactory standard of residential amenity.

32. No part of the development hereby permitted shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to and approved in writing by the Local Planning Authority.

a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval in writing. The desk study shall detail the history of the sites uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved in writing by the Local Planning Authority prior to investigations commencing on site.

b) The site investigation, including relevant soil, soil gas, surface water and groundwater sampling shall be approved in writing by the Local Planning Authority.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors, a proposed remediation strategy and a quality assurance scheme regarding implementation of remedial works, and no remediation works shall commence on site prior to approval of these matters in writing by the Authority. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment.

d) The approved remediation works shall be carried

out in full on site in accordance with the approved quality assurance scheme to demonstrate compliance with the proposed methodology and best practise guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.

e) Upon completion of the works, a closure report shall be submitted to and approved in writing by the Authority. The closure report shall include details of the remediation works carried out, (including of waste materials removed from the site), the quality assurance certificates and details of post-remediation sampling.

f) The contaminated land assessment, site investigation (including report), remediation works and closure report shall all be carried out by contractor(s) approved in writing by the Local Planning Authority. REASON: In order to comply with Policy ER7 of the Unitary Development Plan and to prevent harm to human health and pollution of the environment.

33. Demolition works shall not begin until a dust management plan for protecting nearby residents and commercial occupiers from dust and other environmental effects has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The development shall not be carried out other than in accordance with the approved dust management plan.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and London Plan Supplementary Planning Guidance: The Control of Dust and Emissions During Construction and Demolition Guidance and to protect the amenity of nearby residents and commercial occupiers.”

**25.3
PETTS WOOD AND KNOLL**

(14/03768/FULL1) - 26 Mayfield Avenue, Orpington.

Description of application – Detached two storey 4 bedroom dwelling with integral garage and vehicular access on Land to the rear of Nos. 26 and 28 Mayfield Avenue fronting Brookside.

Oral representations in objection to and in support of the application were received at the meeting. It was reported that a letter of support from the applicant had

been circulated to Members and comments from Ward Member, Councillor Simon Fawthrop, were reported. Councillor Auld objected to the application and a copy of his statement on behalf of himself, and his two fellow Ward Members, are attached as Appendix 1 to these Minutes.

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

1. The proposal would be an overdevelopment of the site, out of character with the locality thereby detrimental to its visual amenities contrary to Policies H7 and BE1 of the Unitary Development Plan.
2. The proposal would give rise to an unacceptable degree of overlooking and loss of privacy and amenity to the occupiers of the adjoining properties contrary to Policy BE1 of the Unitary Development Plan.
3. The proposal would result in the loss of previously undeveloped garden land which contributes to the character and spatial standards of the area, contrary to Paragraph 53 of the National Planning Policy Framework, Policy 3.5 of the London Plan and Policy H7 of the Unitary Development Plan.

**25.4
BROMLEY COMMON AND
KESTON
CONSERVATION AREA**

(14/04148/FULL1) - Bracken House, Westerham Road, Keston.

Description of application - Single storey rear extension to form pre-school (D1).

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

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reasons set out in the report of the Chief Planner with a further reason to read:-

“REASON 3: The proposal, by reason of associated vehicular movements, would be detrimental to the free-flow of traffic along Westerham Road, detrimental to general highway safety conditions, and contrary to Policy T18 of the Unitary Development Plan.”

**25.5
PETTS WOOD AND KNOLL**

(14/04309/FULL1) - Mega House, Crest View Drive, Petts Wood.

Description of application – Erection of roof extension to form part fourth floor to provide office accommodation (Use Class B1(a)).

THIS REPORT WAS WITHDRAWN BY THE CHIEF PLANNER.

**25.6
SHORTLANDS**

(14/04487/FULL6) - 14 Pickhurst Park, Bromley.

Description of application – Part one/two storey front/side/rear and single storey rear extensions.

Oral representations in support of the application were received. Oral representations from Ward Member, Councillor Mary Cooke, in support of the application were received at the meeting. It was reported that a signed petition in support of the application had been circulated to Members.

Members having considered the report and representations, **RESOLVED that the application BE DEFERRED**, without prejudice to any future consideration to set the extension in from the main front elevation by 1 metre.

SECTION 3

(Applications recommended for permission, approval or consent)

**25.7
HAYES AND CONEY HALL**

(14/03779/FULL6) - 17 Hartfield Crescent, West Wickham.

Description of application - Single storey rear extension RETROSPECTIVE APPLICATION.

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

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

**25.8
BROMLEY COMMON AND
KESTON**

(14/04289/FULL2) - Carisbrooke House, 1A Pope Road, Bromley.

Description of application – Change of use of building from doctors surgery (Use Class D1) to three residential flats (Use Class C3) Incorporating single storey front infill extension.

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

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner with two further conditions to read:-
“10. No trees on the site shall be felled, lopped, topped or pruned before or during building operations except with the prior agreement in writing by the Local

Planning Authority. Any trees removed or which die through lopping, topping or pruning shall be replaced in the next planting season with trees of such size and species as may be agreed with the Authority.

REASON: In order to comply with Policy NE7 of the Unitary Development Plan and to ensure that as many trees as possible are preserved at this stage, in the interest of amenity.

11. No trenches, pipelines for services or drains shall be sited under the spread of the canopy of any tree or tree group shown to be retained on the submitted plans without the prior agreement in writing by the Local Planning Authority.

REASON: In order to comply with Policy NE7 of the Unitary Development Plan and to ensure that all existing trees to be retained on the site are adequately protected.”

IT WAS FURTHER RESOLVED that the Chief Planner consider whether the tree at the front of the site is suitable for protection by the making of a Tree Preservation Order.

**25.9
PETTS WOOD AND KNOLL**

(14/04311/FULL1) - Mega House, Crest View Drive, Petts Wood.

Description of application – Elevational alterations to existing building.

THIS REPORT WAS WITHDRAWN BY THE CHIEF PLANNER.

**25.10
HAYES AND CONEY HALL**

(14/04391/FULL6) - 15 Hambro Avenue, Hayes.

Description of application – Part one/two storey side/rear and single storey front extensions.

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.

**25.11
KELSEY AND EDEN PARK**

(14/04526/FULL6) - 50 Stone Park Avenue, Beckenham.

Description of application – First floor side extension.

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.

**25.12
FARNBOROUGH AND
CROFTON**

(14/04543/FULL6) - 7 Topcliffe Drive, Orpington.

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

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

Members having considered the report, objections and representations, **RESOLVED that the application BE DEFERRED**, without prejudice to any future consideration to increase the side space separation to 1 metre.

APPENDIX 1 TO MINUTES 22 JANUARY 2015 ATTACHED

The Meeting ended at 8.10 pm

Chairman

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Bromley Council Plans Sub Committee 1 - 22nd January

Agenda Item 4.3

26, Mayfield Avenue, Orpington, Kent, BR6 0AL

Madam Chairman

What I have to say this evening is fully supported by my two Ward colleagues Cllrs. Simon Fawthrop and Tony Owen. The former 'called in' this application and the latter is on the committee this evening. My comments are also supported by the existing residents in the road called Brookside.

This item relates to an application to build a detached two storey, four bedroom dwelling with integral garage and vehicular access, fronting onto Brookside, on garden land to the rear of 26 and 28, Mayfield Avenue.

Brookside is a fairly short narrow road, some four metres wide, culminating in a small turning area and a cul de sac. There are detached houses on either side of the road. I parked my car there this morning in the vicinity of where the crossover to the proposed property would be. It would have been impossible for anything larger than another car to get past my car without going onto the pavement

You will have noted from the report at the bottom of page 33, that opposite the application site nos.12 and 13, Brookside, were constructed in the late 1970's on part of the rear gardens of 22 and 24, Mayfield Avenue having been granted permission on appeal. However that permission in the 70's is now long outdated and was granted many years before the introduction of Bromley's own Unitary Development Plan of 2006 and the most recent London Plan which came into effect on the 22nd July 2011. This London Plan replaced an earlier London Plan of 2004, which was republished with amendments in 2008.

One of the objectives of the London Mayor's current London Plan was/is to greatly reduce the number of houses being built in back or rear gardens, commonly known as garden grabbing. Prior to 2011, back gardens were in the same brownfield category as derelict factories, disused railway sidings, etc. The 2011 London Plan removed rear gardens from that classification which removed the almost inevitable previous result that applications for developments in rear gardens would one way or another be approved and gave local councils more freedom in arriving at decisions. Although it is not impossible to obtain permission for such developments it is also Bromley Council's current general policy to resist such applications.

Mention is also made in the report, page 35, CONCLUSIONS, second paragraph, of an allegedly similar scheme in Westholme, the next side road along from Brookside. There are strong similarities in these two roads including length and width, but there the similarity ends as there are differences as to what was permitted in Westholme on appeal and what is proposed in the application being considered this evening for Brookside. I also visited Westholme and noted that three cars were parked on the right hand side of the road near the entrance from Mayfield Avenue. One of them

was parked half on the pavement. I got passed them, but again it would have been impossible for a larger vehicle to do so without going onto the pavement.

According to the developers of the scheme being considered this evening the appeal as regards Westholme was granted in November 2010. Again this was before the change of policy introduced by the London Plan in July 2011, and in any event the Appeal Inspector in that instance would have reached his/her decision based on the policies in vogue on the date the original application was refused by Bromley Council.

As you will have noted from the top of page 35 of the report, a previous application for a four bedroom house on this site was refused in 2008, on the grounds of 1) an overdevelopment of the site and out of character with the locality thereby detrimental to its visual amenities, contrary to policies H7 and BE1 of the Unitary Development Plan and 2) the proposal would give rise to an unacceptable degree of overlooking and loss of privacy to the occupiers of the adjoining properties, contrary to policy BE1 of the UDP.

I cannot see that much has altered since 2008 and would add to these two grounds the relevant policy in the London Plan 2011 and Bromley's own general policy.

I also have serious reservations concerning parking and the free movement of traffic in Brookside and indeed Westholme. My Ward colleague Cllr. Owen has had a dialogue over a lengthy period of time with the Environmental Department concerning this. I am at a loss to understand the Highway Engineer's comment.

This is quite clearly a rear garden development application and an overdevelopment of the site and I propose that the application is refused on grounds of the National Planning Policy Framework, the London Plan 2011 and policy BE1 of Bromley Council's Unitary Development Plan 2006.

Thank you

Douglas Auld
Cllr. Petts Wood & Knoll
London Borough of Bromley

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

Application No : 14/04882/FULL1

Ward:
Kelsey And Eden Park

Address : Unicorn Primary School Creswell Drive
Beckenham BR3 3AL

OS Grid Ref: E: 537783 N: 167739

Applicant : Mrs Sue Robertson

Objections : NO

Description of Development:

Construction of single storey extension and first floor extension to south elevation of school building to provide a meeting hall and 2 additional classroom spaces. Landscaping of car park to include 22 extra spaces and canopy waiting area.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Local Cycle Network
Flood Zone 2
Flood Zone 3
London City Airport Safeguarding
Local Distributor Roads
Metropolitan Open Land
River Centre Line
Sites of Interest for Nat. Conservation

Proposal

Planning permission is sought for the construction of a single storey extension and first floor extension to the south elevation of the school building to provide a meeting hall and 2 additional classroom spaces. Further alterations include landscaping of the car park to include 22 extra spaces and a canopy waiting area.

The proposal will involve the permanent expansion of the school from a two form entry to a two form entry with a bulge class for 3 to 11 year olds. It is proposed to increase current staffing levels by 2 FTE staff over current staffing levels due to the additional class.

In summary this will involve the addition of two classrooms at first floor level and a small hall and minor facilities at ground floor in order to rationalise and improve the spaces available for classes. The ground floor extension will measure 9.9m depth by 20.3m width and adjoin the existing southern single storey projection on the

school. The first floor extension will build above the existing southern single storey projection to form a two storey structure.

Materials are indicated to follow the existing materials of the school.

Location

The site is located to the south side of Creswell Drive leading off South Eden park Road and comprises a relatively new school building dating from 2001. The building is two storey with an orientation of north to south. Extensive car parking is located to the east of the school site. The main school building is located immediately adjacent to Metropolitan Open Land. The area of the school site where the works are proposed is in part within a Site of Importance for Nature Conservation. A wooded area and nature pond are located immediately to the south outside of the application site.

Comments from Local Residents

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

Comments from Consultees

Environmental Health (summary):

No objections in principle. If floodlighting is proposed to the car parking area further details will be required. The contamination report is not clear with regards for the need for sampling. However, the Environmental Health Officer is satisfied that the risk is low but would recommend a condition regarding further details be submitted if contamination is encountered.

Highways Officer:

The development is in an area with a low PTAL rate of 2 (on a scale of 1 - 6, where 6 is the most accessible). The school is situated on the southern side of Creswell Drive and also has a site frontage to South Eden Park Road.

Access & Parking - The separate pedestrian and vehicle entrances to the school located off Creswell Drive will be retained as the existing arrangement. The existing car parking area from Creswell Drive has space for 54 cars. It is the intention to increase the parking provision by 20 spaces so a total of 74 spaces will be available. The site is also located within an area where on-street parking space is limited.

Servicing - Delivery vehicles currently use the service access from Creswell Drive at the eastern end of the site and will continue following construction of the new classrooms. Refuse collection takes place within the site. The bins are located adjacent the service vehicle turning head.

Trip Generation - To establish the suitability of the potential impact that the proposed development; it is necessary to determine the level of traffic expected as a result of the proposed additional 60 pupils. The School currently has capacity for 360 pupils and the proposal will increase the total number of pupils to 420.

Existing Use - Table below details the existing mode of travel to and from the School by both staff and pupils with the bulge class in place.

Main mode of Transport	Percentage of Pupils	Number of Pupils	Percentage of Staff	Percentage of Staff Number
Car	44%	164	81%	35
Car Share	1.5%	6	10%	4
Bus	2%	7	2.5%	1
Rail	0%	1	2.5%	1
Bicycle	7%	28	2.5%	1
Walk	37%	138	2.5%	1
Park & Stride	8.5%	33	0%	0
Total	100%	377	100%	43

The above indicates that less than half of the pupils (44%) currently travel to school by car, this equates to around 164 of the total 377 pupils. The majority (81%) of staff currently drive to school.

Bulge Class - The introduction of the bulge class in September 2014 has increased the total pupil numbers by 30 supported by 2 extra members of staff (1 Teacher and 1 Teaching Assistant). Accordingly 15 additional car movements will result as a consequence of the increase in pupils by 30 and staff by 2. As the existing car park is already congested the applicant would provide a further 20 car parking spaces within the car park bringing the total to 74, which is acceptable. It is clear that there is a high proportion of staff and pupils arriving at school by car. An extra 20 car parking spaces will be provided to accommodate additional demand generated from the bulge class since September 2014 and to alleviate some of the existing congestion.

Thames Water:

No objection subject to further detail regarding Drainage. The advice given has been reiterated by the Council's Drainage engineer and can be secured by condition as necessary.

Drainage Officer:

Surface water will have to be drained to soakaways. This site is within the area in which the environment agency - Thames Region require restrictions on the rate of discharge of surface water from new developments into the River Ravensbourne or its tributaries. Impose standard condition. This site appears to be suitable for an assessment to be made of its potential for a SUDS scheme to be developed for the disposal of surface water. Impose standard condition.

Environment Agency:

We have reviewed the proposal and would have no objection in principle but would raise concerns regarding the submitted Flood Risk Assessment (FRA).

The site is situated across flood zone 2 and under National Planning Policy Framework (NPPF) is classified as 'more vulnerable'. Reviewing our information, we have historic information indicating a flood event in November 1965 and September 1968 and therefore the site may still be at risk. Reviewing the proposed works to the car park we would have no objection to the planned alteration. Reviewing the submitted FRA by agb Environmental Ltd dated 18 November 2014, we have concerns relating to the proposed extension. While we acknowledge that the size of the extension is within the scope of our Flood Risk Standing Advice (FRSA), the submitted FRA has not appropriately detailed how the site will mitigate against potential flooding.

Section 3.2 states that no finished floor levels have been determined. Section 4.2 states that the proposed extension will offer either raising finished floor levels above the 1in100year flood level or alternatively keep finished floor levels the same as the rest of the building but incorporate flood resilience into the extension. At this point, we would expect to know what the applicant is doing to mitigate against flooding. There is no indication that the applicant has appropriately assessed the flood levels to determine an appropriate finished floor level for the extension. This information should be included within a submitted FRA. We would strongly recommend that flood resilience is incorporated into the design of the development. We would also recommend a suitable access and egress route is established in times of flooding.

Reviewing the submitted FRA we note that there is no indication of the primary school registering for flood warnings. It would be beneficial for them, if they have not already done so, to register with the Environment Agency's flood warning service.

We also note that there is no indication of a flood management plan in place. We are slightly concerned that there is no mention of an evacuation plan should a flood event occur.

Planning Considerations

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

- BE1 Design of New Development
- BE18 Important Local Views
- NE2 Development and Nature Conservation Sites
- NE7 Development and Trees
- G2 Metropolitan Open land
- C1 Community Facilities
- C7 Educational and Pre School Facilities
- C8 Dual Community Use of Educational Facilities

- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T6 Pedestrians
- T7 Cyclists
- T18 Road Safety
- ER7 Contaminated Land

Bromley's Draft Local Plan: Policies and Designations Document has been subject to public consultation and is a material consideration (albeit it of limited weight at this stage). Of particular relevance to this application are policies:

- 6.5 Education
- 6.6 Education Facilities
- 7.1 Parking
- 7.2 Relieving congestion
- 7.3 Access to services for all
- 8.14 Green Belt

London Plan

- 3.18 Education facilities
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable Design and Construction.
- 5.7 Renewable Energy
- 5.13 Sustainable Drainage
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking.
- 7.2 An Inclusive Environment.
- 7.3 Designing out Crime
- 7.4 Local Character
- 7.6 Architecture
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and woodlands
- 8.3 Community infrastructure levy

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

The Councils adopted SPG design guidance is also a consideration.

Planning History

99/03600/OUT: Erection of primary school, residential development at a density not exceeding 65 habitable rooms per acre, associated parking and highway improvements (Outline). Approved 01.06.2001

01/02279/DET: Part details of siting, design, external appearance, access, landscaping, access roads and sight lines and parking spaces of residential development pursuant to condition 2, 11 and 12 of outline permission 99/03600 granted for the erection of primary school, residential development at a density not exceeding 65 habitable rooms per acre, associated parking and highway improvements (outline) Approved 10.12.2001

01/03206/DET: Part details of Primary School pursuant to outline permission 99/03600 granted for - Erection of Primary School, residential development at a density not exceeding 65 habitable rooms per acre, parking and highway improvements (Outline) Approved 10.12.2001

02/01694/CONDIT: Landscaping, hard surface and boundary enclosure details pursuant to conditions 02, 04 and 17 (part details) of permission 99/03600 granted for residential development. Approved 25.09.2002

03/01805/DEEM3: Formation of pedestrian access and gate to South Eden Park Road. Approved 11.09.2003

04/04753/FULL1: Open sided canopy over part of play area. Approved 09.02.2005

06/00036/FULL1: Open sided canopy over part of play area. Approved 16.02.2006

08/01334/FULL1: Erection of awning to west elevation and new external door and window to the south elevation. Approved 03.06.2008

10/03581/FULL1: Installation of photovoltaic (pv) panels on northern, southern and western roof slopes of main school building. Approved 21.03.2011

Conclusions

The main planning considerations relevant to this application are:

- The principle of the proposed additional classroom buildings and extensions.
- The design and appearance of the proposed scheme and the impact of these alterations on the character and appearance of the existing school buildings and the locality as an area on the edge of Metropolitan Open Land.
- The impact of the scheme on the residential amenity of neighbouring properties.
- Traffic, parking and servicing.
- Sustainability and Energy.
- Ecology and Landscaping.

Principle of Development

UDP Policy C7, London Plan Policy 3.18 and paragraph 72 of the National Planning Policy Framework set out requirements for the provision of new schools and school places.

The NPPF, para 72 states that:

The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen the choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted

London Plan Policy 3.18 encourages new and expanding school facilities particularly those which address the current predicted shortage of primary school places.

Draft Policy 6.5 of the emerging Local Plan defines existing school sites as 'Education Land.' Policies 6.5 and 6.6 of the Draft Local Plan support the delivery of education facilities unless there are demonstrably negative impacts which substantially outweigh the need for additional education provision, which cannot be addressed through planning conditions or obligations. In the first instance opportunities should be taken to maximise the use of existing Education Land. Paragraph 216 of the NPPF enables due weight to be given to emerging policies depending on their degree of consistency with the policies in the Framework. In this instance it is considered that there is significant compliance with existing policies and so greater weight can be given to the emerging policies.

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 C8 is concerned with dual use of community facilities and states that the Council will permit proposals which bring about the beneficial and efficient use of educational land and buildings for and by the community, provided that they are acceptable in residential amenity and highways terms. The subtext at paragraph 13.27 states that the Council wishes to encourage schools and other educational establishments to maximise the contribution their buildings and grounds can make to the local community.

The applicant has submitted a statement advising of the brief for the project which explains the justification of the need for the proposed works. The school was opened in 2001 as a 2FE Primary School starting with just 30 pupils and has been taking 30 additional pupils per year until it reaches its planned capacity of 420 pupils in September 2016. In September 2014 the school agreed to take an emergency bulge class during the summer holidays when a nearby school was unable to offer places already agreed. As a result the school will exceed its original planned capacity and reach 450 pupils by September 2016.

The addition of and use of the new extension building to enhance the existing teaching facilities at the school is in line with policy and supports the stated need at this school.

The extension building should also be located in an appropriate place that both contributes to sustainability objectives and provides easy access for users.

Policy G2 states the openness and visual amenity of the MOL shall not be injured by any proposals for development within or conspicuous from the MOL which might be visually detrimental by reasons of scale, siting, materials or design. In this case the school is relatively well screened to the area of MOL to the south. The additional bulk of the building will be substantially subservient to the original buildings and as such is not considered to be visually detrimental in this context and setting.

Policy BE18 states that development that adversely affects important local views, or views of landmarks or major skyline ridges will not be permitted. The site is within the view the Addington Hills. It is not considered that this view is affected by the proposals

Design

Paragraph 63 of the NPPF states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'. Paragraph 131 states that 'in determining applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

Policy BE1 requires that new development is of a high standard of design and layout which complements the surrounding area and respects the amenities of the occupants of nearby buildings.

In terms of design the proposed building design is contemporary and uses a modern palette of materials with a high quality approach that matches the original design of the school using the same architectural language to provide a seamless extension to the existing building. This approach is supported within this context.

The canopy structures adjacent to the car park area are minimal in size and form and not considered to be harmful to the character and appearance of this locality of the site.

Residential Amenity and Impact on Adjoining Properties

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 or by inadequate daylight, sunlight or privacy or by overshadowing.

In terms of neighbouring residential amenity it is considered that there would be no significant impact on the privacy and amenity of adjoining occupiers in terms of loss of light and outlook, siting and position of the extended building.

The new building structure within the scheme is contained within an already built up area of the site with minimal effect to amenity to external residential areas outside of the site at least a minimum distance of 35m to the east.

Therefore, it is considered that there will not be any loss of privacy or unacceptable overlooking as a result of the proposal in accordance with Policy BE1.

Highways and Traffic Issues

An existing parking area is provided to the east of the site accessed from Cresswell Drive via South Eden Park Road. A Transport Assessment has been submitted to analyse the impact of the extra school places and two additional teaching posts. The rationalisation of the existing car park would provide a further 20 car parking spaces within the car park bringing the total to 74. The Highways officer has commented that this is acceptable given the high proportion of staff and pupils arriving at school by car. Therefore no objection is raised in principle on highway grounds. A revised Travel Plan is recommended which can be secured by condition.

Sustainability and Energy

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

No specific detail has been supplied in this regard. However, given the relatively small scale of the extension to the school and the design approach to match the standards and design build of the existing recently built school (2001) this is considered acceptable in this case.

Ecology and Landscaping

An Arboricultural Implications Report has been submitted that concludes that the proposals would not have any adverse effects upon trees on the site subject to suitable protection during the construction period. Such measures can be secured by condition.

An Extended Phase 1 Habitat Report has been submitted that details that if avoidance and precautionary clearance methods are implemented, to protect the

adjacent SINC, commuting bats, foxes and hedgehogs that may be using the site, development of the site can proceed with minimal impact on any protected, SPIE or locally important species. No further surveys are recommended, unless impact to The Beck or the wooded area is necessary. If some, or all, of the additional recommendations are implemented, the school site could be enhanced for local wildlife post development. The recommendations of the report can be secured by condition to protect the adjacent SINC from harm.

Land Contamination and Site Investigation

A Site Investigation report by agb Environmental has been submitted to the Council as part of the application. The Environmental Health Officer has reviewed the information and has raised no objection. However, in view of the very sensitive nature of the receptor group utilising this site i.e. young children and the stated limitations of the report; it is suggested that further investigation and delineation is undertaken. In respect of the Standard site contamination condition the submission in terms of a desk top study is acceptable while further information is required if contamination is encountered. A condition is suggested in this regard.

Air Quality

An Air Quality Report has been submitted that advises that the air quality impact of the proposed development is not considered to be significant and the air quality for users of the proposed development is considered to be acceptable. The Environmental Health Officer has not commented to the contrary and as such this is considered to be acceptable.

Flood Zone

A Flood Risk Assessment has been submitted by agb Environmental. The Environment Agency have not raised any objections to the principle of the development. However, it is recommended that a revised FRA be submitted to incorporate assessed flood levels to determine an appropriate finished floor level for the extension. This information should be included within a revised FRA. It is also recommended that flood resilience is incorporated into the design of the development and a suitable access and egress route is established in times of flooding with a flood management plan to be put in place. These measures can be secured by condition.

Summary

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

This application has been considered in the light of policies set out in the development plan and other material considerations

On balance, Officers consider that the proposal represents a sustainable form of development in accordance with the aims and objectives of adopted development plan policies. The proposed extension building is considered to be of appropriate scale, mass and design and relate well to the context in the locality and on the fringe of MOL. The proposal would provide a good standard of accommodation for the reconfiguration of the school in a suitable location within the existing complex of buildings. It is not considered that the proposal would have an unacceptable impact on visual amenity in the locality or the amenity of neighbouring occupiers and the scheme is therefore considered acceptable.

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 ACK01 Compliance with submitted plan
ACK05R K05 reason
- 3 ACA05 Landscaping scheme - implementation
ACA05R Reason A05
- 4 ACB01 Trees to be retained during building op.
ACB01R Reason B01
- 5 ACB02 Trees - protective fencing
ACB02R Reason B02
- 6 ACB03 Trees - no bonfires
ACB03R Reason B03
- 7 ACB04 Trees - no trenches, pipelines or drains
ACB04R Reason B04
- 8 No access to the adjacent woodland to the site and The Beck (refs TN7 and TN12 - Extended Phase1 Habitat Survey) shall be allowed at any time during construction and in perpetuity from the school site.
Reason: In order to avoid impact on sensitive adjacent habitat and to comply with Policy 7.19 Biodiversity and Access to Nature of the London Plan (2011).
- 9 The development hereby approved shall be constructed and implemented in line with the key recommendations within Section 5.1 of the Extended Phase 1 Habitat Survey by agb Environmental Ltd.
Reason: In order to avoid impact on sensitive adjacent habitat and to comply with Policy 7.19 Biodiversity and Access to Nature of the London Plan (2011).
- 10 If during the works on site any suspected contamination is encountered, the Council's Environmental Health Officer shall be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing. The scheme shall be implemented in full as approved and a validation report submitted and approved by the Local Planning Authority to demonstrate the site is suitable for use.

Reason: In order to comply with Policy ER7 of the Unitary Development Plan and to prevent harm to human health and pollution of the environment.

- 11 ACC01 Satisfactory materials (ext'nl surfaces)
ACC01R Reason C01
- 12 ACC03 Details of windows
ACC03R Reason C03
- 13 (i) No development shall commence on site until a scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority
(ii) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

Reason: To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (2011).

- 14 No development shall commence on site until the following information has been submitted to and approved in writing by the local planning authority:
(i) A full site survey showing: the datum used to calibrate the site levels along all site boundaries, levels across the site at regular intervals, floor levels of adjoining buildings, full details of the proposed finished floor levels of all buildings and hard surfaces.
(ii) The development shall be carried out only in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the detailed external appearance of the development in relation to its surroundings and to comply with Policy BE1 of the Unitary Development Plan.

- 15 Notwithstanding the Flood Risk Assessment hereby approved no development shall commence until further details have been submitted to and approved in writing by the local planning authority regarding
(i) assessed flood levels to determine an appropriate finished floor level for the extension.
(ii) flood resilience measures incorporated into the design of the development
(iii) suitable access and egress routes are established in times of flooding with a flood management plan to be put in place.

Reason: To prevent the increased risk of flooding in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (2011).

- 16 ACH03 Satisfactory parking - full application
ACH03R Reason H03
- 17 ACH22 Bicycle Parking
ACH22R Reason H22
- 18 No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:

(a) Dust mitigation measures.

- (b) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:
 - (i) Rationalise travel and traffic routes to and from the site
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity
 - (iii) Measures to deal with safe pedestrian movement
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policies BE1, T6, T7, T15, T18 of the Unitary Development Plan (July 2004).

- 19 ACH30 Travel Plan
- ACH30R Reason H30

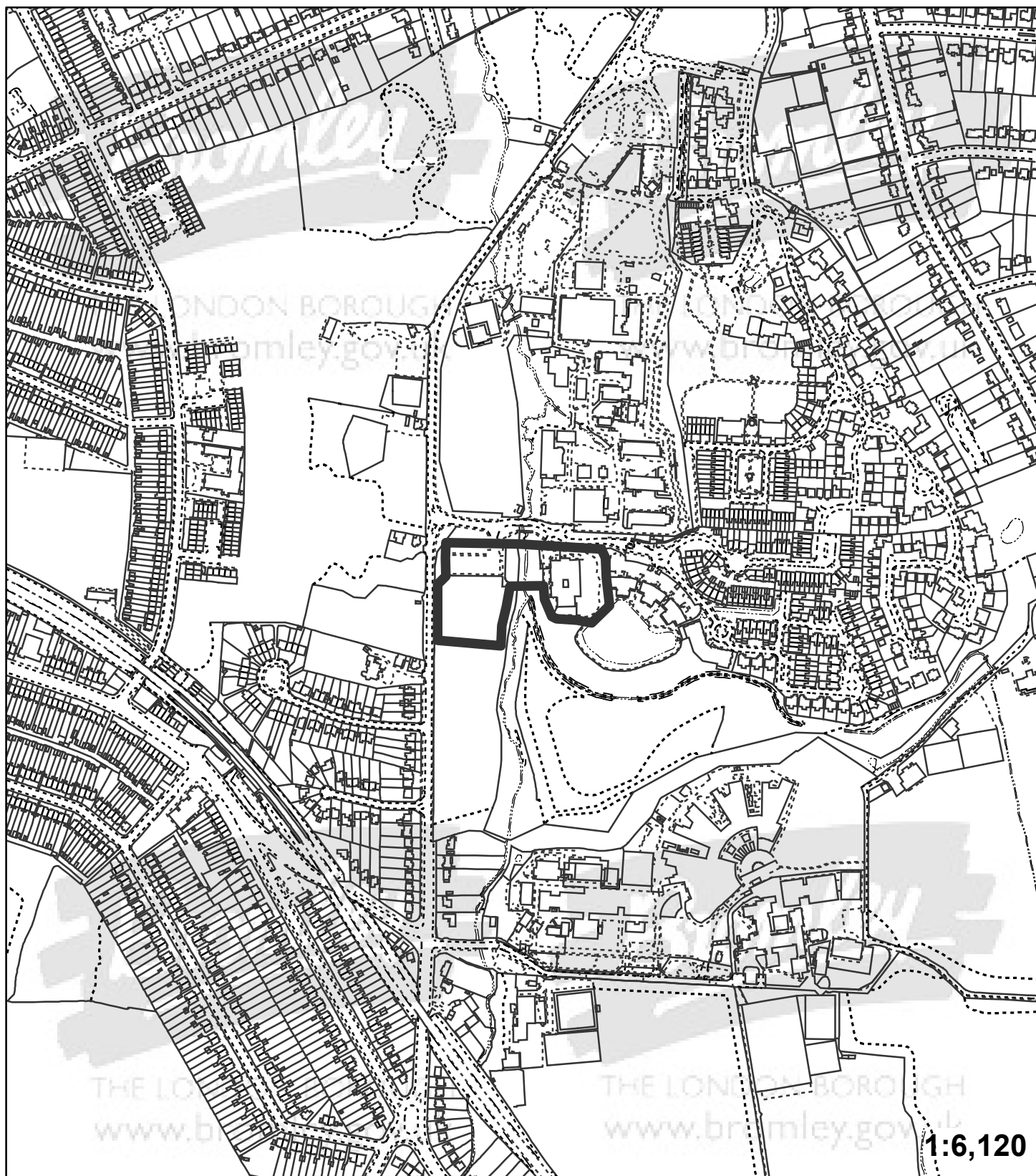
INFORMATIVE(S)

- 1 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. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.
- 2 The applicant is advised that it would be beneficial for them, if they have not already done so, to register with the Environment Agency's flood warning service, 'FloodLine', so that they may prepare themselves in case of a flood event. This can be done by calling 0845 988 1188 to register.
- 3 The applicant is advised that The Beck, is a designated 'main river' and under the jurisdiction of the Environment Agency for its land drainage functions as stated within Water Resources Act 1991 and associated byelaws. Any works in, over, under or within 8 metres of the top of bank will require consent from the Environment Agency. The applicant is encouraged to ensure that the works are outside the 8 metre byelaw and if they do encroach that they contact the Partnerships and Strategic Overview team at PSO.SELondon&NKent@environment-agency.gov.uk to apply for consent.

Application:14/04882/FULL1

Address: Unicorn Primary School Creswell Drive Beckenham BR3 3AL

Proposal: Construction of single storey extension and first floor extension to south elevation of school building to provide a meeting hall and 2 additional classroom spaces. Landscaping of car park to include 22 extra spaces and canopy waiting area.



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

SECTION '2' – Applications meriting special consideration

Application No : 14/03754/VAR

Ward:
Chislehurst

Address : Darul Uloom Foxbury Avenue
Chislehurst BR7 6SD

OS Grid Ref: E: 544816 N: 170704

Applicant : Mr Mufti Mustafa

Objections : YES

Description of Development:

Variation of condition 5 of permission reference 03/02501 to increase the number of pupils from 155 to 225

Key designations:

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

Proposal

The proposal is to vary Condition 5 of planning permission ref. 03/02501 which granted planning permission for the erection of a single storey building to provide classrooms laboratories, library and multi-purpose music hall.

Condition 5 states that the number of pupils attending the school shall not exceed 155 at any one time and no more than 15 pupils shall be over 17 years of age. This application would increase the number of pupils from 155 to 225, with up to 25 pupils being over 17 years of age.

The application was deferred from Committee on 19th of February to seek clarification on the Government's Fair Access to Education protocols. The Council's legal adviser has confirmed that the Government's Fair Access protocols do not apply in this case and there is no legislation or guidance that overrides the ability of the Local Planning Authority to impose planning conditions on a permission the effect of which may be to restrict pupil numbers.

The school has advised that following the completion of the 'academic block' in 2007 which included 19 classrooms, an ICT room, and Science room, the rooms that were previously used as classrooms have become available. The school

considers that it has a responsibility to meet the needs of the Muslim community in terms of providing education, and to optimise the use of its resources by using empty rooms and managing the costs associated with the operation of the school appropriately.

The application material includes a floor plan that shows how the additional pupil numbers will be accommodated.

Five additional members of staff will be required in association with the increase in pupil numbers.

A Transport Statement has been submitted to accompany the application.

Location

Darul Uloom is an Institute of Higher Islamic Education and a secondary boarding school. All of the students at the school are borders.

The site is located at the junction between Foxbury Avenue and Perry Street. It is within the Chislehurst Conservation Area and forms part of the Green Belt.

Comments from Local Residents

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

- The reasons for the inclusion of Condition 5 on the original permission still stand and this was to ensure that the previous application to enlarge the buildings at the school would not be used to increase pupil numbers;
- New buildings will have to be built to house the additional pupils;
- Previous application was a strategic step to make an application to increase pupil capacity;
- If the school increases its pupil numbers the conditions will deteriorate and it will not be long before a bigger school is required;
- New buildings will have to be built to house the additional boys;
- Adequacy of parking, loading, turning, traffic generation, particularly on Fridays;
- Excess traffic on Perry Street, where it meets Bromley Lane and the junction of Ashfield lane;
- Bull Lane/Royal Parade is already used inappropriately as a short cut and Holbrook Lane is already plagued with overflow car parking;
- Increase in associated staff required and deliveries, further increasing congestion;
- Increase in cooking smells particularly in summer months;
- Noise and disturbance resulting from use and playing field;
- Impact on Chislehurst Conservation Area;
- Detrimental to the amenities of local residents;
- Not adequate capacity spaces for local children, so inappropriate to provide school capacity for non-residents;

- Increased pressure on doctors and dentists and local services;
- Local services are struggling to keep up with demand;
- The facilities and infrastructure in Chislehurst are not sufficient to deal with the existing population;
- This is a further step to establishing a mosque and a large Islamic Centre on the site;
- School does not provide a service to local people;
- Little integration between the local population and the school;
- Buildings are an eyesore;
- The school is already flouting the spirit of the planning permission, every Friday large numbers of people travel in from different directions, by car and public transport to attend 'Friday Prayers' turning the new hall into a 'quasi-mosque', the nature of the Friday activities should be clarified as part of this application;
- The website 'mosquedirectory.co.uk' identifies the premises as 'Lewisham and Kent Islamic Centre (Chislehurst)' comprising of a Mosque with a capacity of 500. 130 rooms, dining hall, parking for 100 cars, and is described thus 'formerly school'
- Concerns that any increase in numbers at the school would attract more unofficial visitors to Friday prayers and therefore aggravate an already serious Highways impact.
- The area has too many schools; Farringtons (opposite) St Nicholas C of E primary, Mead Road infants, Beaverwood and Coopers, all within walking distance of each other, concentrating so many schools in such a small area inevitably leads to congestion and parking problems particularly at school pick up time;
- Education facilities within Chislehurst should be spread more evenly and not concentrated in such a small area, exacerbating the impact for residents;
- The Transport Statement has made a lot of assumptions and taken a very lenient view of the impact of increased student numbers on traffic. It has made assumptions and stated aspirations rather than facts;
- It is not clear that the existing number of pupils is in fact 155, even though that is the maximum number of pupils currently permitted. The last Ofsted Report (July 2104) states the number of pupils as being 131. If the school is unable to fill its existing maximum capacity of 155 then that raises a question over whether to raise the permitted number at all.
- One local objector has undertaken his own mini traffic survey and this has been forwarded to Highways for comment - any feedback will be reported verbally at the Committee meeting.

A petition with 24 signatures was also received against the proposal which reiterates many of the points already highlighted above.

The Chislehurst Society has objected to the application on the grounds that the proposal would represent an intensification of the use of the existing buildings and the surrounding open areas that are located in the Green Belt. As such it may be detrimental to the openness of the Green Belt, and be contrary to Policy G1. The increased number of pupils will also significantly affect the nature conservation interest/value of the site, contrary to Policy NE2. Should the Council decide to relax

the condition the applicant should be required to enter into a legal undertaking not to use the increase in pupil numbers as a justification for further development on what is Green Belt Land.

The Council has also received a number of emails in support of the proposal indicating that there is no logical reason to object to the proposal and that it is important that every religion has the right to practice their beliefs.

Comments from Consultees

Education and Children's Services have advised that whilst the Department previously had significant concerns about the school's ability to manage an expansion in numbers owing to concerns from Her Majesty's Inspector of Schools (HMCI) that the school was 'unsafe', the HMI has recently provided significant reassurances about the schools safety which are reflected in the recent Ofsted Report. The report also identifies some significant issues with regard to the school's built infrastructure which it needs to address in order to continue the very significant progress it would appear to be making.

The Government has removed the statutory guidance around school buildings, making it, in effect, a matter for the governors and/or trustees that the school is able to manage the curriculum within any constraints that the premises might offer.

The Director of Children's Services for the London Borough of Bromley has stated that he sees no reason to object to the further development of the school so that it might necessarily continue to improve the offer that it is able to make to the students who attend this school.

Highways - the Highways Department requested additional information in the form of a Transport Statement, existing and proposed car parking layout and Travel Plan. All of this information has been provided by the applicant and Highways has indicated that it is satisfied with the material submitted and has no objection to the proposal subject to conditions being imposed on any planning permission that is issued.

Environmental Health - No objection.

Heritage and Design - No objection.

The application was not considered by The Advisory Panel for Conservation Areas (APCA)

Planning Considerations

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

- T2 Assessment of Transport Effects
- T3 Parking
- T18 Road Safety

G1 Green Belt
BE11 Conservation Areas
C7 Educational and Pre School Facilities

A consultation on draft Local Plan policies was undertaken early in 2014 and will be a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

In strategic terms the most relevant London Plan policies are:

Policy 3.18 Education Facilities

The National Planning Policy Framework 2012 (NPPF) is also relevant, particularly paragraphs 72 (education) and 216 (status of emerging policies)

Planning History

The site has a detailed planning history, but those applications of particular relevance to the application proposal are as follows:

Planning permission was granted in 2003 (ref. 03/02501) for the demolition of a single storey building and erection of a single storey building comprising classrooms, laboratories, library and multi-purpose hall.

A number of planning applications have been submitted relating to the enclosure of canopied walkways (refs. 05/03770 and 06/01853) and alterations to fenestration (ref. 06/00889).

Planning permission was granted in 2006 (ref. 06/02255) for the use of a boiler room as teaching accommodation with elevational alterations to provide windows and doors.

A previous application (ref. 09/03526) that is virtually identical to the current application (apart from the content of some of the supporting material) was submitted by the school in 2009, but not determined.

Conclusions

The main issues relating to the application are the effect that the proposal will have on the character of the surrounding area which is designated Green Belt and part of the Chislehurst Conservation Area, the impact that the proposal would have on the amenities of the occupants of surrounding residential properties and highways safety.

The proposal is to vary a condition that was imposed on planning permission ref. 03/02501 which granted permission for additional buildings at the school, with the result that the maximum number of pupils that attend the school may be increased from 155 to 225. No external alterations to the existing building are proposed as part of this application. In an email dated 28 November 2014 the school has confirmed that it will not be seeking any extensions to the existing buildings and

that they will use the existing rooms and facilities in order to accommodate the proposed 225 students. The plan that was submitted as part of the application demonstrates how the additional pupils will be accommodated.

In terms of the capacity of the buildings to accommodate the additional pupils and the organisation of the internal accommodation, it is noted that the Director of Education and Children's Services has advised that the Government has removed any statutory guidance over school buildings so that the internal organisation of the accommodation at the school that may be required to accommodate any increase in pupil numbers is a matter for the governors and trustees of the school and not a matter over which the Local education Authority has any control.

In terms of the principle of the development, whilst the site is located in the Green Belt and the proposal will lead to a relatively modest intensification of the use of the site, this will be within the context of an existing operational school which has indicated that it has sufficient capacity to accommodate the additional pupil numbers without any additional development. Furthermore, as the school is a boarding school there are not the same daily trips and activity as with a day school. As such, the proposal is not considered to represent inappropriate development in the Green Belt or have any adverse impact on the openness or visual impact of the Green Belt.

Under Policy C7 (Educational and Pre-School Facilities), applications for new or extensions to existing educational establishments will be permitted provided that they are located so as to maximise access by means of transport other than the private car. There is therefore a presumption in favour of extensions to such facilities, subject to appropriate transport considerations. As the proposal is for an increase in the number of pupils at a boarding the trip generation of the proposal adopts a different pattern to that of a standard day school, this is also complicated by the fact that the school hosts 'Friday Prayers'. The transport implications of the day to day operation of the school is therefore key to understanding the impact of the proposal and this is considered in more detail below.

In terms of the character of the Conservation Area, as the proposal does not include any operational development, the issue for consideration in this case is whether the level of activity, traffic, parking services or noise generated by the proposal will detract from the character or appearance of the area, again this relates specifically to highways impacts and these are considered in more detail below.

In terms of transport effects, Policy T2 (Assessment of Transport Effects) requires that when considering developments that are likely to be significant generators of travel or with unusual travel characteristics (as could be considered in this case) the Council will request a Transport Assessment. A Transport Statement (TS) that has been prepared by the 'John Elliott Consultancy' been submitted to accompany the application.

In terms of additional trip generation, the TS indicates that the way that the school operates (the pupils are 100% boarders) already results in a very low overall impact compared with the state sector or many other private schools. The TS

assesses the impact of the trips generated by staff and pupils at the school and that of 'Friday Prayers' when other Muslims join those at the school for prayers.

The TS suggests that the increase in pupil numbers could increase the Friday afternoon car numbers (every four weeks) from 95 to 138 cars. Five additional staff would be required 2 of which would be resident, so the additional highways impact of the remaining staff is considered to be minimal. It is considered that the numbers attending prayer meetings (on Fridays) at the School is unlikely to change.

The school is proposing to change the way that it operates (from January 2015) so that pupils will leave between 12.00 and 14.00 on Friday (every four weeks when the school closes and all of the pupils and staff go home) although it is accepted that some will still leave later where parents cannot attend. The applicants have indicated that they consider that this measure will reduce any conflict with the evening peak on Fridays.

In order to better manage car parking within the site the school is proposing to re-design the layout of its car parking in association with this application and a plan showing the revised layout is can be seen at Figure 4 of the TS. 11 car parking spaces are available in the car park located to the front of the school (including 2 disabled spaces). 7 of these spaces will be for staff with two spaces for visitors. A further car park is located to the rear of the school that has the capacity to accommodate 60 spaces.

The Transport Statement concludes that there is considered to be little traffic impact from the school at present. The only period where there will be a significant, but not large, traffic impact is Friday evenings once every four weeks (when pupils and staff go home). As indicated above, to mitigate this potential impact the school has indicated that it will alter the way it operates (from January 2015) to concentrate the majority of the vehicular activity across the early afternoon period thereby reducing any conflict with the evening peaks. In conclusion, the consultants have confirmed that they see no traffic problems associated with the expansion of the school from 155 to 225 pupils.

The School has also agreed to update its Travel Plan to reflect the increase in pupil numbers if this application is granted.

In summary, to allow a full assessment of the impact of the increase in pupil numbers on transport issues, the Council's Highways Department requested additional information from the applicant in the form of a Transport Assessment, car parking, layout, and Travel Plan. The applicant has provided this information and committed to a revised Travel Plan, the additional material has been assessed by the Council's Highways team and is considered to be acceptable.

Having had regard to the above, it was considered that the proposal to increase the numbers of pupils at Darul Uloom from 155 to 225 will not be detrimental to the openness and visual amenities of the Green Belt or be detrimental to the character and appearance of the Chislehurst Conservation Area. The transport impacts of the proposal have been assessed and the Council's Highways Department has concluded that, following an analysis of the information contained in the TS, the

highways impacts of the proposed increase in pupil numbers, in terms of trip generation and car parking can be suitably accommodated within the existing highways network, subject to certain conditions being imposed on any permission. The proposal is therefore considered to comply with all relevant planning policies.

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 15.01.2015

RECOMMENDATION: APPROVAL

subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
ACA01R A01 Reason 3 years

- 2 ACK01 Compliance with submitted plan

Reason: In order to comply with Policies T3 and BE1 of the Unitary Development Plan and to ensure that adequate parking facilities are provided in association with this proposal.

- 3 The number of pupils attending the school shall not exceed 225 at any one time and no more than 25 pupils shall be aged over 17 years of age or older. The school shall only be used a boarding school and not accept day pupils.

Reason: To protect the amenity of adjoining residents and preserve the character of the Conservation Area, to ensure highway safety, and in order to comply with Policies G1, B11 and C7 of the adopted Unitary Development Plan.

- 4 The buildings permitted in connection with permission ref. 03/02501 shall continue to be used only in conjunction with the existing residential school for the purposes shown on drawing 03/14/AR03 and for no other purposes.

Reason: In order to comply with Policies G1, B11, T18 and C7 of the adopted Unitary Development Plan.

- 5 ACH03 Satisfactory parking - full application
ACH03R Reason H03

- 6 ACH04 Size of parking bays/garages
ACH04R Reason H04

- 7 ACH18 Refuse storage - no details submitted
ACH18R Reason H18

- 8 ACH22 Bicycle Parking
ACH22R Reason H22

- 9 ACH23 Lighting scheme for access/parking
ACH23R Reason H23

- 10 ACH28 Car park management
ACH28R Reason H28

- 11 ACH30 Travel Plan
ACH30R Reason H30

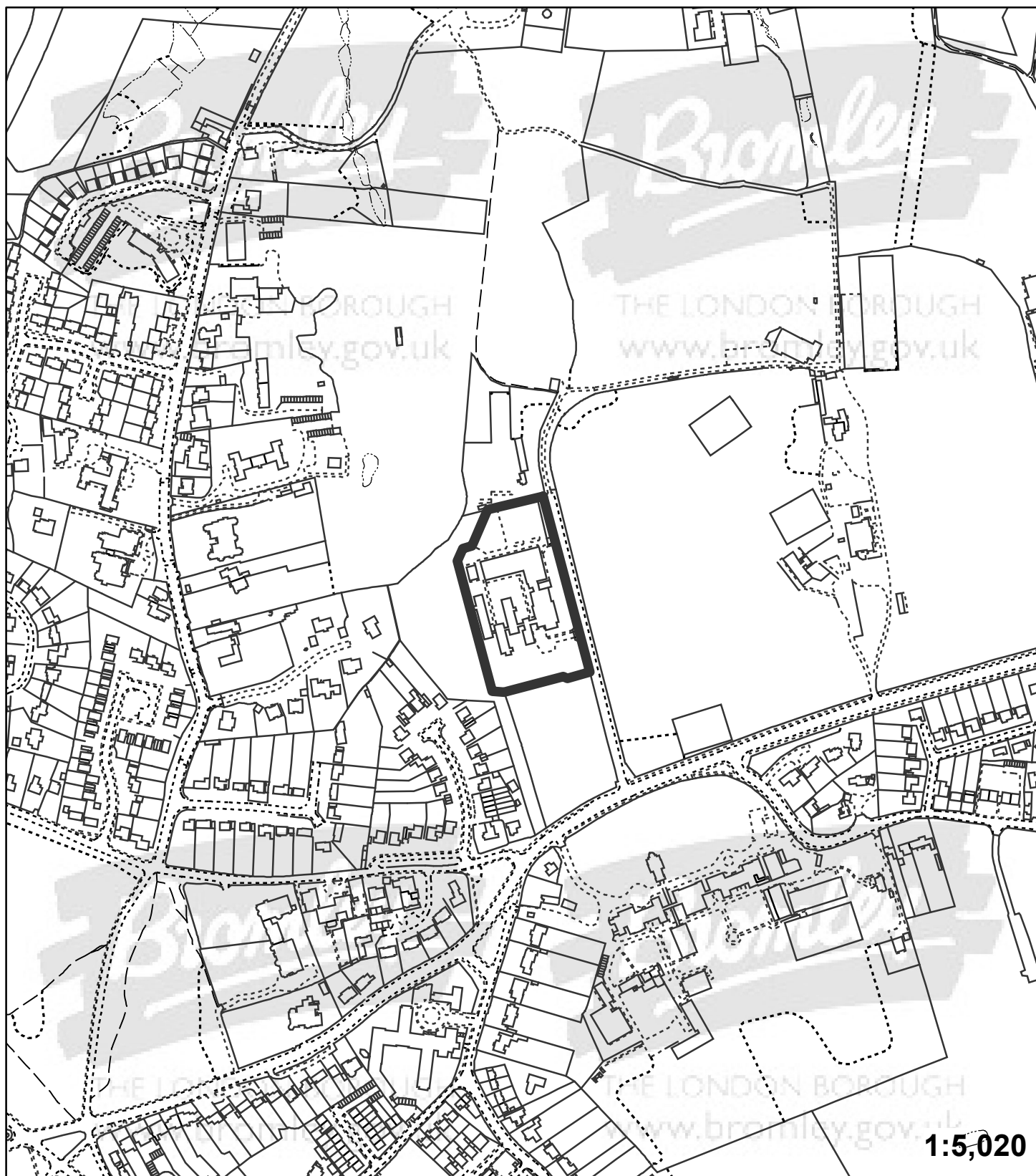
INFORMATIVE(S)

- 1 The applicants are advised that the site is located in the Green Belt and that there is therefore a presumption against any further development at the site as this is likely to represent inappropriate development in the Green Belt unless very special circumstances can be demonstrated to indicate otherwise. As such, the school will need to satisfy itself that it can accommodate the proposed increase in pupil numbers within the existing facilities.

Application:14/03754/VAR

Address: Darul Uloom Foxbury Avenue Chislehurst BR7 6SD

Proposal: Variation of condition 5 of permission reference 03/02501 to increase the number of pupils from 155 to 225



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

SECTION '2' – Applications meriting special consideration

Application No : 14/04199/FULL1

Ward:
Bromley Town

Address : 165 Masons Hill Bromley BR2 9HW

OS Grid Ref: E: 541030 N: 168240

Applicant : Mr M Overton

Objections : YES

Description of Development:

Demolition of existing buildings at 165-169 Masons Hill and 1-3 Homesdale Road and erection of part 3/4/5 storey mixed-use development comprising 328sqm ground floor Class A1 (retail) unit, 29 flats (20x2 bed and 9x1 bed) with car park for 24 cars (19 residential and 5 retail), cycle and refuse storage and associated landscaping

Key designations:

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

Proposal

Full planning permission is sought for the demolition of the existing buildings at 165-169 Masons Hill and Nos. 1 and 3 Homesdale Road and the erection of a part 3/4/5 storey mixed-use development comprising:

- 328sqm ground floor Class A1 (retail) unit
- 29 flats (20x2 bed and 9x1 bed) over three cores
- Car park for 24 cars (19 for residential use including 2 disabled bays and 5 spaces including 1 disabled bay for commercial use)
- Storage for 37 cycles and refuse storage
- Associated landscaping
- Height of between 7.2m and 16.1m

Location

The application site is located to the north-eastern junction of Masons Hill and Homesdale Road. Nos. 165-169 comprises a part one, part two storey building with roof dormers occupying the corner plot of the junction and is currently in use as a

Class A1 retail premises with parking accessed to the rear from Homesdale Road. Nos. 1-3 Homesdale Road comprise a pair of two storey semi-detached residential properties.

The junction is characterised by the three storey development at Archers Court at the junction of Masons Hill and Hayes Lane to the west of the site (formerly Class B1 offices, but with consent for conversion to Class C3 flats); the four/five storey flatted development at Gainsborough Court (52 flats) to south of the site; and the two storey detached and semi-detached dwellings to the southern edge of Bromley Common commencing with No.2 at the junction with Bromley Common and Hayes Lane.

To the west of the site on the western edge of Masons Hill are the five storey block of flats at 16-56 Fletcher's Close and the four/five storey office building at Rutland House. To the west of the north of the site at the eastern edge of Masons Hill are the two/three storey buildings of Nos. 161, 163 and 163a before the six storey office buildings of Nos.153-159 Masons Hill.

To the east of the site is the three storey terrace comprising Nos.5-9 Homesdale Road and feature commercial premises at ground floor level and residential units to the upper floors, before the two/three storey semi-detached residential properties at No.11-13. Beyond this are: the four storey office block of Tourama House (No.17); the three storey office block of Prospect House (Nos.19-21); the Currys retail unit at No.27; the five/six storey flatted block at Rosing Apartments (No.45); and the four storey flatted block at Cavendish House (No.47).

The southern edge of Homesdale Road also features the five storey flatted block at Iconia House (69 flats) and the adjoining block of Azuria House (33 flats) before the four storey flatted block at Sheridan Lodge.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and 9 representations were received, of which 9 were in objection. These can be summarised as follows:

- There are not enough school places, doctors and other amenities to support such density of housing
- The entry and exit for this development is onto a TFL controlled red route that is already extremely busy and dangerous
- Traffic using this will be in direct contact with traffic turning off the A21 into Homesdale Road
- Too high and too dense, the size should be reduced
- Insufficient parking spaces in an area which is already short of places to park
- This proposal does not relate well to or respect the character of its surroundings (BE1: 6.10), would be over-dominant and a cramped overdevelopment, which would be visually intrusive because of its height and bulk
- The liveability of the proposed flats will be compromised by restricted amenity space and lack of car parking

- The proposal appears to cast shadow on some adjacent buildings and seems likely to compromise privacy
- The units per hectare would appear to exceed that permitted by UDP H7 Density Matrix
- The Planning Statement and Design & Access Statement contain a number of inaccuracies relating to the age and height of surrounding buildings
- Redevelopment of this prominent site is welcome, as is the provision of housing units, concern regarding location of a refuse facility on the Masons Hill side of the block so close to the signalled junction
- Like to see a condition imposed restricting the users of the A1 unit. If it is some sort of convenience store it will inevitably attract short stay parking on the road
- Out of character with the adjacent buildings
- The building is not attractive and will not enhance the area
- Cramped overdevelopment
- Privacy and light issues
- Overlooking of 161-163 Masons Hill causing shadowing and loss of daylight

Comments from Consultees

Highways - Following initial concerns at the level and ratio of parking provision, revised drawings have been submitted (drawing (21)001 H) received on 20/02/2015 showing the additional car parking spaces for the residential units and a barrier to residential parking which is acceptable and no objection is raised subject to conditions.

Access - the vehicle access will be located some 10m to the west of the current parking area on Homesdale Road leading to on-site car parking area.

The visibility splay to the west is in excess of 2.4m x 43m and the visibility splay to the east extends to the junction with Masons Hill and the accident data has not highlighted any issues there are no concerns over the future use of the proposed access.

Pedestrian access - will be provided on Homesdale Road and Masons Hill for both the residential and retail aspects of the proposals.

Cycle parking - Twenty nine secure and covered cycle stands will be located within the main body of the building, with a further 10 accessible to visitors if required. This is acceptable.

Deliveries and Servicing - The site will be serviced from Homesdale Road and Masons Hill as existing. Both commercial and residential bins will be located just within the site boundary.

Trip Generation - The vehicle trips are not considered to be a significant impact on the surrounding transport network. It is likely that only a small proportion of these trips will be primary trips and therefore it is expected that a number will already be on the network.

TfL - Road Network - The site has frontage to Masons Hill Road which forms part of the Transport for London Road Network (TLRN). Vehicle access will be via the side road, Homesdale Road. It is important to note that the TLRN extends along a portion of Homesdale Road and along the frontage of the subject site. Any modification to the vehicle access will require approval from Transport for London (TfL) in the form of a Section 278 agreement (Highways Act 1980). The applicant is welcome to contact TfL to enter into these discussions early.

It is noted in the Transport Statement that Delivery and Servicing will be on street, via the TLRN and Homesdale Road. TfL requires that a Delivery and Service Plan is secured as part of the application. A Construction and Logistics Plan should also be required.

Cycle Parking - TfL expects that cycle parking accords with London Plan (2011) standards and Revised Early Minor Alterations (2013) to the London Plan. It is noted that 39 cycle parks are proposed and TfL welcomes this level of parking. However, it is unclear in the application how the parking will be allocated to each use. This should be clarified by the developer. Changing facilities for cyclists should also be provided for staff of the retail outlets.

Vehicle Parking - Although the level of car parking proposed is acceptable in London Plan terms, the applicant would encourage the developer to consider a reduction in parking. Electric Vehicle Charge Points (EVCPs) should accord with London Plan (2011) standards and this should be secured by way of planning condition. EVCPs are not shown on the attached plans. TfL welcomes the level of blue badge parking proposed.

Further Responses

Drainage: no objection to proposed strategy subject to condition.

Thames Water: no objection.

Crime: no objection subject to condition. The original design did not show any restriction on pedestrian or vehicle access through the undercroft to the rear parking area, experience and recent research by CABE has shown that if access to such areas is left unrestricted they become crime generators and subject to anti-social behaviour. In the interest of crime and criminality this entrance needs to be secured restricting both pedestrian and vehicular access to the area. The proposed development has now incorporated electric gates separating the commercial and residential parking areas.

Planning Considerations

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

- BE1 Design of New Development
- BE2 Mixed Use Developments
- BE4 The Public Realm

- H1 Housing Supply
- H2 Affordable Housing
- H7 Housing Density and Design
- H9 Side Space
- S6 Retail and Leisure Development
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T16 Traffic Management and Sensitive Environments
- T17 Servicing of Premises
- T18 Road Safety
- IMP1 Planning Obligations

In addition to:

Affordable Housing Supplementary Planning Document (SPD)
 Planning Obligations Supplementary Planning Document (SPD)

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

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

- 2.6 Outer London: Vision and Strategy
- 2.7 Outer London Economy
- 2.8 Outer London: Transport
- 2.15 Town Centres
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young Peoples Play and Informal Recreation Facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 6.3 Assessing Effects of Development on Transport Capacity
- 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
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

Financial Contributions

In accordance with the adopted Planning Obligations SPD, the Council would be seeking the following contributions based upon the mix proposed in the application:

- o £154,431.62 for local education infrastructure
- o £57,996 for local health infrastructure

Planning History

There is no planning history for the site. However, the following history of nearby sites is considered relevant:

Rosing Apartments

08/01469 Planning permission granted subject to legal agreement at No.45 Homesdale Road, Rosing Apartments for a block between two and six storeys high with semi-basement parking area comprising 82 flats (21x1bed, 55x2 bed, 6x3 bed) with 82 car parking spaces/ cycle parking/ refuse storage.

Iconia and Azzura Houses

08/00833 Planning permission granted subject to legal agreement at Iconia House for the erection of a part one/five storey building comprising 105 flats with semi-basement level parking for 91 cars/ cycle parking/ refuse storage.

09/01137 Outline planning permission granted at Iconia House for the erection of 69 flats and 62 parking spaces together with a services building, refuse store, cycle parking, landscaped area, and retention of existing vehicular access from Fielding Lane.

10/00756 Planning permission granted at Azzura House for a six storey block comprising 32 flats and 20 car parking spaces.

Prospect House

08/00893 Planning permission granted (but not implemented) at Prospect House for a five storey rear and third floor extensions to office building to extend office accommodation on ground and first floors and convert/extend on second and

third floors comprising 4 two bedroom and 2 three bedroom flats with 19 car parking spaces at basement level.

11/01317 Planning permission refused at Prospect House for a five storey building comprising 37 flats (23x1 bed, 10x2 bed and 4x3 bed) with 21 car parking spaces, bicycle parking and refuse/ recycling storage at basement level on the grounds that:

1. "The proposal is lacking in adequate on-site car parking and will be likely to lead to increased demand for on-street car parking in the surrounding area detrimental to the amenities of nearby residents and prejudicial to the free flow of traffic and conditions of general safety along the highway.
2. The proposal would be an overdevelopment of the site at an excessive residential density providing inadequate separation to Cobden Court and insufficient opportunities for soft landscaping to enhance the setting of the development thereby contrary to Policies H7 and BE1 of the Unitary Development Plan."

Cavendish House

12/01838 Planning permission granted subject to legal agreement for the change of use of existing building together with erection of an extension at rooftop level and elevational alterations to provide 14x2 bed and 2x1 bed flats, 18 car parking spaces, refuse and recycling store and cycle store.

08/04250 Planning permission refused for a Six storey block comprising 7x1bed, 11x2 bed and 10x3 bed flats with 25 car parking spaces / bicycle parking / refuse and recycling storage on the grounds that:

1. "The proposal constitutes an overdevelopment of the site at an excessive residential density which is out of character with the surrounding area and contrary to Policies H7 and BE1 of the Unitary Development Plan.
2. The proposed development, due to its excessive height, bulk and mass, and unsympathetic design and materials, would detract from the appearance and character of the locality, contrary to Policy BE1 of the Unitary Development Plan.
3. The proposal would detract from the residential amenities of the area, in particular due to overlooking from the rear balconies, and would provide insufficient amenity space for future occupiers of the development, contrary to Policy BE1 of the Unitary Development Plan.
4. The level of on-site parking is considered to be insufficient, having regard to the number and type of residential units, and the likely travel patterns of future occupiers of the development, contrary to Policy T3 of the Unitary Development Plan."

This application was subsequently dismissed at appeal with the Inspector concluding that that the level of on-site parking would be sufficient having regard to highway safety along Homesdale Road and surrounding streets; the proposal would harm the character and appearance of the area and the living conditions of residents in Woldham Place; would not provide adequate amenity space for the proposed family housing; would make an efficient use of land in a fairly accessible, urban location, but there would be conflict with the development plan.

Gainsborough Court

96/01879 Planning permission granted for the development at Gainsborough Court comprising 52 flats.

2 Bromley Common

A number of applications for developments similar to each other have been refused at this address, most relevantly:

14/00194 Permission refused for the demolition of the existing dwelling and the erection of a three storey building comprising of 7 two bedroom flats and 1 three bedroom flats with 9 car parking spaces, refuse bin and bicycle store on the grounds that:

1. "The proposal would, by reason of its height, massing, density, site cover and type of housing proposed, constitute an overdominant and incongruous form of development, out of character with neighbouring development; and, if permitted, would be likely to set a pattern for similar undesirable development in the area, contrary to Policies H7 and BE1 of the Unitary Development Plan.
2. The use of the proposed car parking spaces alongside the boundaries with No. 4 Bromley Common and No. 1 Hayes Lane would give rise to an unacceptable level of general noise and disturbance, detrimental to the amenities that these properties currently enjoy, thereby contrary to Policy BE1 of the Unitary Development Plan."

However, Members will note that this decision has recently been overturned at appeal, dated 3rd February 2015 PINS ref. APP/G5180/A/14/2227813. In relation to the first ground of refusal, which is considered most relevant to this proposal, the Inspector commented that:

"The junction of Hayes Lane and Bromley Common marks a distinct change in the character of development from larger scale commercial and residential properties reflective of the edge of town centre location to predominantly smaller, lower density residential development on Bromley Common. Whilst the proposed new building would be bigger overall than the existing house, as a consequence of having a similar height to the existing house and its neighbours and neither of its two elevations which would face towards the roads being significantly larger than the elevations of other houses nearby, the new building would not stand out as unduly large in

comparison to the nearby properties on Bromley Common and it would be significantly smaller than the nearest buildings on the other side of Hayes Lane and Mason Hill.

Overall the visible transition from the edge of town centre pattern of development to the north of Hayes Lane to the smaller scale, domestic type development would be retained and I conclude that the development would accord with the aims of good design sought by the National Planning Policy Framework (the Framework) and Policies H7 and BE1 of the Bromley Unitary Development Plan (UDP)."

08/01783 Permission was refused for the demolition of Nos. 2/4/6 and the erection of a part two/three/four storey block comprising 12x1bed, 15x2 bed and 9x3 bed flats with 16 car parking spaces on the grounds that:

1. "The proposal lacks adequate on-site car parking provision and access arrangements and as such would be likely to interfere with the free flow of traffic and conditions of pedestrian and vehicular safety, having particular regard to the close proximity to the Hayes Lane/Bromley Common road junction and thereby contrary to Policies T3 and T18 of the Unitary Development Plan.
2. The proposal constitutes a cramped overdevelopment of the site by virtue of the size and bulk of buildings, the lack of amenity space and the amount of site coverage by buildings and hardstandings, and would harm the character of the area, thereby contrary to Policies H7 and BE1 of the Unitary Development Plan and Policy 4B.1 of the London Plan.
3. The proposal would be overdominant, incongruous and out of character with the immediate surrounding development, thereby contrary to Policies H7 and BE1 of the Unitary Development Plan and Policy 4B.1 of the London Plan.
4. The provision of car parking at the rear of the site will have a seriously detrimental impact on the residential amenities of adjoining properties, in particular No.1 Hayes Lane, by reason of visual impact and general noise and disturbance associated with its use, contrary to Policies H7 and BE1 of the Unitary Development Plan."

Members will note that the subsequent appeal was dismissed, however the Inspector made a number of points pertinent to this application:

Parking

"The proposed 16 car parking spaces would meet PPG13 advice that developers should not be asked to provide more car parking than developers themselves wish. There is no evidence that the exceptional circumstances that would lead to a need for higher provision.....In coming to that conclusion I am also taking into account of the advice contained in the Consolidated London Plan (2008) that sets out the maximum parking standards for new residential development with "1 to less than 1

space per unit". It goes on to advise that residential development with lower parking provision is encouraged in areas with high PTAL scores and/or close to town centres. It advises that, an element of car free housing should be included where accessibility and type of housing allows. I am satisfied that those conditions apply here.

While the 3 strands of the Council's argument provide some support for a higher parking standard, I regard them as misplaced in this case. Firstly, the DCLG research recommendations have not been adopted by the government as a way forward in dealing with residential car parking. Moreover, all 3 strands seem to rely on a return to "predict and provide" for assessing residential parking. That is not an approach that is current government or, indeed, London-wide policy. It would run counter to the objective of encouraging more sustainable modes of travel and reducing reliance on the private car, particularly in those areas well served by public transport.

In this case I am satisfied that, with the on-street parking controls already in place, combined with the adoption of an on-site parking management strategy that would allocate a numbered and controlled parking space to a specific residential unit, indiscriminate parking within the site could be effectively avoided. I conclude that the proposed 16 car parking spaces would be acceptable and sufficient for this scheme."

Character

"The appeal site sits at the conjunction of inter-war residential ribbon development that stretches for about 800m eastward on the south side of Bromley Common and for about 250m on the eastern side of Hayes Lane. The mostly semi-detached dwellings within these frontages sit on deep plots and, with the exception of the appeal site, back onto open land within the Green Belt.

At a density of some 105 dwellings/ha, the appeal scheme would be the first high density flat development within this 1km stretch of low density (10 dwellings/ha) ribbon development. By virtue of its height, density, site cover and type of housing proposed it would be of very different character to its neighbours. For that reason, in my judgement, it would appear incongruous and over- dominant within its mainly single family, one and 2-storey housing setting.

The appellant promotes the scheme on the basis that this important road junction deserves an important visual landmark on the approach to Bromley. For the reasons I set out above I do not support that approach since it assumes this site should read as part of the edge of centre development that lies to the west whereas I see it as marking a sharp change to a lower density and character that begins beyond the town centre."

Conclusions

Summary

The proposal is considered to represent an acceptable density of development within the context of the location with the overall height, mass and scale commensurate with other developments in the vicinity and would not be out of character with the area. The level of parking proposed is within the policy requirements for the location and is acceptable for this type of development, it is noted that other similar developments nearby have similar, or lower levels of parking considered acceptable. The design is considered to be of a good quality and relates well to the constraints of the site and the surrounding pattern and character of development.

Analysis

Transport and Parking

The development is situated on the corner of Mason Hill (A21) and signalised junction with Homesdale Road. The proposal is located in an area with a PTAL of 4 and within the Bromley Town Centre's Controlled Parking Zone (CPZ).

The London Plan requires a maximum of less than 1 space per 1-2 bed unit, the proposal allows for 5 commercial spaces and 19 residential spaces, with the required proportion of disabled spaces for each as well as 39 cycle spaces, 29 of which are for residential use. The site has a PTAL of 4 and it is considered that the development would broadly comply with the requirements of the London Plan and the Mayor's Housing SPG. This position is supported by the Council's Highway's officer and TfL and the provision proposed is considered to comply with London Plan Policies 6.9 and 6.13 Parking as well as UDP Policies T3, and T7.

It is noted that the development at 8-10 Homesdale Road, Iconia House and Azzura House, was permitted in 2010 (10/00756) for a total of 32 flats with 20 parking spaces (0.6 spaces per flat). Furthermore, both Inspector at the dismissed 2008 appeal at 2 Bromley Common concluded that the 16 parking spaces for 36 flats (0.4 spaces per flat) was acceptable and in accordance with adopted policy. Since that decision there has not been a significant change in adopted policy, in particular within the London Plan, which would alter that conclusion. Both of these developments comprise parking ratios below that currently proposed (0.65 spaces per flat) within a similar location and environment.

It is considered reasonable to secure by way of legal agreement restrictions on the eligibility of future occupiers of the units to apply to the Council for Residents Parking Permit given the CPZ location. A Construction Management Plan and a Delivery and Servicing Plan are also suggested by condition.

Affordable Housing and Contributions

Policy H2 requires all developments proposing 10 or more units to provide affordable housing at a proportion of 35% of habitable rooms and at a tenure split of 70% social-rented and 30% intermediate. The proposal complies with this requirement with 11 of the 12 units within Core 1 being affordable, amounting to 37% of the proposed units, and 32 of the 79 habitable rooms which equates to 40%.

The applicant has agreed to contribute the full calculation of health and education contributions in order to mitigate the impact of the development upon these services by way of a legal agreement. This is considered to comply with Policy IMP1

Land Use

There will be no alteration to the nature of the commercial offer on the site and as such the proposal does not conflict with the requirements of Policy S6 by reason of its scale in relation to the location, or any impact upon the vitality or viability of nearby centres. The ground floor Class A1 unit as proposed would replace the existing vacant Class A1 retail building that occupies No.165-169 with a net loss of 5.6sqm. It is therefore considered that the retail floorspace is re-provided within a modern unit and does not lead to a reduction in the business use of the site.

The upper floors are to be Class C3 residential units and given the predominantly residential nature of the surrounding area this is not considered to be unacceptable in principle, or harmful to the character of the area. The location has good access to transport links and employment opportunities given the proximity to Bromley Town centre and other nearby centres and considered an appropriate location for residential dwellings.

Amount of development, height, siting and design of the building and its impact on the character of the area

The application site has an area of 0.14ha and the development would realise a density of 207 dwellings per hectare, or 564 habitable rooms per hectare. The site is within 800m of the major town centre at Bromley (600m to the town centre boundary (junction of Masons Hill and Cromwell Avenue) and 750m to Bromley South station) and is typified by buildings of four to six storeys; as such the site is considered to be within a central location for the purposes of interpreting Table 3.2 of the London Plan. This density would be at the lower end of that expected by the London Plan for this location which has a guide of 215-405 dwellings and 650-1100 habitable rooms per hectare, however such figures act as guidelines and are to be taken into account with other considerations. Given the character of the area, the nature of the surrounding development and the location of the site in relation to the town centre and transport links it is not considered that the proposed density is unacceptable.

The NPPF emphasises good design as both a key aspect of sustainable development and being indivisible from good planning. Furthermore, paragraph 64 is clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy BE1 requires that new development is of a high standard of design and layout. It should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas and should respect the amenity of the occupiers of neighbouring buildings. Policy H7 requires new housing developments to provide a site layout, buildings, and space about

buildings designed to a high quality and recognise as well as complement the qualities of the surrounding area. London Plan Policy 3.5 requires housing developments to be of the highest quality internally, externally and in relation to their context and to the wider environment.

The height of the development is commensurate with the surrounding pattern of development with both the eaves and ridge height being less than that of Gainsborough Court opposite and reducing in height to be approximately level with the height of Nos.5-9 Holmesdale Road, whilst the height would present to Masons Hill as being comparable with Nos.161-163. The mass of the building is primarily focused onto the junction of Masons Hill and Homesdale Road as well as to the southern elevation onto Homesdale Road which is considered to reflect the prevailing character to Homesdale Road which is of large flatted buildings. As such the proposal is considered to be reflective of the mass and scale of this location whilst respecting the changes to lower development to the northern and eastern boundaries.

The building presents a rounded frontage onto the junction that is considered to introduce a new form and visual interest to this location and is in marked contrast to the large mass and scale articulated by Gainsborough Place to the south-east. The building lines largely follow those of the adjacent buildings to Masons Hill and Homesdale Road and as such the building does not protrude beyond the established pattern of development. The buildings mass is effectively broken by the use of recesses and set-backs at fifth floor level as well as the frontage to Homesdale Road; this is further aided by the staggered northern and eastern elevation where a stepping down to the adjacent properties creates further visual interest and relieves what would otherwise be a uniform structure within the constraints of the site.

The materials palette proposed contrasts to both reflect a similar brick and render treatment elsewhere in the area, in particular at Gainsborough Court, and further contributes to an effective design. The overall impact of the various treatments and design approaches is to create a contemporary building that respects its setting whilst being imaginative and attractive in the context of the surrounding development.

The development is therefore considered to comply with the requirements of Policies BE1 and H7 as well as Policy 3.5 of the London Plan and the relevant sections of the NPPF.

Impact on amenities of adjacent properties

To the rear is the raised two/three storey element that is set well below the main part of the building and is accessed from the residential section of the car park. This section is of the same height as the adjoining properties to Homesdale Road whilst being some 10m beyond the rear elevation of those properties. Balconies are set northward and primarily away from the rear of these properties, which it is noted are commercial at ground floor level with the residential units being at first and second floor. The separation is considered adequate in this context and any

mutual overlooking would not result in an unacceptable level of harm those occupiers.

With regard to the impact to the rear of Nos.161-163 Masons Hill, it should be noted that the existing development to the application site, in particular at Nos.1-3 Homesdale Road, is set within a similar footprint and is two storey in nature with additional roof height. Whilst the proposed development would be higher and there would be a relative increase in the impact upon daylight and overlooking, the existing development itself already has a large degree of impact over the rear of that site.

Quality of residential accommodation

The proposed accommodation satisfies the London Plan minimum space standards and the balconies provided match or exceed that required. The room sizes satisfy the requirements of the Mayor's Housing SPG. The development accords with Lifetime Homes requirements and with 10% of the units being wheelchair accessible. The level of accommodation is therefore considered satisfactory.

Sustainability

The development seeks to incorporate a number of measures to reduce CO2 production. Solar photo-voltaic panels are provided to the roof with a 32% reduction in CO2 through on-site measures with a total achievable reduction through all measures of 35.7%. Living roofs are proposed in order to increase the ecological value of the site and to contribute to sustainable drainage.

Background papers referred to during production of this report comprise all correspondence on the file ref. 14/04199 set out in the Planning History section above, excluding exempt information.

as amended by documents received on 09.02.2015 20.02.2015

RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT

and the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

2054(10)001 A (Existing Site Plan); 2054(10)002 (Existing Site Location + Block Plan); 2054(20)001 (Existing Basement + Ground Floor Plan); 2054(20)002 (Existing First + Second Floor Plan); 2054(21)001 H (Proposed Ground Floor Plan); 2054(21)002 F (Proposed First Floor Plan); 2054(21)003 E (Proposed Second Floor Plan); 2054(21)004 F (Proposed Third Floor Plan); 2054(21)005 E (Proposed Fourth Floor Plan);

2054(21)006 B (Proposed Roof Plan); 2054(30)001 A (Existing West & South Elevations); 2054(31)001 B (Proposed South & East Elevations); 2054(31)002 B (Proposed North & West Elevations); 2054(41)001 (Proposed South + East Sections); 2054(41)002 (Proposed Bay Section)

ACK05R K05 reason

3 Details and samples of all external materials, including roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details.

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 ACI24 Details of means of screening-balconies
ACI24R Reason I24R

5 ACA09 Landscaping scheme (inc.street furniture
ACA09R Reason A09

6 ACA07 Boundary enclosure - no detail submitted
ACA07R Reason A07

7 Details of proposals to provide dwellings capable of occupation by wheelchair users (including related car parking spaces) in accordance with the criteria set out in Supplementary Planning Guidance to the London Plan "Housing" Nov 2012) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development hereby permitted. Details shall also be submitted to and approved in writing by the Local Planning Authority of proposals for the construction of all the dwellings hereby permitted as "Lifetime Homes" in accordance with the criteria set out in Supplementary Planning Guidance to the London Plan "Accessible London: achieving an inclusive environment" (October 2014) prior to commencement of the development hereby permitted. The dwellings shall be constructed in accordance with the approved details.

Reason: In order to comply with Policy 3.8 of The London Plan and Policy H5 of the Unitary Development Plan.

8 ACI21 Secured By Design
ACI21R I21 reason

9 ACD04 Foul water drainage - no details submit
ADD04R Reason D04

10 ACD06 Sustainable drainage system (SuDS)

Reason: To ensure satisfactory means of surface water drainage and to accord with Policies 5.12 and 5.13 of the London Plan.

11 There shall be no deliveries to or from the Class A1 retail premises except within the hours of 8am-6pm.

ACJ08R J08 reason (1 insert)

12 ACJ22 Lighting Scheme
ACJ22R J22 reason

13 ACH03 Satisfactory parking - full application
ACH03R Reason H03

14 ACH18 Refuse storage - no details submitted
ACH18R Reason H18

- 15 ACH29 Construction Management Plan
ACH29R Reason H29
- 16 Prior to the commencement of the development hereby permitted a Delivery and Service Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how delivery and service traffic can access the site safely and how potential traffic conflicts can be minimised; the route delivery and service traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Delivery and Service Plan shall be implemented in accordance with the agreed timescale and details.
- Reason:** In order to comply with Policy T6, T7, T15, T16, T17 and T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.
- 17 Before any works on site are commenced, details of bicycle parking for a minimum of 39 cycles shall be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.
- Reason:** In order to comply with Policy T7 and Appendix II.7 of the Unitary Development Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.
- 18 Before any works on site are commenced, a site-wide energy assessment and strategy for reducing carbon emissions shall be submitted to and approved by the Local Planning Authority. The results of this strategy shall be incorporated into the building prior to first occupation. The strategy shall include measures to allow the development to achieve a reduction in carbon emissions of 40% above that required by the 2010 building regulations.
- Reason:** In order to seek to achieve compliance with the Mayor of London's Energy Strategy and to comply with Policy 5.2 and 5.7 of the London Plan.
- 19 Details of the number and location of electric vehicle charging points to be provided and a programme for their installation and maintenance shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The electric vehicle charging points shall be installed in accordance with the approved details prior to first occupation of the development and shall be permanently maintained as such.
- Reason:** To comply with Policy 7.14 of the London Plan.
- 20 (i) No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.
(ii) Any piling must be undertaken in accordance with the terms of the approved piling method statement.
- Reason:** The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure which is protected in accordance with Policy 5.14 of the London Plan.

INFORMATIVE(S)

- 1 You should consult the Land Charges and Street Naming/Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk
- 2 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

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

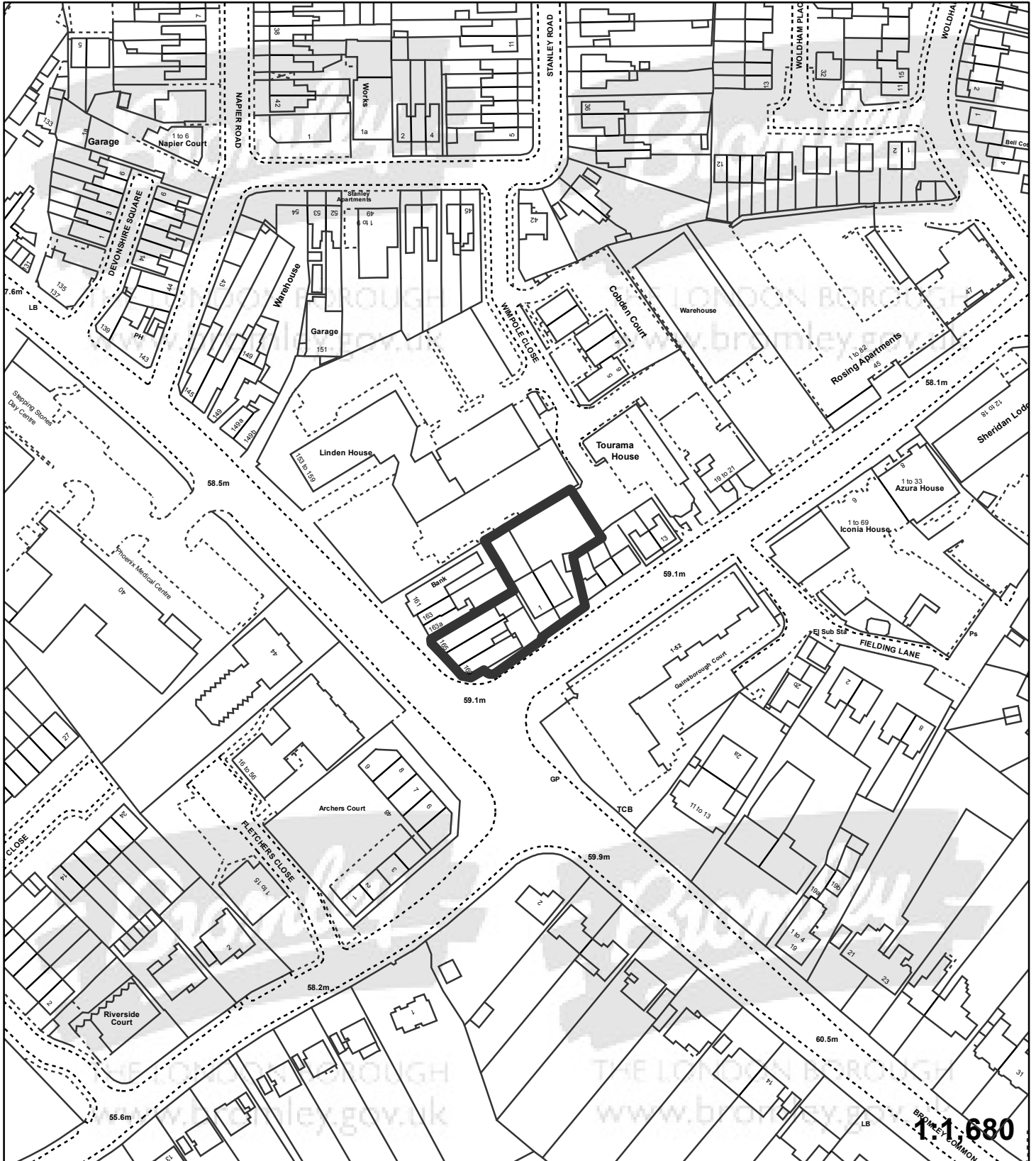
Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

- 3 Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant.
- 4 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Application:14/04199/FULL1

Address: 165 Masons Hill Bromley BR2 9HW

Proposal: Demolition of existing buildings at 165-169 Masons Hill and 1-3 Homesdale Road and erection of part 3/4/5 storey mixed-use development comprising 328sqm ground floor Class A1 (retail) unit, 29 flats (20x2 bed and 9x1 bed) with car park for 24 cars (19 residential and 5 retail), cycle



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

SECTION '2' – Applications meriting special consideration

Application No : 14/04503/FULL1

Ward:
Kelsey And Eden Park

Address : 33 Upper Elmers End Road Beckenham
BR3 3QY

OS Grid Ref: E: 536263 N: 168393

Applicant : Mr Brian Cotton

Objections : YES

Description of Development:

Change of use of land to the rear of Nos. 39 - 57 Upper Elmers End Road from public car park (Sui Generis) to car parking in association with the use of the car showroom at No. 33 Upper Elmers End Road.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 15

Proposal

The application seeks permission for the change of use of land to the rear of Nos. 39 - 57 Upper Elmers End Road from public car park (Sui Generis) to car parking in association with the use of the car showroom at No. 33 Upper Elmers End Road.

Location

The site is part of the existing public car park, accessed off of Dunbar Road. The car park is owned by the London Borough of Bromley, however from a property point of view it has been agreed to lease the land to Masters Group who operate the business at No. 33 Upper Elmers End Road. The site would be fenced off and incorporated into the existing land to the rear of Nos. 33 Upper Elmers End Road.

Comments from Local Residents

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

- The original application was for storage only, but part of the car park is used for continual valeting and minor repairs. We would object to any expansion which could lead to a greater nuisance locally.
- The public car park is an important amenity to the shops and restaurants in the parade as well as local residents.

Comments from Consultees

Parking Services: Fully in support of the proposal.

Highways: I refer to the information received from the Car Park, Facilities & Assets Manager stating that "The car park is rarely half full and on all the occasions I've been there only 6/8 cars have parked there leaving spaces available." Therefore I raise no objection to the proposal.

Planning Considerations

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

BE1 Design of New Development

The following Council adopted SPG guidance are also a consideration:

Supplementary Planning Guidance 1 General Design Guidance

Planning History

96/02267/FULMAJ - Change of use of ground floor of Nos. 11 and 12 Goodwood Parade and building at rear from workshop to car showroom, office and car valeting and demolition of 2 lock-up garages to provide open car parking. Conditional permission. Implemented.

04/03482/FULL2 - Change of use to storage of new and used cars in association with Elmside Garage with primary access from Upper Elmers End Road, 3m high steel palisade fence and 2 CCTV columns. Granted temporary permission until 21.12.2009. Implemented.

Conclusions

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

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

The application proposes the change of use of part of a public car park, to car parking used in connection with the business at 33 Upper Elmers End Road. The agent for the application has confirmed in writing that, at present, part of the rear area of the site is used for car parking of vehicles awaiting sale or repair, although no works take place on this part of the site. For the avoidance of doubt, this piece of the land does not benefit from an extant planning permission for this use, and the current application thus seeks permission for the use of this part of the land, and an additional section of the existing public car park. The agent has confirmed in writing that the additional area of the public car park would not be used for vehicle repairs or servicing and would be used solely for car parking.

Part of the site is already in use in connection with the garage at Nos. 33 Upper Elmers End Road and, with respect to the impact of this use on the amenities of the neighbouring properties, it is noted that the Council's Environmental Health department has not received any complaints regarding noise or nuisance at the site. Two letters have been received from neighbouring properties in connection with this current planning application, raising concerns about the noise from car valeting and repairs which already take place on the land. However, the existing use of this land in this way does not benefit from planning permission. The application seeks permission for the change of use of the land solely for car parking, as has been confirmed in writing by the agent for the application. As part of any planning permission granted, it would be possible to impose a condition restricting the use of the land and preventing any repairs taking place on the land. Taking into account these restrictions on the use which can be secured by way of a condition and the distance of the neighbouring properties from the site, it is considered that the proposal would not result in any adverse impact upon the amenities of the neighbouring residential properties.

The proposal would result in the loss of approximately 9 car parking spaces from the existing public car park. In this regard, the Council's highways department raises no objection to the loss of these public car parking spaces, as it is considered that the supply of spaces exceeds the demand. Given this, it is considered that the proposal would not have an adverse impact on the local highway network.

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

Background papers referred to during production of this report comprise all correspondence on the files refs. 96/02267/FULMAJ and 04/03482/FULL2 set out in the Planning History section above, excluding exempt information.

as amended by documents received on 27.01.2015

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
ACA01R A01 Reason 3 years
- 2 The land shall be used solely for the parking of vehicles in connection with Nos. 33 Upper Elmers End Road and no car valeting or repair works shall take place on the land at any time.
Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the neighbouring properties.
- 3 Vehicles may only gain entry to and exit from the site between the hours of 8.00am and 7.00pm Monday to Friday and 10.00am and 4.00pm on Saturdays, Sundays and Bank Holidays.
Reason: In order to comply with Policy BE1 of the Unitary Development Plan, to avoid an overintensive operation and to protect the amenities of the occupiers of nearby residential properties.
- 4 Details of the fencing to be installed to the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The fence shall be installed in accordance with the approved details and no alterations shall take place to the external appearance of the fence thereafter.
Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the neighbouring properties.
- 5 ACK01 Compliance with submitted plan
ACC01R Reason C01

Application: 14/04503/FULL1

Address: 33 Upper Elmers End Road Beckenham BR3 3QY

Proposal: Change of use of land to the rear of Nos. 39 - 57 Upper Elmers End Road from public car park (Sui Generis) to car parking in association with the use of the car showroom at No. 33 Upper Elmers End Road.



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

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SECTION '2' – Applications meriting special consideration

Application No : 14/04878/FULL1

Ward:
Darwin

Address : Trowmers Luxted Road Downe
Orpington BR6 7JS

OS Grid Ref: E: 543102 N: 161551

Applicant : Mr E Bullion

Objections : YES

Description of Development:

Detached two storey 4 bedroom dwelling with attached double garage and vehicular access from Luxted Road on Land Adjacent to Trowmers.

Key designations:

Conservation Area: Downe Village
Areas of Archaeological Significance
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Local Distributor Roads

Proposal

It is proposed to erect a detached two storey dwelling on this site which would lie between the existing dwelling at Trowmers and Downe Baptist Church to the north-east. The proposals would include the creation of a separate vehicular access onto Luxted Road which would require the removal of a section of the 2.5m high flint boundary wall, and the reduction in height of a further section to 1m in order to provide visibility.

The new dwelling would be set back approximately 16m from the front boundary, but a single storey double garage and utility room would project 7m further forward, giving a 9m separation to the front boundary. The dwelling would be 8.9m in height, and would be set back 1.9m from the south-western flank boundary with Trowmers and 2.4-3m from the north-eastern flank boundary with Down Baptist Church.

It is also proposed to demolish the existing detached garage to Trowmers which currently extends into the application site, and re-build a smaller detached garage within the new boundary of Trowmers, an application for which is to be submitted at a later date.

Location

The application site is located on the south-eastern side of Luxted Road within Downe Village Conservation Area. It falls within an Area of Archaeological Significance and also lies within the Green Belt. The site currently forms part of the side garden of Trowmers, a locally listed building, and would have a frontage onto Luxted Road of approximately 16m, and a depth of 52m.

Comments from Local Residents

A number of letters objecting to the proposals have been received from local residents, including one from Downe Residents' Association, and the main points raised are summarised as follows:

- inappropriate development in the Green Belt - could set a precedent for future undesirable residential development in the Green Belt
- no very special circumstances exist to justify inappropriate development
- detrimental to the character and appearance of the Conservation Area
- the proposed house would be higher than the Baptist Church adjacent and would visually dominate it
- detrimental impact of the loss of part of the historic flint wall which adds to the streetscape and ambience of this rural village - the wall was singled out for comment during the bid for World Heritage status
- development may affect future consideration of Downe for World Heritage status
- loss of on-street parking which would add to congestion in the area
- road is very narrow at this point - difficulty for construction traffic to access the site
- would be poor sightlines from the access as the road is heavily parked
- any access gates should be set back from the road to avoid obstructing the footway
- a recent appeal was dismissed for a house in the rear garden of Trowmers - the same considerations apply in this case
- noise and general disturbance during construction works

Several letters in support of the proposals have also been received.

Comments from Consultees

The Council's Highway Engineer has commented that the internal depth of the double garage at 5.4m is below the required internal depth of 6m. However, there would be adequate room for on-site parking, and on-site turning is provided which would allow access and egress to the highway in forward gear, therefore no highways objections are seen to the proposals.

The Advisory Panel for Conservation Areas considers that the quality of the architectural design needs to be much improved as it currently pays no respect to the design of the original building at Trowmers which is locally listed. The

demolition of part of the flint wall is contrary to the SPG, and the current proposals would not preserve or enhance the Conservation Area.

There are no drainage objections to the proposals in principle subject to the submission of further details of surface water drainage as there is no public surface water sewer near to the site. Thames Water raise no concerns.

Any comments received with regard to important trees on the site, along with any comments from English Heritage will be reported verbally at the meeting.

Planning Considerations

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

- G1 The Green Belt
- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- BE10 Locally Listed Buildings
- BE11 Conservation Areas
- H7 Housing Density & Design
- H9 Side Space
- T3 Parking
- T18 Road Safety
- NE7 Development and Trees

The NPPF is also an important consideration.

Planning History

Outline permissions were refused in 1985 (ref. 85/02568) and 1994 (ref. 94/02057) for residential schemes involving land at Trowmers, and the subsequent appeals were dismissed.

More recently, permission was refused in January 2014 (ref.13/03906) for the erection of a detached dwelling on part of the rear garden of Trowmers with access from Cudham Road, on grounds relating to inappropriate development in the Green Belt, detrimental impact on the character and spatial standards of Downe Village Conservation Area, and detrimental impact on neighbouring properties.

The subsequent appeal was dismissed in June 2014.

Conclusions

The main issues relating to the application are; whether the revised proposals constitute inappropriate development in the Green Belt, and if so, whether very special circumstances exist that outweigh the harm by reason of inappropriateness; the impact on the open character and visual amenities of the Green Belt; the impact on the character and appearance of Downe Village

Conservation Area; and the impact on the amenities of the occupants of surrounding residential properties.

UDP Policy G1 states that the construction of new buildings within the Green Belt is inappropriate unless it is for purposes including agriculture, forestry, essential facilities for outdoor sport and recreation, and limited extensions and alterations to existing dwellings or for replacement dwellings. The proposed subdivision of the site and the erection of a new dwelling would not, therefore, fall within any of these categories.

However, para. 89 of the NPPF allows for "limited infilling in villages" within the Green Belt, and although the Inspector in the previous appeal considered that a dwelling in the large rear garden area of Trowmers would not constitute an "infill" development, the current proposals are for a dwelling which would sit within the line of existing buildings along Luxted Road. The current application does not intrude into the open land to the rear of Trowmers, and it would therefore more closely conform to the generally accepted definition of infill development as it will occupy the space between existing buildings within a pattern of existing development adjacent to the road.

Although the proposals could be considered to constitute limited infilling within this part of Downe Village under the NPPF, the impact on the openness of the Green Belt and on the character and appearance of Downe Village Conservation Area also need to be taken into consideration.

The proposed dwelling would be a two storey building with a single storey garage wing projecting forward of the house, and it would reach a height of 8.9m. It would extend across much of the width of the subdivided site, and would not appear as a modest subservient infill development within the street scene. It is therefore considered to have a harmful impact on the open nature of the Green Belt due to its overall scale and size.

Trowmers is a very significant house in Downe Village, and makes a strong contribution to the Conservation Area. It is set within a large plot, and has a character more distinctly rural to that of the High Street, and this serves as an important buffer in the transition between village and country side. A development of the size proposed on this subdivided plot would significantly erode this character, and would be detrimental to the character and spatial standards of the Conservation Area and harmful to the spacious setting of the locally listed building.

An additional concern is the impact of the break in the continuous frontage of the flint wall (and the lowering in height to 1m of a further part of the wall) in order to provide vehicular access, as the wall currently makes a strong contribution to the streetscape within this part of the Conservation Area, and to the setting of the locally listed building. Construction traffic could also lead to further loss of the flint wall. UDP Policy BE7 seeks to ensure the retention of walls where they form an important feature of the streetscape, and the proposals would therefore be contrary to this policy.

With regard to the impact on neighbouring properties, the dwelling would lie adjacent to the Baptist Church to the north, and would be sufficiently separated from Trowmers to the south-west to ensure no loss of privacy or outlook to residents.

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: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposals would , by reason of their size and scale, be harmful to the openness of the Green Belt, and would have a detrimental impact on the character and spatial standards of Downe Village Conservation Area, and on the spacious setting of the adjacent locally listed building, thereby contrary to Policies G1, BE1, BE10, BE11, H7 and H9 of the Unitary Development Plan.
- 2 The proposed removal of part of the flint wall and the lowering in height to 1m of a further part of the wall in order to provide vehicular access and sightlines, would have a detrimental impact on the street scene of this part of Downe Village Conservation, and on the setting of the locally listed building, and would thereby be contrary to Policy BE7 of the Unitary Development Plan.

INFORMATIVE(S)

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

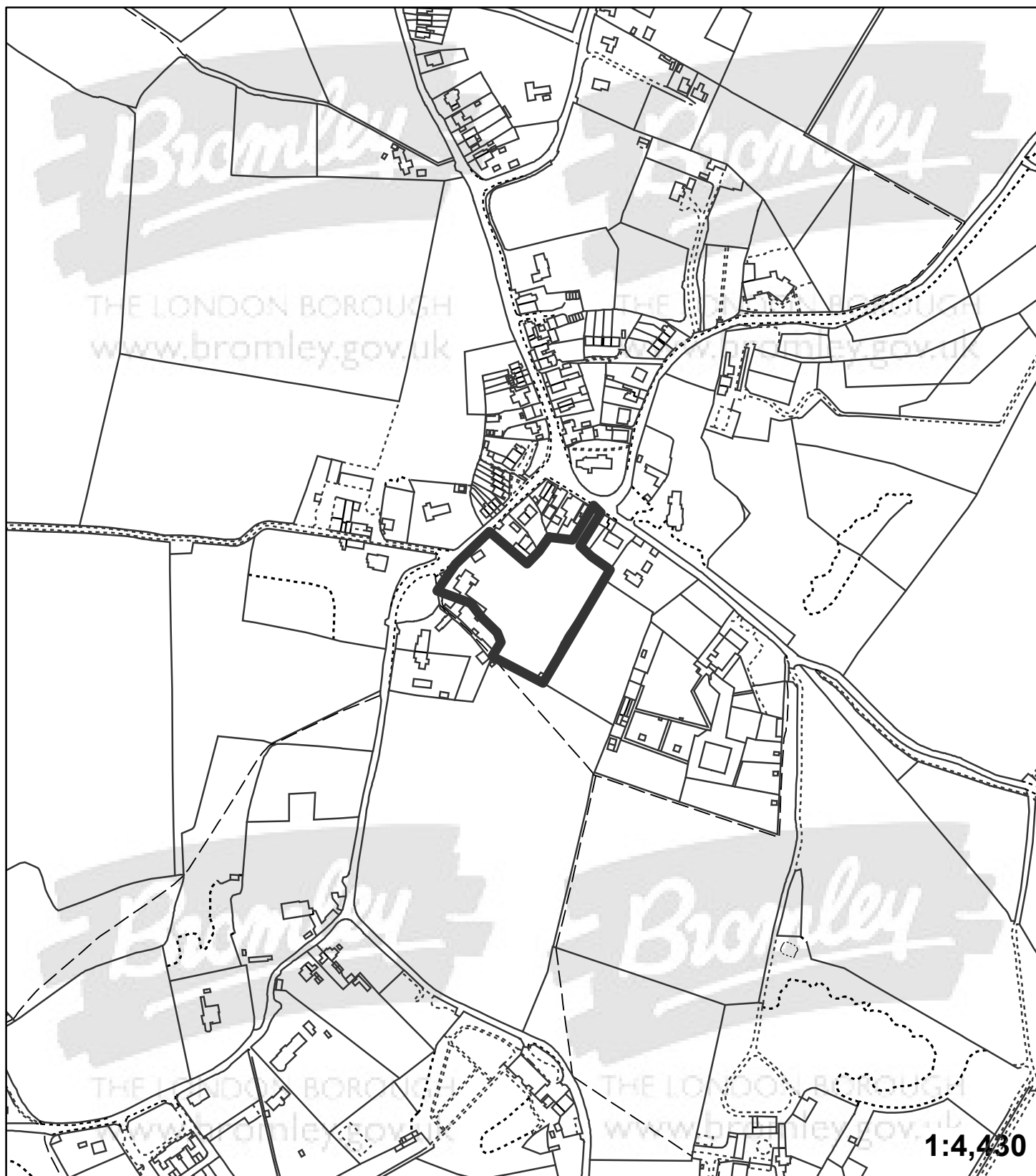
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

Application:14/04878/FULL1

Address: Trowmers Luxted Road Downe Orpington BR6 7JS

Proposal: Detached two storey 4 bedroom dwelling with attached double garage and vehicular access from Luxted Road on Land Adjacent to Trowmers.



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

SECTION '2' – Applications meriting special consideration

Application No : 14/04955/FULL6

Ward:
Darwin

Address : Uplands Single Street Berrys Green
Westerham TN16 3AA

OS Grid Ref: E: 543623 N: 159757

Applicant : Mr & Mrs M Waterman

Objections : NO

Description of Development:

First floor side extension and front and rear dormers

Proposal

It is proposed to extend the first floor accommodation over the existing side extension to the south-western side of this dwelling, and add two front dormers and a front roof light, along with a 12.4m wide rear dormer. The roof over the side extension would have a barn hip, and the existing roof of the dwelling would also be hipped to the other side in order to match. The proposals would have a floor area of approximately 33sq.m.

The submitted plans state that a 1.89m separation exists to the south-western side boundary with Four Winds, with a 3.27m separation to the north-eastern flank boundary with Ladyhawke.

Location

This detached chalet bungalow is located on the north-western side of Single Street and lies within the Green Belt. It has been extended in the past to provide a single storey flat-roofed side extension and a rear lean-to extension, which together measure 29.7sq.m. in floor area.

Consultations

Nearby residents were notified of the application and a letter in support of the proposals was received from the occupier of the adjacent property, Fourwinds, who considers that the scheme would improve the property by removing the flat roof over the ground floor extension, and that it would be preferable to the "permitted development" scheme which involves adding to the footprint of the dwelling.

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
G4 Dwellings in the Green Belt

This application was called in by a Ward Member.

Planning History

Permission was refused in 2009 (ref. 08/03877) for a first floor side extension with front and rear dormers on grounds relating to inappropriate development in the Green Belt, and the harmful impact on the overall form and bulk of the dwelling. The appeal was dismissed in 2010.

A Certificate of Lawfulness for a proposed front porch, single storey rear extension and 8.2m wide rear dormer was granted in September 2012 under ref. 12/02016.

Permission was then refused in 2013 (ref. 13/00618) for a first floor side extension and front and rear dormers on the following grounds:

- 1 The proposed extension, by reason of its size and the cumulative impact of previous extensions to the property, results in a disproportionate addition over and above the size of the original building and constitutes inappropriate development within the Green Belt, harmful to its openness and character. No very special circumstances have been demonstrated to warrant the setting aside of normal policy requirements, and the proposal is therefore contrary to Policy G4 of the Unitary Development Plan and the National Planning Policy Framework 2012.
- 2 The proposed extension, by reason of its size, bulk and resulting disproportionate width, would fail to preserve the openness of the Green Belt, and would be detrimental to the visual amenities of the area, thereby contrary to Policies H8, BE1 and G4 of the Unitary Development Plan.

The appeal was dismissed in January 2014.

It was determined in July 2014 (ref. 14/02129) that prior approval was not required for an 8m deep single storey rear extension with a maximum height of 3m to the original rear wall of the dwelling.

Conclusions

The main issues relating to the application are whether the revised proposals constitute inappropriate development in the Green Belt, and if so, whether very special circumstances exist that outweigh the harm by reason of inappropriateness, in addition to the impact on the open character and visual amenities of the Green Belt, and on the amenities of the occupants of surrounding residential properties.

Policy G4 relates to residential extensions in the Green Belt, and allows for a 10% increase in the floor area of the original dwelling, so long as the open character and visual amenities of the Green Belt were not harmed, and that there would not be a significant detrimental change in the overall form, bulk or character of the original dwelling.

In dismissing the previous scheme (ref. 13/00618), the Inspector commented that the additional floorspace of the extension (33sq.m.), when added to the two existing ground floor extensions (29.7sq.m.), would result in a 72% increase in the size of the original building which would considerably exceed the 10% normally allowed under Policy G4. As a result, she considered that it would comprise a disproportionate increase in the floor area of the original building, which would be contrary to paragraph 89 of the NPPF, and would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

The current scheme proposes the same increase in floorspace at first floor level, the only differences being the barn hip design of the roof over the first floor side extension, with the hipping of the existing gable roof to the other side to match, and the removal of the existing rear porch (which would reduce the overall floorspace by 5.6sq.m.).

The Inspector further considered that the proposed extensions, together with the existing previous additions to the dwelling, would harmfully reduce the openness of the Green Belt, which would be contrary to the provisions of the NPPF.

The Inspector also considered that the extensions would fundamentally alter the character and appearance of the modest cottage and the area. She considered that "by extending the first floor accommodation over the existing single storey side extension and across the full width of the resultant rear roof slope in the form of a large rear dormer, and through the addition of two dormer windows in the front roof slope, the bulk and massing of the dwelling at first floor level would be significantly increased."

She considered that the character and appearance of the cottage would be lost, and that such high level increased massing would result in the reduction of the current sense of space between Uplands and Four Winds, which would have a harmful impact on the appearance of the area.

She concluded that the proposals would comprise inappropriate development in the Green Belt, with further harm to the Green Belt caused by loss of openness and the detrimental impact on the character and appearance of the area. The fallback position demonstrated by the permitted Certificate of Lawfulness (ref.12/02016), and the offer from the applicant to have permitted development rights removed, were not considered to clearly outweigh the harm to the Green Belt and the other identified harms such as to amount to the very special circumstances necessary to justify the development.

The current proposals have been reduced by only 5.6sq.m. as a result of the removal of the existing rear porch, and the proposed first floor extensions would

have the same floorspace as that previously dismissed. The main change would be the small reduction in the bulk of the roof by providing a barn hip to each end.

The applicant has put forward the following special circumstances in order to justify inappropriate development in the Green Belt:

- permitted development works, including the 8m deep extension permitted under the Householder Prior Approval application, could result in an increase in floorspace of 80.5sq.m. (54.8sq.m. greater than the current proposals) and would substantially increase the footprint and volume of the dwelling
- the previous Inspector did not properly take into account the fallback position when dismissing the previous proposals
- the ground floor extensions that could be carried out under permitted development would be much more harmful to the openness and character of the Green Belt
- there are other examples whereby the permitted development fallback position has been taken into consideration when allowing extensions significantly greater than the 10% allowance in the Green Belt
- the volume and bulk of the roof has been reduced
- the existing rear porch would be removed, reducing the overall floorspace
- the proposed rear dormer would not be visible from public vantage points
- an additional bedroom is required by the applicant to meet the needs of his growing family
- the flat roof over the single storey side extension is in need of replacement

Although the permitted development fallback position is a material consideration, the majority of the increase in floorspace would be contained at ground floor level, and located to the rear of the property where it would not be very visible from the public domain. In the previous appeal, the Inspector considered that in addition to the harm by reason of inappropriateness, the proposals would also cause harm to openness and to the character and appearance of the area by reason of the significant increase in the bulk and massing of the dwelling at first floor level. This would still be the case in the current proposals, and the small amendments to the roof design are not considered to reduce this harm to a significant extent.

It is therefore considered that the proposals would result in disproportionate additions over and above the size of the original dwelling, and that very special circumstances have not been demonstrated that would clearly outweigh the harm to the Green Belt and to the openness, character and appearance of the area to justify a departure from Policy G4 which aims to protect the open nature and visual amenities of the Green Belt.

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: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposed extension, by reason of its size and the cumulative impact of previous extensions to the property, results in a disproportionate addition over and above the size of the original building and constitutes inappropriate development within the Green Belt, harmful to its openness and character. No very special circumstances have been demonstrated to warrant the setting aside of normal policy requirements, and the proposal is therefore contrary to Policy G4 of the Unitary Development Plan and the National Planning Policy Framework 2012.

- 2 The proposed extension, by reason of its size, bulk and resulting disproportionate width, would harmfully reduce the openness of the Green Belt, and would be detrimental to the character and appearance of the existing dwelling and the surrounding area, thereby contrary to Policies H8, BE1 and G4 of the Unitary Development Plan.

SECTION '2' – Applications meriting special consideration

Application No : 14/05019/FULL1

Ward:
Bromley Town

Address : 74 Madeira Avenue Bromley BR1 4AS

OS Grid Ref: E: 539412 N: 170089

Applicant : Miss R Stone

Objections : YES

Description of Development:

Demolition of existing bungalow and replacement building comprising 5 x 2 bedroom apartment and off road car parking.

Key designations:

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

Proposal

Permission is sought for the demolition of the existing detached bungalow and the erection of a three storey building comprising five two bedroom flats.

The development proposes five off-street car parking spaces and cycle storage inside one of the proposed garages.

The site has an area of 0.076ha and therefore has a proposed density of 65 dwellings per hectare.

Location

The application site is located on the north-east side of Madeira Avenue, Bromley. This is a residential area with a mixture of housing style and types. The application site currently has an existing bungalow on the site. The site slopes upwards with the rear garden currently accessed by climbing several steep steps. The rear garden contains mature trees and landscaping.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and at the time of writing the report 30 representations were received in objection to the scheme, which can be summarised as follows:

- The development would not preserve or enhance the character of the area
- Out of character
- There are no blocks of flats on Madeira Ave
- There is not sufficient parking and overspill onto the road will result
- Overdevelopment
- It would not be a family house
- A precedent will be set
- It would be out of character to remove the front garden and replace it with hardstanding for car parking
- The flats will increase the flow of traffic on the road
- Concerns are raised over the large amount of soil removal from the property

Full copies of all the objection letters can be found on the planning application file.

Additionally, The Ravensbourne Preservation Society have objected to the proposal on the basis that the proposal would be uncharacteristic of adjoining properties and other buildings in the road, the scheme does not involve any green areas, the overall scale, bulk and massing of the proposal is excessive, the proposal would be the only blocks in the road, the footprint of the building would be bigger than other properties in the road, the road would be used for increased car parking, would have an unacceptable impact on neighbours, loss of privacy to neighbours, no arboricultural report has been submitted, no cycle storage or space for recycling has been made available.

Comments from Consultees

No Highways objections are raised subject to conditions.

The development is located in an area with a PTAL rating of 1b (on a scale of 1-6, where 6 is the most accessible) and lies just outside of Bromley Town Centre Controlled Parking Zone (CPZ). The development allows for 1 off road car parking space per unit. There is also a garage that will be used by apartment 3 (Penthouse) and cycle storage.

No objection were received from the Drainage Engineer subject to a condition.

Thames Water made the following comments:

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.

No Environmental Health (Pollution) have raised no objections subject to an informative.

Environmental Health (Housing) have stated that the applicant is advised to have regard to the Housing Act 1985's statutory space standards contained within Part X of the act and the Housing Act 2004's housing standards contained within the Housing Health and Safety Rating System under Part 1 of the Act.

Tree Officer: no response received at time of reporting.

Waste services: no response received at time of reporting.

Planning Considerations

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

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- H11 Residential Conversions
- NE7 Development and Trees
- T3 Parking
- T7 Access
- T18 Road Safety

Supplementary Planning Guidance 1 & 2

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
- 5.3 Sustainable Design and Construction
- 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
- 7.21 Trees and Woodland
- 8.3 Community Infrastructure Levy

The Mayor's Housing Supplementary Planning Guidance.

National Planning Policy Framework.

Planning History

There is no planning history associated with the site.

Conclusions

The main considerations in assessing the proposal are the impact of the development upon the character of the 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.

Principle of demolition and redevelopment

The National Planning Policy Framework (NPPF) states that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value. The NPPF defines "previously developed land" as: "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure".

London Plan Policy 3.4 states that development should optimise housing output for different types of location taking into account local context and character, design principles and public transport capacity.

In view of the fact that the application site is currently in residential use no objection is raised to the continued use of the site for residential purposes providing a suitable residential environment for future residents is put forward.

Layout, siting and design and aesthetic impact of the proposal on the character and appearance of the street scene and area in general

The applicant proposes to demolish the existing bungalow and erect a three storey block which will be similar in height to the neighbouring residents at No. 78 Madeira Avenue.

A side space of 1m is afforded to both boundaries and this is considered to meet the requirements of Policy H9 (Side Space) contained within the Council's UDP. Indeed the design of the proposed apartments have been designed to match the height of the neighbouring house at No.78 (although it will be slightly lower) and those along the road to limit the impact on the character and appearance of the street scene. The development would sit in roughly the same footprint of the existing bungalow but would be 3.1m deeper at the rear and 4m towards the front (closest to the boundary with No. 72). The Design and Access Statement states that the aim of the proposal is to look like a large single house with two integral garages (one to act as an additional parking space for the penthouse apartment). The other garage would house cycle storage for all of the apartments. A refuse store is located on the side elevation to the left of the main entrance.

The design that has been put forward is generally in keeping with the surrounding street scene and the architectural detail of the property has been taken from the neighbouring properties to maintain continuity of design and blend in with the street scene.

The front elevation proposes an open porch, two garage doors, windows and skylights in the roof. The flank elevations show several sets of windows which are to be obscure glazed. The rear elevations due to the gradients of the site is two storey with room in the roof construction which consists to two dormers and Juliet balconies.

Standard of Accommodation

Policy 3.5 of the London Plan states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could reasonably be expected within each unit. Table 3.3 of the London Plan requires a Gross Internal Area of 61sqm for a two bedroom three person flats.

The proposal achieves a density of 65 dwellings per hectare. The area has a PTAL level of 1b with a suburban character and an expected density range would be between 40-65 dwellings per hectare. The development proposal is at the upper limit of these ranges and within the context of the area is not considered to represent an overdevelopment of the site.

With new residential schemes, developers will be expected to provide sufficient amenity space to meet the needs of residents. The rear garden area is considered a sufficient communal garden area.

Trees

No comments have been received from the Council's Tree Officer in respect of the development although it is noted from the drawings that no trees in the rear garden (which are all covered by a blanket TPO) are to be removed. The agent has submitted a Topographical Survey.

A street tree is located to the front of the property would need to be moved to allow off-street parking to occur. Having contacted the Council's Street Trees department it was concluded that the removal of the street tree would be permissible providing the costs of the tree removal and reinstatement costs of compensatory planting were agreed in full by the developer. The total cost would total £1,880. The Council would seek to replant in several suitable locations nearby to compensate for the loss of the trees amenity value.

Parking

No Highways objections are raised subject to conditions.

The development is located in an area with a PTAL rating of 1b (on a scale of 1-6, where 6 is the most accessible) and lies just outside of Bromley Town Centre Controlled Parking Zone (CPZ). The development allows for 1 off road car parking space per unit. There is also a garage that will be used by apartment 3

(Penthouse) and cycle storage. Also, there is a tree and lamp column outside the site.

The Council's street lighting Officer was contacted about removing the lighting column located on the street in front of the property. Further to a site visit of the lamp column, the Council's Technical Officer advised that the lamp column should not be moved although indicated that the cost to remove it would be in the region of £1,500 (payable by the developer) and in this case it could only go half a metre to the left of the existing position with the consent of the neighbour. As a consequent the lamp column will not be moved.

Railings, Boundary Walls and Other Means of Enclosure

The existing boundary enclosures will be maintained and all trees to the rear will remain. To the front a paved driveway is proposed and a boundary fence/gate is proposed to either side of the property to allow access via the flank elevations.

Refuse storage

London Plan Policy 5.16 requires London Boroughs to minimise waste and encourage recycling.

Bin storage and recycling is to be located to the left of the property.

Cycle parking

London Plan Policy 6.9 states that developments should provide secure, integrated and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3. This table states that residential developments should provide 1 cycle space for 1 and 2-bed units and 2 cycle spaces per 3 or more bed units.

Cycle storage (one per unit) is proposed to be located within one of the intergral garages to the front of the property.

Impact of the proposal on the amenities of neighbouring occupiers

Unitary Development Plan policies BE1 and H9 seek to protect neighbouring residential properties against the loss of amenity resulting from reduced daylight, sunlight and / or overshadowing.

A large number of objection letters have been received from local residents. The main impact of the development will be to the neighbours located either side of the property, No.78 and No.72 Madeira Avenue. The proposal will add considerable bulk and massing over the existing bungalow which is only single storey. The height of the development will be approximately 1m higher and approximately 0.3m lower than the height of No.78. The depth when viewed from No.78 will extend by approximately 5m to the rear and 2.5m to the front. From No.72 the depth will increase by 7m to the rear and stay roughly the same at the front. The distance to the boundary of the flank elevations is 1m and a total gap of 7.3m separates No.74 & No.78 and 4m separates No.74 & 72 (owing to side extensions at both properties). The front elevation will overlook the rear garden of No.22.

Given the size of the plot and the increase to the footprint of the property to the front and rear the development appears acceptable. There will be additional bulk added to the building particularly to the rear but note there is mature landscaping to both boundaries.

Summary

The proposal is considered to be a well-designed scheme that reflects the general pattern of development which is of varying design and vernacular. The appearance of the building would be that of a three storey development with accommodation in the roofspace which seeks to blend in with the existing street scene. The level of separation to the boundaries is acceptable and sufficient distance to neighbouring properties exists to not cause detrimental harm to daylight or outlook of adjoining residents. The parking levels are also considered appropriate for the number of units proposed.

It is clear that there will be an impact on the adjacent properties and streetscene as a result of this proposal and a judgement needs to be made about the whether the impact is unduly harmful. Accordingly, Members will need to take account of the plans that have been submitted for this site and the comments made by residents during the consultation period. On balance, Members may consider that this application is acceptable.

Background papers referred to during production of this report comprise all correspondence on the file ref. 14/05019 set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | |
|----|-----------------|--|
| 1 | ACA01
ACA01R | Commencement of development within 3 yrs
A01 Reason 3 years |
| 2 | ACA04
ACA04R | Landscaping Scheme - full app no details
Reason A04 |
| 3 | ACA07
ACA07R | Boundary enclosure - no detail submitted
Reason A07 |
| 4 | ACB12
ACB12R | Tree - details of excav. for foundations
Reason B12 |
| 5 | ACC01
ACC01R | Satisfactory materials (ext'nl surfaces)
Reason C01 |
| 6 | ACC07
ACC07R | Materials as set out in application
Reason C07 |
| 7 | ACD02
AED02R | Surface water drainage - no det. submitt
Reason D02 |
| 8 | ACH03
ACH03R | Satisfactory parking - full application
Reason H03 |
| 9 | ACH16
ACH16R | Hardstanding for wash-down facilities
Reason H16 |
| 10 | ACH18 | Refuse storage - no details submitted |

- ACH18R Reason H18
- 11 ACH23 Lighting scheme for access/parking
ACH23R Reason H23
- 12 ACH29 Construction Management Plan
ACH29R Reason H29
- 13 ACH32 Highway Drainage
ADH32R Reason H32
- 14 No loose materials shall be used for surfacing of the parking area.
ACC01R Reason C01
- 15 ACI01 Restriction of all "pd" rights
ACI03R Reason I03
- 16 ACI09 Side space (1 metre) (1 insert)
ACI09R Reason I09
- 17 Before the development hereby permitted is first occupied, the proposed window(s) in the first and second floors of the north and south elevations shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.
ACI12R I12 reason (1 insert) BE1
- 18 ACI21 Secured By Design
ACI21R I21 reason
- 19 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

- 2 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A

form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.

- 3 Before the use commences, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.
- 4 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.
- 5 In order to check that the proposed storm water system meets our requirements, we require that the following information be provided:
 - o A clearly labelled drainage layout plan showing pipe networks and any attenuation soakaways.
 - o Where infiltration forms part of the proposed storm water system such as soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
 - o Calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change.
- 6 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.
- 7 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.
- 8 Street furniture/Statutory Undertakers' apparatus "Any repositioning, alteration and/or adjustment to street furniture or Statutory Undertakers apparatus, considered necessary and practical to help the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant.

Application: 14/05019/FULL1

Address: 74 Madeira Avenue Bromley BR1 4AS

Proposal: Demolition of existing bungalow and replacement building comprising 5 x 2 bedroom apartment and off road car parking.



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

SECTION '2' – Applications meriting special consideration

Application No : 15/00200/PLUD

Ward:
Copers Cope

Address : 89D Albemarle Road Beckenham BR3
5HP

OS Grid Ref: E: 538461 N: 169657

Applicant : Mrs Carol Wells

Objections : NO

Description of Development:

Single storey rear extension for which prior approval was determined under ref: 14/04529/HHPA
CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT.

Key designations:

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

Proposal

The proposal is for a single storey rear extension submitted under the permitted development legislation relating to larger rear extensions on residential properties. A prior approval application was submitted under ref. 14/04529 for a single storey rear extension, extending beyond the rear wall of the original house by 6m, for which the maximum height would be 2.9m, and for which the height of the eaves would be 2.9m. (42 Day Notification for Householder Permitted Development Prior Approval). No objections were received from any neighbouring properties and the application was determined that Prior Approval was not required.

This certificate is further to application to ref. 14/04529 and seeks confirmation that the whole development is in accordance with the permitted development legislation.

Location

The application site is an end of terrace townhouse on Albemarle Road, Beckenham. The row of terraces consists of four townhouses. Many of the surrounding properties are flatted developments.

Comments from Local Residents

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

If any further comments are received, these will be reported verbally at the meeting.

Comments from Consultees

The application is for a certificate of lawfulness for a proposed development. As such there were no external or internal consultations made on this application.

Planning Considerations

The application 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 Town and Country Planning (General Permitted Development) Order 1995 (as amended) and specifically whether any limitations/conditions of the Order are infringed.

Planning History

Under ref. 03/02649, planning permission was refused for a Part one/two storey summerhouse in rear garden RETROSPECTIVE APPLICATION

Prior Approval was not required under ref. 14/04529 for a 'single storey rear extension, extending beyond the rear wall of the original house by 6m, for which the maximum height would be 2.9m, and for which the height of the eaves would be 2.9m. (42 Day Notification for Householder Permitted Development Prior Approval)'

Conclusions

The property benefits from an existing single storey rear extension projecting 3.2m in depth with a flat roof 2.9m in height. It is proposed to extend out from this extension a further 2.8m in depth with a flat roof of approximately 2.6m, providing an extension of 6m in depth from the original property. The maximum height of the extension will therefore be 2.9m with the minimum height 2.6m. Under the new permitted development legislation set out by government with regards to larger home extensions which allows for single storey rear extensions to a maximum of 6m in depth for terraced properties, prior approval was submitted and determined to not be required under ref. 14/04529.

Class A permits the enlargement, improvement or other alteration of a dwellinghouse. Previous extensions to the property must be taken into account. The proposed single storey rear 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 or forms the principal or side elevation of the original house
- The enlarged part of the dwellinghouse would have a single storey and not extend beyond the rear wall of the original dwellinghouse by more than 6m as allowed for larger householder extensions. Prior Approval was not required under ref: 14/04529/HHPA for a rear projection of 6m from the rear of the original dwellinghouse.
- The enlarged part of the dwellinghouse is within 2m of a boundary and the eaves height will not exceed 3m. The maximum height of the eaves will be 2.9m.
- The enlarged part of the dwellinghouse would not exceed 4m in height and would not have more than one storey. The maximum height of the extension will be 2.9m.
- 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

It is therefore considered that a Certificate of Lawfulness for the proposal should be granted.

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

RECOMMENDATION: CERTIFICATE BE GRANTED

- 1 The proposed single storey rear extension would fall within "permitted development" by virtue of Class A of Schedule 2, Part 1 of the General Permitted Development Order 1995 (as amended).

Application: 15/00200/PLUD

Address: 89D Albemarle Road Beckenham BR3 5HP

Proposal: Single storey rear extension for which prior approval was determined under ref: 14/04529/HHPA
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"

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

Application No : 14/04436/FULL1

Ward:
Chislehurst

Address : Pavilion Chislehurst Recreation Ground
Empress Drive Chislehurst

OS Grid Ref: E: 543511 N: 170779

Applicant : Mr Fabio Rossi

Objections : YES

Description of Development:

Demolition of existing clubhouse and construction of new sports pavilion/changing rooms, cafe and spectator toilets.

Key designations:

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

Proposal

It is proposed to replace the existing derelict clubhouse and adjacent storage buildings with a new sports pavilion for F.C Elmstead. The building would measure 24.4m x 9.2m, and would be 4m in height to the top of the pitched roof. It would be set back 3.6m from the southern flank boundary with No.7 Willow Vale, and this area would be used as a fenced off compound for sports equipment and goal posts.

The building would provide team changing rooms with showers and toilets, a changing room for officials, and a café and clubroom with spectator toilets. A lock-up garage and storage room would also be provided at the eastern end of the building.

The applicant has confirmed that there would not be any increase in the use of the sports pitches as they are already booked to capacity, and that the proposals are merely a replacement facility in order to meet the modern requirements of Sport England.

The proposals would require the slight re-alignment of the existing footpath within the park, and a revised plan has been submitted to reflect this.

Location

The site lies within Chislehurst Recreation Ground which is designated as Urban Open Space, and is situated adjacent to the southern boundary with Willow Vale. It is currently occupied by a derelict clubhouse which is currently used for storage by the sports club.

Comments from Local Residents

Letters of objection have been received from nearby residents in Willow Vale and The Chislehurst Society, and their concerns are summarised as follows:

- proposals would contravene Policy G8 of the UDP which states that replacement buildings should not be larger than existing buildings on the site
- unattractive design of the building
- possible fumes from the café would affect No.7 Willow Vale
- youths may climb on top of the building causing noise and disturbance
- loss of outlook from No.7 Willow Vale
- building would be more visible from Willow Vale
- use of the café should be restricted to during football matches and practice sessions
- no hot food should be served by the café, and there should be no outside area for eating or drinking
- kitchen waste shouldn't be stored outside
- there should be no loss of boundary trees/hedging
- details of ventilation of the café and showers should be submitted
- the entrance to the changing rooms should be changed from the side to the front elevation to reduce disturbance to neighbouring properties.

A large number of letters have also been received from local residents in support of the proposals which are considered to be of great benefit to the local community.

Comments from Consultees

The Council's Highway Engineer has raised no objections to the proposals as there would be no increased use of the pitches, and therefore, no increased in parking demand in the surrounding area.

Environmental Health raise no objections to the nature of the café use which precludes the use of the kitchen for commercial purposes, and that any cooking odours produced are likely to be minimal and would not result in loss of amenity to nearby residents.

Drainage raise no objections in principle, and Thames Water have no concerns.

The Council's Head of Parks and Greenspace is fully supportive of the proposals, as are Sport England and the Football Association.

The Crime Prevention Officer has suggested a "Secure by Design" condition.

Planning Considerations

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

BE1 Design of New Development
G8 Urban Open Space
T3 Parking

Conclusions

The main issues in this case are the impact of the proposals on the open nature of designated Urban Open Space, and on the amenities of nearby residential properties.

Policy G8 of the UDP allows for built development on areas of Urban Open Space where the development is related to the existing use, or where the development is small scale and supports the outdoor recreational use on the site, or where the replacement building does not exceed the site coverage of the existing development on the site.

The proposed replacement sports pavilion would support the existing playing fields within the recreation ground, and although larger than the existing clubhouse building and storage containers, it would still be considered to be of a small scale, and ancillary to the principle use of this part of the recreation ground as playing fields. Furthermore, the building would be situated in the same location as the existing building, close to the southern boundary of the park, and the proposals would not, therefore, unduly impair the open nature of the site.

The proposals are therefore considered to comply with Policy G8 of the UDP. In relation to a resident's concerns, part (iii) of Policy G8 only restricts the site coverage of replacement buildings where they would not be related to the existing use and would not support existing outdoor recreational uses.

With regard to the impact of the proposals on neighbouring properties, the building would be set back a similar distance from the southern boundary with No.7 Willow Vale as the existing building (3.6m) but would extend approximately 3m further to the east of the storage containers and 2m further to the west of the existing clubhouse. The building would be 4m high, which would be the same as the highest part of the existing clubhouse, but would be 1.5m higher than the existing storage containers and 0.5m higher than the lower part of the clubhouse. However, there is good screening along the boundary with No.7, and no windows are proposed in the facing elevation (only roller shutters to a storage area). The boiler flue and domestic kitchen extract vent are not considered to cause harm to the adjacent property, and given the separation distance to the boundary, the proposals are not considered to result in a significant loss of light, privacy or outlook to adjoining residents.

Concerns have been raised by the residents of No.6 Willow Vale concerning the location of the changing room door in the western flank elevation of the building, however, this part of the building would be adjacent to the highway in Willow Vale and would be some distance from the dwelling at No.6. Activity in this location would not be unusual in a recreation ground, and is not considered to be unduly harmful to the amenities of residents at No.6.

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 27.01.2015

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | | |
|---|--------|---|-------------------|
| 1 | ACA01 | Commencement of development within 3 yrs | |
| | ACA01R | A01 Reason 3 years | |
| 2 | ACB01 | Trees to be retained during building op. | |
| | ACB01R | Reason B01 | |
| 3 | ACC01 | Satisfactory materials (ext'n'l surfaces) | |
| | ACC01R | Reason C01 | |
| 4 | ACD02 | Surface water drainage - no det. submitt | |
| | AED02R | Reason D02 | |
| 5 | ACH18 | Refuse storage - no details submitted | |
| | ACH18R | Reason H18 | |
| 6 | ACI17 | No additional windows (2 inserts) | southern building |
| | ACI17R | I17 reason (1 insert) | BE1 |
| 7 | ACI21 | Secured By Design | |
| | ACI21R | I21 reason | |
| 8 | ACK01 | Compliance with submitted plan | |
| | ACK05R | K05 reason | |
| 9 | ACK05 | Slab levels - no details submitted | |
| | 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

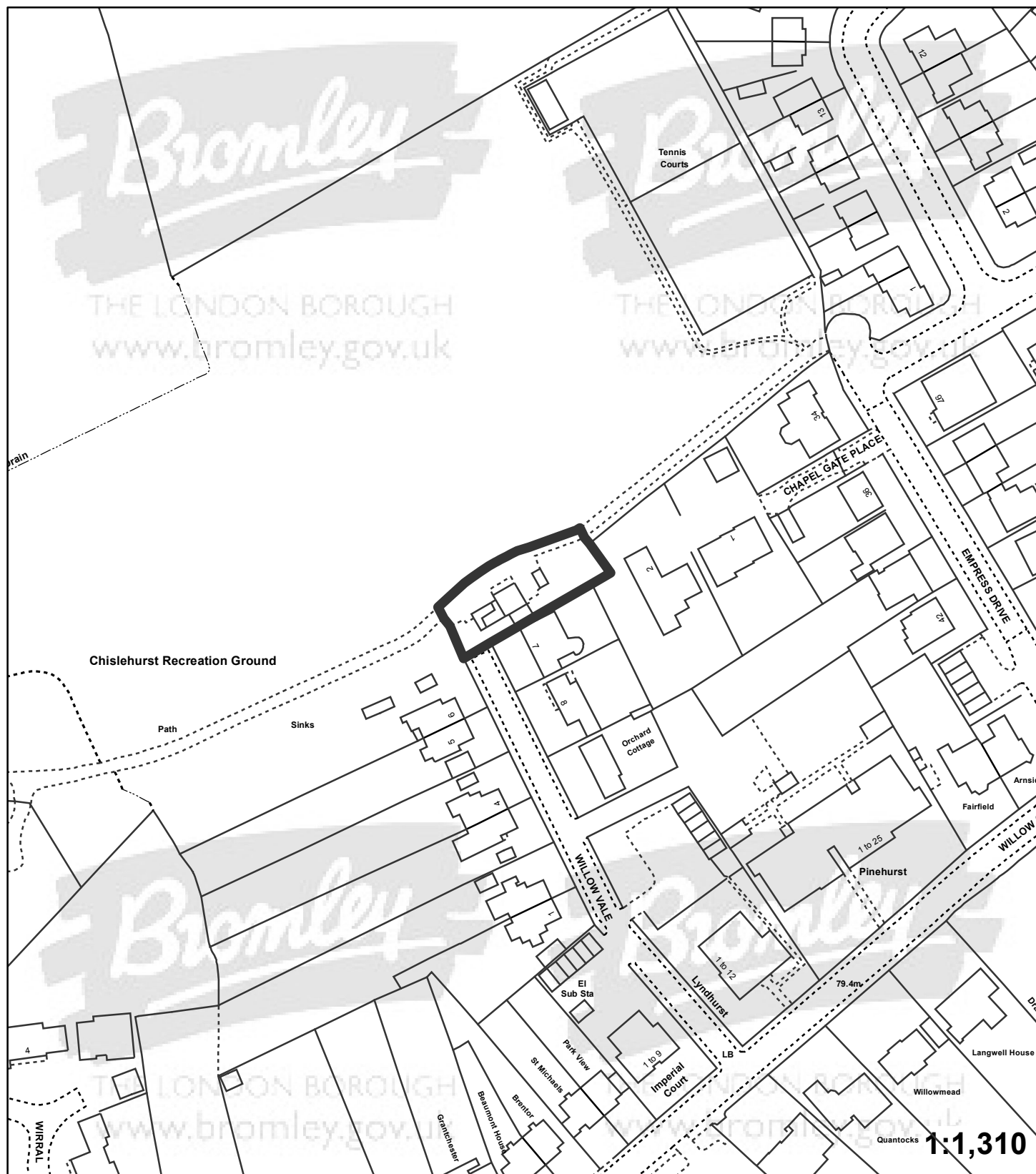
notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

Application:14/04436/FULL1

Address: Pavilion Chislehurst Recreation Ground Empress Drive Chislehurst

Proposal: Demolition of existing clubhouse and construction of new sports pavilion/changing rooms, cafe and spectator toilets.



"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 : 14/04658/FULL1

Ward:
Copers Cope

Address : 10 Copers Cope Road Beckenham BR3
1NB

OS Grid Ref: E: 537297 N: 170002

Applicant : Mr Durmus Ergen

Objections : YES

Description of Development:

Erection of single storey building to rear with basement and external lightwell.

Key designations:

Biggin Hill Safeguarding Birds

Proposal

Planning permission is sought for the construction of a single storey building to the rear with a basement and external lightwell.

The single storey and basement building will be located to the rear of No10 Copers Cope Road. The proposed building would have a maximum depth of 10.8m and maximum width of 9.7m above ground level and form an L shaped construction. The same parameters will be repeated at basement level with the addition of an external lightwell area at 2.5m depth across the width of the building and located to its rear. This building would provide a staff room with office and storage/laundry/ironing room at ground level. The basement area is indicated as storage, toilets and a fitness saloon. Drawing No 14139-X-OS states that the proposed outbuilding is ancillary to the existing hotel and will have no sleeping or cooking facilities.

Location

The application site is located towards the eastern end of Copers Cope Road and is an end of terrace four storey hotel building which has now been refurbished extensively. The application site is within walking distance of Beckenham town centre. The area is predominantly residential in character with a mixture of houses and flats. Towards the eastern boundary is the refurbished residential block of four storey flats known as Regent's Court. Towards the western boundary is the detached four storey block of 1970s flats known as Sinclair Court. The rear

boundary adjoins the rear garden curtilage of No29 Park Road and 18 Hanley Place.

Comments from Local Residents

- Bedroom windows of property to the rear align with rear boundary fence due to ground level differences.
- No consultation by hotel with neighbours.
- Comprises a large outbuilding that would dominate the rear half of the hotel garden.
- Height of the proposed building will appear greater due to ground level differences between properties.
- Will cause overshadowing, reduce daylighting and views.
- Privacy will be seriously affected.
- Necessity of the location at the bottom of the garden is questioned.
- Concern regarding the use of the building developing into something else.
- Concerns regarding the precise location of the building on site in relation to boundaries.
- Concerns regarding screening methods.
- Issues raised with the level of detail submitted within the application documents.
- Concerns regarding the large hole relating to halted works on site.
- The use of the fitness salon hours of operation, supervision and safety are questioned.
- New proposal will have an increased effect on quiet enjoyment of back gardens and homes by use of fitness salon by guests and introduction of a lightwell in close proximity to boundaries.
- A fitness facility should be located in the main hotel.
- Excavation may have effect on the stability of the ground.
- Windows should not be on the rear elevation.
- Concerns regarding the choice of tree to the rear boundary.
- Proposal would be an overdevelopment of the hotel site.
- Would increase traffic noise and vibration.
- Will cause disruption to private parking and damage to roadway in Sinclair Court.

Comments from Consultees

Drainage: No objection subject to additional information secured by condition.

Environmental Health Officer: No objection subject to informatives regarding the construction works and potential for land contamination.

Thames Water: No objection subject to further detail regarding Drainage. The advice given has been reiterated by the Council's Drainage engineer and can be secured by condition as necessary.

Planning Considerations

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

BE1 Design of New Development
T3 Parking
NE7 Development and Trees

Supplementary Planning Guidance (SPG) 1 General Design Principles
Supplementary Planning Guidance (SPG) 2 Residential Design Guidance

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

Planning History

08/03787/FULL1 - Part three/four storey rear extension formation of ancillary bar, dining and lounge facilities and 14 en-suite bedrooms. Application refused on 20/02/2009.

09/01269/FULL1 - Single storey rear extension comprising 2 bedrooms, disabled access ramp, car parking area at front and external ventilation/ducting at side RETROSPECTIVE APPLICATION. Application was approved on 20/4/2010.

12/03940/FULL1 - Erection of single storey building to rear, application refused on 12/03/2013. Application was refused for the following reason,

"The proposed single storey building, by reason of its height, scale and relationship with neighbouring properties, is considered to result in an unacceptable detrimental impact upon the residential amenities of No.29 Park Road and No. 18 Hanley Place, contrary to Policy BE1 of the Unitary Development Plan."

13/01535/FULL1: Erection of single storey building to rear. Application was approved 25/9/2013.

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 and amenity of surrounding residential properties.

Background

Members will note that the structure as approved in the 2013 application remains the same in the current application above ground level. Members will also note that the above ground structure as approved was a reduction from a previous scheme that reduced the scale of the development. A large pitched roof was removed that reduced the height significantly to within acceptable limits. The application was subsequently approved.

The differences in this scheme relate to the addition of a basement area of the same footprint as the above ground building with an external lightwell area to the rear. The applicant has detailed that the alterations are required to ensure the efficient running of the hotel and to provide an additional facility to attract more people to the hotel.

Design and Appearance

In terms of design, although the building is generic and functional, subject to details of material it is considered that due to the small scale and relatively hidden location the level of detail is enough to consider that the design will be in character with the nature of the site and its location. The building will be set in from its flank boundaries by 2m and 7.5m from the rear elevation. The concerns of residents are noted in respect of the proximity of the building to their boundaries. However, given the indicated distances it is not considered that the mass and scale of the building will be any different to that approved as the main alteration is below ground level.

Impact on Residential Amenity

The additional basement level of the building and external area are proposed to give greater functionality to the building for the applicant and benefits to the hotel business. This will have some impact on the residential amenity of neighbouring residential property. The concerns of residents have been highlighted in this regard and the introduction of an element of the hotel business into the rear curtilage of the property has been noted. However, no guest bedrooms will be located in the building and the only function that allows guests access to the building is the fitness saloon. It is considered that subject to suitable enforceable planning conditions that the impact in terms of noise and disturbance can be mitigated in this regard to a suitable level. It is suggested that restrictions are imposed regarding hours of use, non use of the lightwell area by customers and controls over audible sound.

Therefore, while the introduction of the basement will create a marginally more intensively used building the impacts of the use can be suitable controlled to within acceptable limits appropriate to its location.

Above ground as per the 2013 application, a 2m timber fence is proposed to enclose the rear garden area. Two windows will be located in the rear elevation of the building. These are annotated as being obscure glazed which can also be controlled by way of a condition and as such this is not considered to give rise to an unacceptable loss of privacy or sense of overlooking.

A tree lined planting strip is also proposed to help screen the building to properties at the rear as originally conditioned on the 2013 application. This addition is welcomed although further information regarding the species type is considered necessary to prevent the establishment of an over dominant natural screening along this boundary in response to neighbouring occupier concerns.

Other matters

Concerns regarding the stability of groundworks already undertaken and construction methodology are noted. A planning condition can ensure that a suitable methodology is adhered to in this regard to maintain residential amenity. The stability of the groundworks fall outside of the remit of this application and are addressed under the Building Regulations.

Summary

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

Background papers referred to during production of this report comprise all correspondence on 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 ACK01 Compliance with submitted plan
 ACK05R K05 reason
- 3 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 (2011).

- 4 No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:
 - (a) Dust mitigation measures.
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:
 - (i) Rationalise travel and traffic routes to and from the site
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction relates activity
 - (iii) Measures to deal with safe pedestrian movement

- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policies BE1, T6, T7, T15, T18 of the Unitary Development Plan (July 2004).

5 ACC07 Materials as set out in application
ACC07R Reason C07

6 ACI14 No balcony (1 insert) the building
ACI14R I14 reason (1 insert) BE1

7 Notwithstanding the information submitted before the development hereby permitted is first commenced, revised details of a low species height planting screen to reduce the buildings impact on neighbouring residents shall be submitted to and approved in writing by the local planning authority and the scheme shall be implemented in the first planting season following first occupation of the development or substantial completion of the building, whichever is sooner.

Reason: To safeguard the amenities of the adjoining residents in accordance with Policy BE1 of the Unitary Development Plan.

8 Before the development hereby permitted is first occupied the proposed windows in the northern and eastern elevations shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and details of any openings shall be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained in accordance with the approved details. In the interests of the privacy of adjoining properties any openings should be at high level.

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

9 The development hereby permitted shall only be used as a guest fitness saloon, staff room, office and laundry/ironing/storage rooms ancillary to the hotel use at 10 Copers Cope Road and shall not be used as guest bedrooms or residential accommodation.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to protect the amenities of neighbouring residents.

10 The external lightwell area to the rear of the building shall not be used by guests as part of the fitness saloon ancillary to the hotel use at 10 Copers Cope Road at any time.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to protect the amenities of neighbouring residents.

11 The fitness saloon premises shall only be open for hotel guest use between the hours of 08:00 to 21:00 on any day of the week.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Policy BE1 of the Unitary Development Plan (July 2004).

- 12 No music, amplified sound system or other form of loud noise shall be used or generated which is audible outside the premises or within adjoining buildings.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Policy BE1 of the Unitary Development Plan (July 2004).

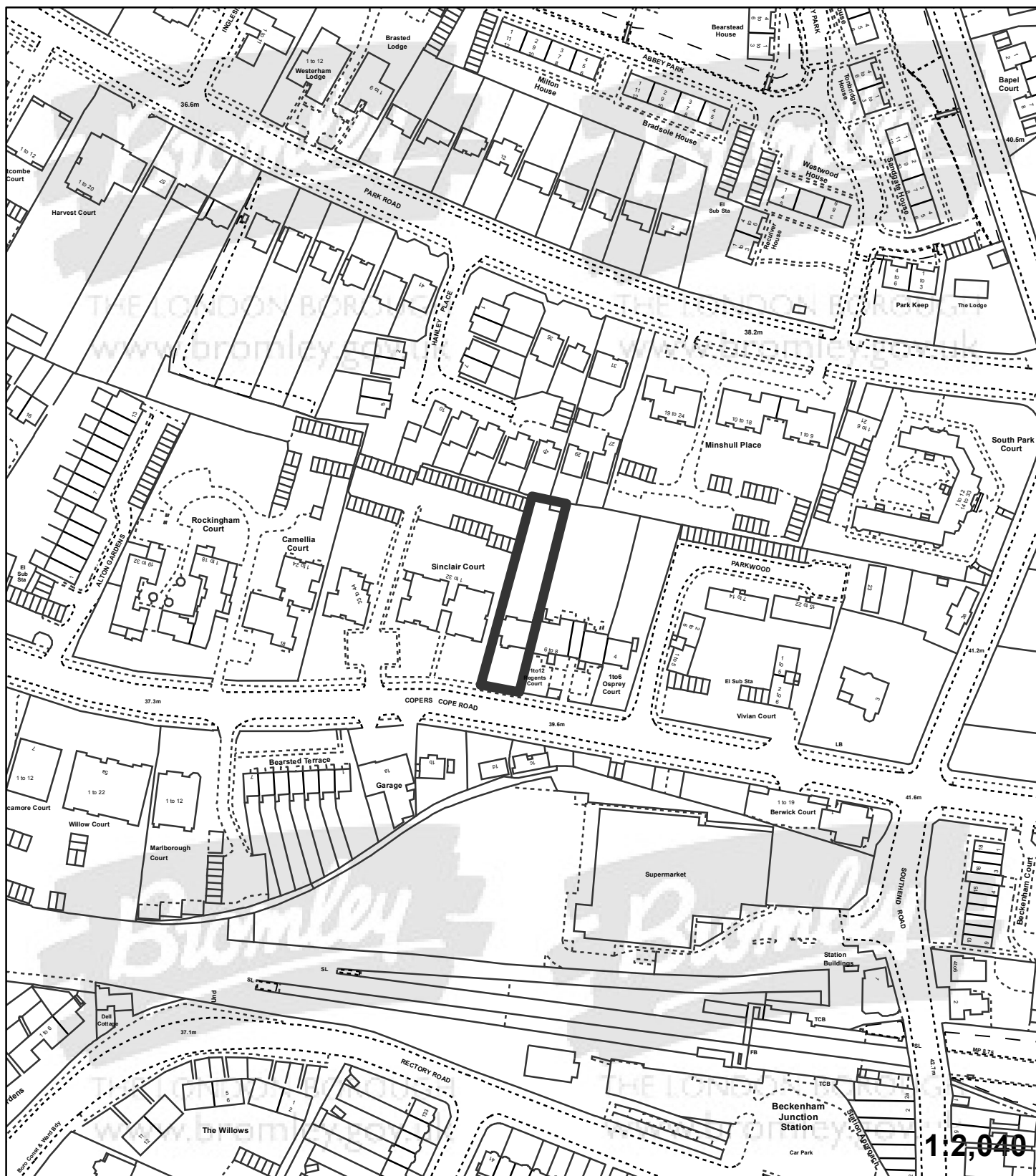
INFORMATIVE(S)

- 1 Waste Comments: Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 2 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at www.thameswater.co.uk
- 3 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.
- 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. 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.
- 5 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.

Application: 14/04658/FULL 1

Address: 10 Copers Cope Road Beckenham BR3 1NB

Proposal: Erection of single storey building to rear with basement and external lightwell.



"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 : 14/04688/FULL6

Ward:
Chislehurst

Address : 2 Green Lane Chislehurst BR7 6AG

OS Grid Ref: E: 544045 N: 170821

Applicant : Mr Harald Nissen

Objections : YES

Description of Development:

Part one/two storey rear extension

Key designations:

Conservation Area: Chislehurst
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Local Cycle Network
London City Airport Safeguarding
London City Airport Safeguarding Birds
London Distributor Roads

Proposal

Planning permission is sought to extend to the rear of the property with a Part one/two storey rear extension. The proposed extension comprises a 4.6m (two storey element) to the rear of the existing dining area and first floor, and 5.3m at single storey to provide an extended living area. The proposed extension would have a pitched roof at both single and two storey level. A separation distance of 2.15m would be retained to the boundary with Lane End.

Revised plans dated 29th January were received showing a reduction of 1.5m to the projection of the proposed extension.

Location

The site is located within the Chislehurst Conservation Area. The property is a large two storey semi-detached property set within a generous plot. To the south of the site is a detached property Lane End, which has a single storey element constructed up to the boundary with application site.

Comments from Local Residents

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

- overdevelopment
- loss of daylight/sunlight/amenity to Lane End
- existing single storey extension to Lane End has 3 flank windows to provide natural light to two rooms
- flank window above provides natural light to the landing/corridor
- new extension is substantially larger than existing
- concerns about additional 1.5m (now removed from application)
- concerns that chimney stack will be removed
- impact upon existing tree stating that form has not been filled in correctly
- proposal does not preserve or enhance the conservation area
- concerns from No.4- no party wall agreement
- lack of detail and context provided in the drawings
- plans are unclear
- impact to loss of light to conservatory at No.4
- loss of privacy and amenity to No.4
- additional comments received from Lane End following the submission of the revised drawings- concerns remain as previous
- concerns about the precedent the application will set
- loss of existing views from neighbouring properties
- properties are of significant historic interest
- extension would have adverse effect on row of properties
- Council asked to refuse application and encourage applicants to submit smaller scheme or limit to a single storey structure

A full copy of all letters summarised above can be viewed on file ref. 14/04688.

Comments from Consultees

APCA- Concerns are raised stating that the application is considered to be an overdevelopment and of poor design to the host building and appearance of the conservation area

Planning Considerations

The main policies relevant to this case are Policies H8 (Residential Extensions), BE1 (Design of new development) and BE11 (Conservation Areas) of the Unitary Development Plan which relate to the design of residential extensions and development in general.

Planning History

There is no recent planning history at the site.

Conclusions

The main issues to be considered in this case are the impact of the proposal on the amenities of adjoining neighbours, the impact of the extensions on the host building and wider street scene within The Chislehurst Conservation Area.

In respect of the amenities of adjacent neighbours, comments have been received from adjoining and nearby neighbours which have been taken into account whilst assessing the application. The main concerns appear to be impact of the extensions on the amenity of the adjoining residents by way of loss of light, privacy and outlook, and the impact upon the Conservation Area. The application seeks to extend the property at the rear with a part one/two storey extension. The two storey element would maintain a 2.15m separation to the boundary with Lane End and 4.1m to the boundary with No.4, with the single storey section proposed to be constructed up to the boundary with No.4. From visiting the site, it is apparent that Lane End has a single storey structure up to the boundary with No.2, which has a number of high level obscure glazed flank windows which serve habitable rooms along the shared boundary of the site. It is considered that the presence of these windows should not prevent the adjoining owner from having an extension, particularly given that it is set in 2.15m to the common boundary on amenity grounds. There is also a window which serves the landing on the first floor flank which is set in from the boundary by the distance of the ground floor extension. There is also a patio area to the rear of Lane End which is adjacent to the boundary with No.2. Whilst it is acknowledged that there may be some impact upon the outlook from the landing window, given that this window does not serve a habitable room Members may consider that on balance the resulting harm may not be significant enough to warrant the refusal of planning permission on this basis alone. Members may consider that given the proposed separation distances between the application proposal and Lane End to the south, there will not be sufficient harm to the amenities of neighbouring residents to warrant refusal of planning permission in this case.

In terms of the neighbour to the north of the site (No.4), the property benefits from both single storey and two storey extensions at the rear of the property. The Council's records show that the first floor extension was constructed in 1980 (building control ref. 19/063256) with the single storey extension granted planning permission in 2002 under ref. 02/02594. The current application at No.2 is similar in scale and design to that constructed at No.4 and given the separation distances between the built structures Members may consider the proposal acceptable.

In terms of design, the proposed proposal would be site to the rear of the property and although it would be visible from the rear of the neighbouring properties the extensions would not be visible from the streetscene. The part one/two storey extension would have a pitched roof at single and two storey to be in-keeping with the design of the property. Whilst the concerns raised by APCA are noted, Members may consider that the proposed extensions are in-keeping with the host building, pair of semi-detached properties and Chislehurst Conservation Area.

Concerns have been raised regarding the removal of the existing chimney stack, however Members will note that this part of the proposal can be done under permitted development and given that it is located to the rear of the property is unlikely to cause substantial harm to the streetscene.

From visiting the site, it is evident that there is a false cypress tree to the rear of the adjacent to the boundary with Lane End. The tree appears to be unaffected by the proposal and is not considered to be a constraint upon the application. However it is noted that all trees within the property require section 211 Conservation Area notification for pruning or removal.

Background papers referred to during production of this report comprise all correspondence on the file ref. 14/04688 set out in the Planning History section above, excluding exempt information

as amended by documents received on 29.01.2015

RECOMMENDATION: PERMISSION

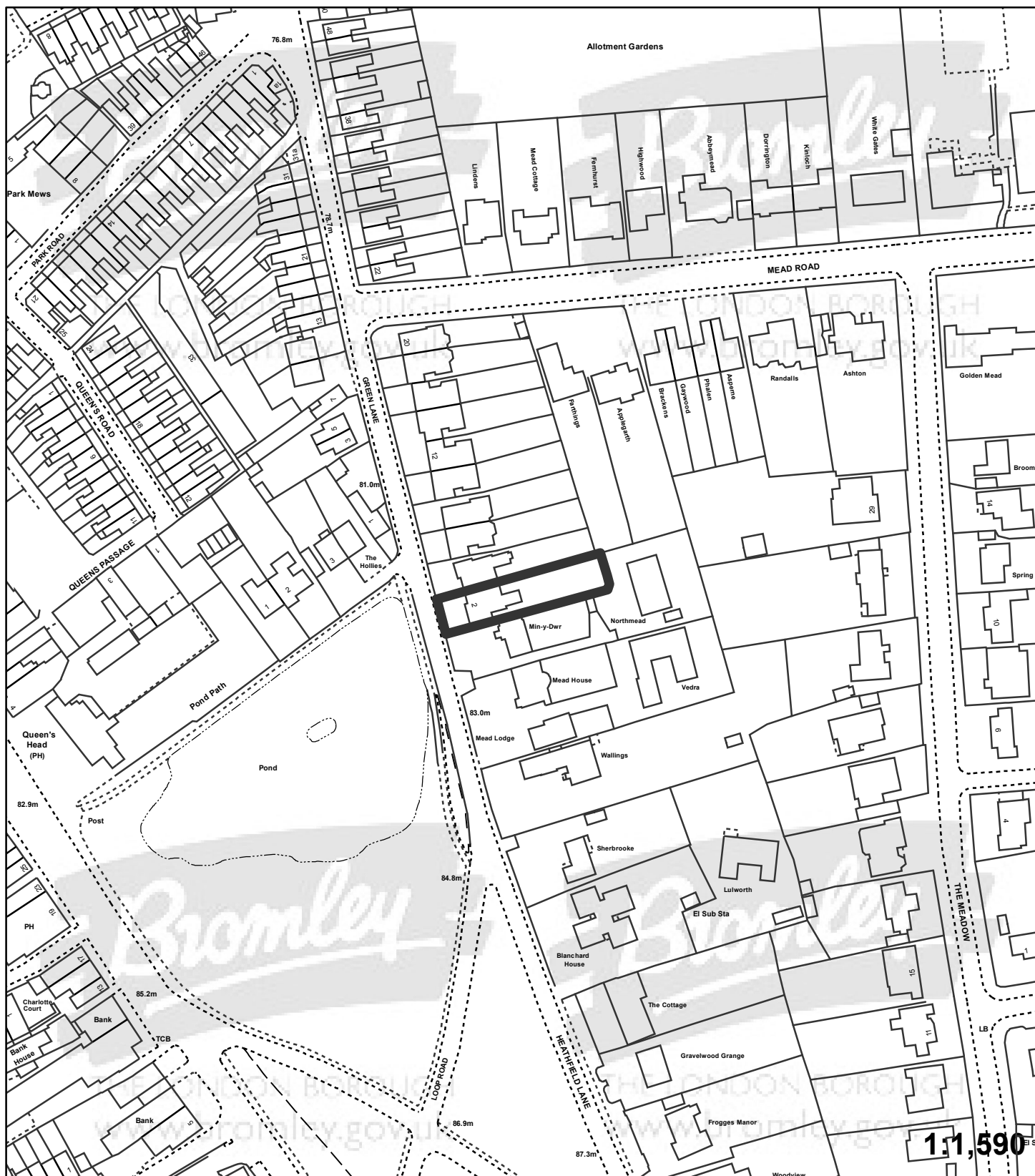
Subject to the following conditions:

- | | | |
|---|--------|--|
| 1 | ACA01 | Commencement of development within 3 yrs |
| | ACA01R | A01 Reason 3 years |
| 2 | ACC01 | Satisfactory materials (ext'n'l surfaces) |
| | ACC01R | Reason C01 |
| 3 | ACI13 | No windows (2 inserts) first floor flank extension |
| | ACI13R | I13 reason (1 insert) BE1 |
| 4 | ACK01 | Compliance with submitted plan |
| | ACK05R | K05 reason |

Application:14/04688/FULL6

Address: 2 Green Lane Chislehurst BR7 6AG

Proposal: Part one/two 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"

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

Application No : 15/00023/FULL2

Ward:
Orpington

Address : Berwick House 8 - 10 Knoll Rise
Orpington BR6 0EL

OS Grid Ref: E: 546117 N: 166111

Applicant : Mr Tony Farrant

Objections : NO

Description of Development:

Change of use from of Block A from physiotherapist (Use Class D1) to residential (Class C3) use comprising of four residential flats.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Local Cycle Network
London City Airport Safeguarding
Open Space Deficiency

Proposal

Planning permission is sought for the change of use of the ground floor of Block A of the Berwick House office complex from a physiotherapist practice (Class D1) to four residential flats (Class C3), comprising of two 2-bedroom flats and two 1-bedroom flats. The proposed development will be car-free and the applicant would be willing to enter a legal agreement to restrict future occupiers from applying for on-street parking permits.

The application is accompanied by a Planning Statement. This advises that the application premises will be vacated in the coming weeks as the current occupier (a physiotherapist) requires larger premises, having taken out a lease at a larger property.

A supporting letter from "Linays Commercial" alleges that there is limited demand for D1 space in Orpington, although the premises have not been marketed for D1 purposes.

Location

The site is situated along the northern side of Knoll Rise, within close proximity of Orpington High Street. The site comprises a commercial complex of buildings arranged as four blocks bounded by Knoll Rise, Berwick Way and Vinson Close, and adjacent to commercial properties to the south and east, and residential dwellings to the north and west.

Comments from Local Residents

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

Comments from Consultees

From a Highways perspective it is noted that the previous application, which was allowed at appeal, was to convert the rest of Berwick Court to 83 flats, and that there are 23 car parking spaces in the building. It is unclear as to how the parking spaces are being allocated amongst the previously permitted flats, but if there are any not taken up they could be offered to residents of these units. Given the appeal decision it is suggested that, in lieu of no parking provision, the applicant provides the future residents with a minimum of 2 years membership of a local car club together with 20 hours driving time. Furthermore, car-free and cycle-related conditions are sought.

Planning Considerations

Policy C1 resists the loss of community facilities unless it can be demonstrated that there is no longer a need for them or alternative provision is made in an equally accessible location.

This approach is reflected in the Emerging Local Plan: Draft Policies and Designations (Feb 2014) Policy 6.1

London Plan

Policy 3.16 deals with social infrastructure and advises that proposals "which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered."

Policy 3.17 addresses Health and Social Care facilities and advises that "Where local health services are being changed, the Mayor will expect to see replacement services operational before the facilities they replace are closed, unless there is adequate justification for the change."

The Mayor of London Housing SPG is also relevant in respect of this application.

The dwellings should all comply with "Lifetime Homes" standards.

Planning History

The application premises form purpose-built offices which, prior to 2014, were the subject to various applications relating to the commercial function of the building. However, these are not considered relevant to this application.

Under ref. 12/00183, planning permission was granted for the change of use of the ground floor office at Block A from offices (Class B1) to Physiotherapy clinic (Class D1), this area comprising 234sq metre of accommodation.

Under ref. 14/02086, Prior Approval was deemed to be required and subsequently refused in respect of the change of use of Berwick House from Class B1(a) office to Class C3 dwellinghouses to form 6 studio flats, 66 one bedroom and 13 two bedroom flats.

"The transport and highways impacts of the development are considered to be unsatisfactory with particular regard to the impact of the number of dwellings proposed on local transport infrastructure and the lack of adequate car parking which would generate an unacceptable increase in the demand for on-street car parking, prejudicial to the free flow of traffic and conditions of general safety along the adjoining highway network, therefore, the proposal does not comply with Class J.2(a) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and contrary to Chapter 4 of the NPPF."

This above Prior Approval was subsequently allowed at appeal.

Also of relevance to this application, under ref. 14/03073 planning permission was granted for the change of use of north ground floor of Central Court, 1B Knoll Rise from office (Class B1a) to physiotherapy clinic (Class D1) in October 2014. This application related to the occupiers of the application premises at Berwick House.

Conclusions

The main issues relate to the loss of what is an existing community facility (in light of Policy C1 which seeks to prevent the loss of community facilities unless it can be demonstrated that there is no longer a need for them or alternative provision is made in an equally accessible location); and whether the conversion of the building to residential use is acceptable in principle.

Firstly, there is a defined need for the physiotherapist provision which is contracted by local GPs. In respect of this application, the planning statement includes a supporting email from the physiotherapist indicating their satisfaction with their new larger location (493sqm) across the road in another office block "Central Court" at 1B Knoll Rise (planning permission having been granted under ref. 14/03073). The Central Court application advises that the use provides physiotherapy services to Bromley GP's and their patients via a contract with the NHS. Accordingly, in these circumstances it is not considered that this proposal will undermine the provision of community facilities, since the existing service will be rehoused within close proximity of the application site.

Secondly, in respect of the proposed residential use, Members will note that the remainder of Berwick House benefits from Prior Approval in respect of its conversion to over 80 residential units. In this context, the conversion of the ground floor element of Block A is deemed to be acceptable as it will represent a conforming use. The nature of the accommodation is considered to accord with London Plan standards whilst, from a Highways perspective, no objections are raised subject to the imposition of a car-free housing condition - something which has been agreed by the applicant.

Taking the above matters into account, this proposal is considered acceptable.

Background papers referred to during production of this report comprise all correspondence on the file refs 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 ACH22 Bicycle Parking
 ACH22R Reason H22
- 3 ACH33 Car Free Housing
 ACH33R Reason H33
- 4 No part of the development hereby permitted shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority of arrangements for future occupiers to join an established car club in the local area for a minimum of 2 years.

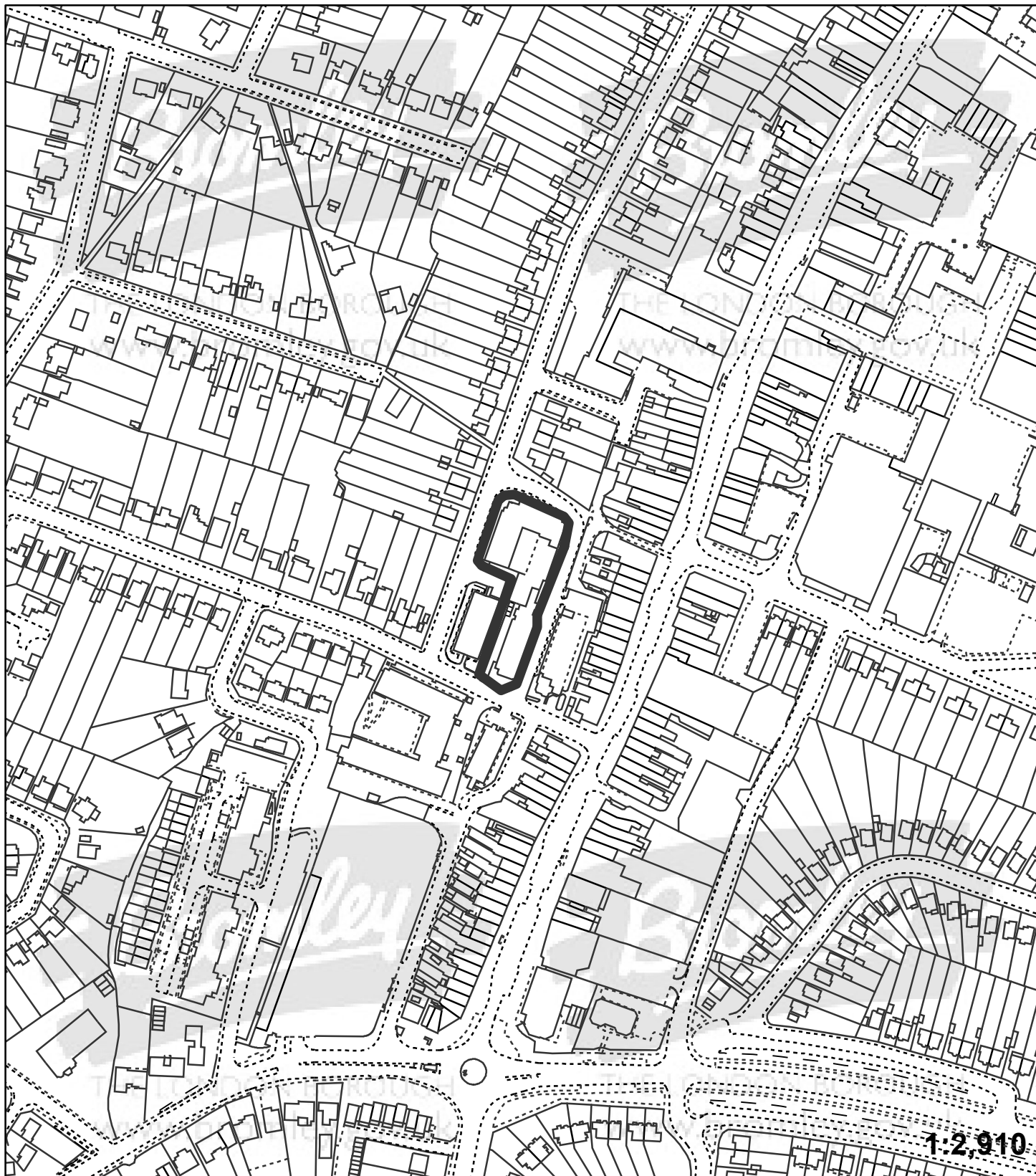
Reason: In order to provide for the transport needs of the development and comply with Policies T3 and T18 of the Unitary Development Plan.

- 5 ACK01 Compliance with submitted plan
 ACC03R Reason C03

Application: 15/00023/FULL2

Address: Berwick House 8 - 10 Knoll Rise Orpington BR6 0EL

Proposal: Change of use from of Block A from physiotherapist (Use Class D1) to residential (Class C3) use comprising of four residential flats.



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

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

Application No : 14/02868/FULL2

Ward:
Cray Valley East

Address : Waldens Farm Crockenhill Road
Swanley BR8 8EP

OS Grid Ref: E: 548811 N: 167231

Applicant : Second Chance Animal Rescue
(Mr John Ranger)

Objections : YES

Description of Development:

Continuation of use of land as an animal rescue centre
RETROSPECTIVE APPLICATION

Key designations:

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

Proposal

- The existing use utilises the land as an animal rescue centre. The site hosts several permanent structures to facilitate the daily running of the site as an animal rescue centre i.e. reception and bathrooms, as well as a plethora of stables, hutches and cages to host approximately 200 animals. Three caravans were also on site at the time of the site visit, two touring caravans and a larger static caravan.
- The agent stated that the use operates with approximately 5 vehicles visiting the site daily. The opening hours of the site are stated as being between 10am-2pm with all staff on site being volunteers.
- The site was previously used for rough grazing and was overgrown as noted from aerial photography.
- Vehicle access to the site will be provided via the right of way from Crockenhill Road.

Location

The site is located to the far western end of Crockenhill Road within close proximity to Swanley. The site is hidden from the main highway and is accessed along a public right of way past the eastern elevation of 1 Waldens Farm Cottage on land

once belonging to Waldens Farm. The larger site was previously split into approximately 800 smaller plots of land in the late 1970s and sold to various buyers. The applicant states that the animal rescue centre has been established for approximately four years occupying plot 31 and adjacent land in respect of which the owners are unknown.

Plot 31 and adjoining land relating to this application is sited within the Green Belt and is subject to an article 4 direction prohibiting some forms of permitted development.

Consultations

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

- The land is designated as Green Belt and is for agricultural use only
- The openness of the Green Belt has remained relatively intact except for this development
- The plot of land the applicant is leasing does not correspond with the location plan
- The applicant is using more than the two plots he owns and is clearing trees and hedges which are an important part of the local landscape
- If planning permission is approved it will set a precedent for all other forms of development on the site
- There is insufficient sanitation on site
- The track to the farm is not built to withstand a large volume of cars, vans and lorries making deliveries to the site
- The links to the farm are not sustainable which encourages further vehicle trips
- Vehicles arrive on site from 8am and leave late into the night
- The rescue centre is particularly busy at the weekends when most people want to walk through the farm
- Since the Animal Rescue Centre has been using the site the security has been compromised to the farm
- There is no mention within the application of health and safety or public liability insurance
- There is no mention within the application of emergency vehicle access, sight lines onto Crockenhill Road or the provision of a public car park
- There is no mention within the application of inspections of pens to prevent animals turning loose onto the land, installation of quarantine facilities or waste disposal methods
- Granting planning permission would set a precedent
- No very special circumstances have been made to warrant approval
- The structures cause a loss of openness
- The plots are protected by a covenant and Article 4 direction which should be applicable to all
- The track onto Waldens Farm is for leisure not commercial use
- Neighbours are subject to noise from the increasing numbers of vehicles and family privacy is compromised

- Mr Ranger is doing an excellent job however the land is not suitable for the type of business
- The site is over a very large area and keeps spreading out harming the openness of the Green Belt

Comments from Consultees

Highways - No objection due to the average number of daily trips.

Designing Out Crime Officer - No objection due to the application relating to the continuation of the use of land.

Environmental Health Officer - 'Further to our conversation and the photos received I understand that planning permission would allow lawful use of the full site for the boarding of dogs if this were desired in the future. If this is the case I would have concerns about the future potential for noise that granting planning permission would provide (we have received limited complaints to date about noise from animals on this site).

I have also discussed the site with the Licensing team who advised as this is animal rescue rather than paid boarding this would not be licensable and therefore you should be aware that if permission is granted there could be no further control on noise through the animal boarding establishment licensing regime'.

Planning Considerations

The Waldens Farm Site has an extensive planning history relating to various plots of which the most recent is:

05/03025 - retention of three mobile homes, three touring caravans and three sheds (Plots 473-474) - Refused

05/02805 - siting of one mobile home and one touring caravan - refused

05/02623 - Retention of one mobile home and one touring caravan - refused

05/00102 - Siting of two mobile homes and two caravans for a period of two years - refused

04/04568 - Placement of hard standing, siting of one mobile home and one touring caravan and retention of portable buildings - refused

04/04454 - Siting of four mobile homes/caravans and one day room - refused

Conclusions

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

The NPPF states inappropriate development within the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. A Local Planning Authority should regard the construction of new buildings as inappropriate development except buildings for agriculture and forestry, outdoor recreation that preserves the openness of the Green Belt, small extensions or alterations to existing buildings, the replacement of a building provided that the new building isn't materially larger, limiting infilling in villages or the redevelopment of previously developed sites.

Policy G1 of the UDP states the material change of use of the land within the Green Belt will be inappropriate unless they maintain the openness and do not conflict with the purposes of including land in the Green Belt. Permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm.

Principle of development

In this case, the proposal includes a large sprawling site with various permanent structures to facilitate an animal rescue centre. An office and bathroom facility located within a wooden cabin is found close to the entrance of the site with stables, pens and hutches located to the rear of the entrance inter dispersed with mature trees. Although there was no hard standing in place at the time of the site visit, the centre benefits from established footpaths around the site and also from full utilities evident from the water taps found in use throughout the area. Three caravans were also located to the rear of the application site, two touring caravans and one static caravan. Vehicle tracks were present from Crockenhill Road through to the site. It is noted from existing aerial photographs that the siting of the animal rescue centre has been facilitated by the clearance of mature trees and hedges.

The site is a well established animal rehoming centre which has been in situ approximately four years. Over that time the animal sanctuary has grown exponentially, consequently spreading out onto adjoining plots. It is not considered that the site maintains the openness of the Green Belt by virtue of the scale of the development that has occurred and the multitude of built structures on the site. Members may find the use of the land and the structures found within the site inappropriate development within the Green Belt. On this basis the use of the land as an animal rescue centre impacts detrimentally on the rural character and openness of the site and the wider area contrary to policy G1 and the National Planning Policy Framework.

The applicant has not claimed that the use of the land merits very special circumstances with regards to development within the Green Belt however it is noted that the applicant has provided evidence stating the importance of the site in terms of benefitting the locality by rehoming ill and unwanted animals and working closely with various charities and work experience students. Whilst the work of the rescue centre is appreciated, members may not consider that this constitutes a very special circumstance with regards to development within the Green Belt and

as such this does not sufficiently outweigh the harm the development causes on the openness and visual amenity of the surrounding countryside.

Impact on Residential Amenity

The proposal site is located a significant distance from neighbouring properties however the access track to the animal rescue centre runs adjacent to the dwellings at 1 and 2 Waldens Farm Cottages. From visiting the site the nearest dwellings (1 and 2 Waldens Farm Cottage) are located approximately 10m from the access track. It is noted however that the right of way is not solely used for the animal rescue centre alone and is also used to access factories at the far northern end of the Waldens Farm site. Comments from the Environmental Health Officer state that there has only been one complaint of noise from the site within the four years it has been open. By virtue of the average number of vehicular trips to the centre on a weekly basis and the absence of complaints to Environmental Health, Members may not consider that the site has an adverse impact upon neighbouring residential amenity.

Highways

The Highways Officer has not raised any objections to the scheme by virtue of the stated average number of vehicular trips to the site on a weekly basis being relatively low. Members may not consider that the site has an adverse impact upon highway safety.

Having had regard to the above it was considered that the development in the manner proposed is not acceptable in that it results in a detrimental impact on the rural character of the Green Belt. It is therefore recommended that Members refuse planning permission.

Background papers referred to during production of this report comprise all correspondence on the file ref. 14/002868, set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

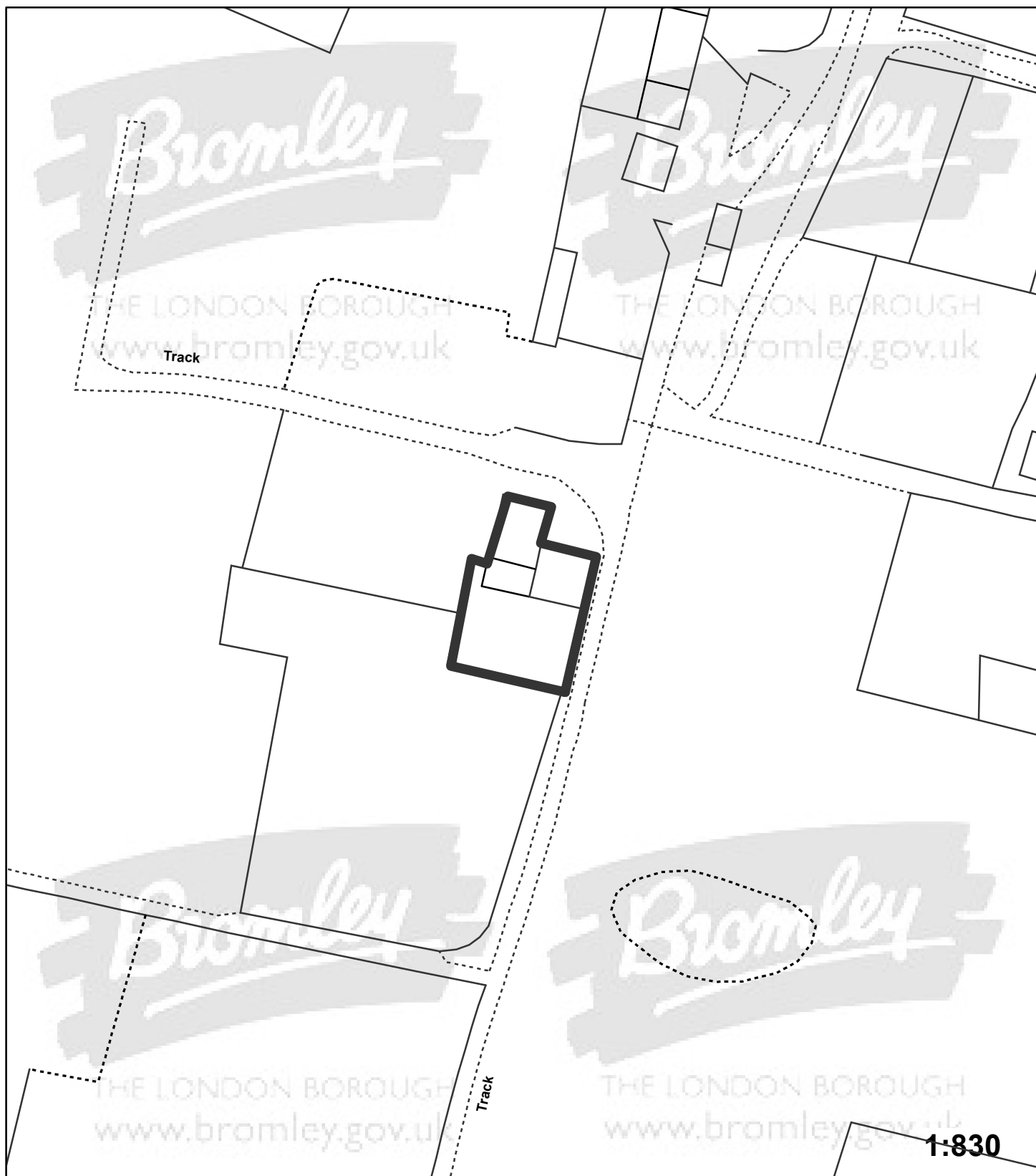
The reasons for refusal are:

- 1 The site is located within the Green Belt wherein there is a general presumption against inappropriate development. No very special circumstances have been demonstrated to justify an exception to local plan policy and it is considered that the application is contrary to Policy G1 of the Unitary Development Plan and National Planning Policy Framework.
- 2 The proposal constitutes an undesirable form of development within the Green Belt, harmful to the openness and visual amenities of the area contrary to Policy G1 of the Unitary Development Plan and National Planning Policy Framework.

Application:14/02868/FULL2

Address: Waldens Farm Crockenhill Road Swanley BR8 8EP

Proposal: Continuation of use of land as an animal rescue centre
RETROSPECTIVE APPLICATION



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

Report No.
DRR/15/031

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PLANS SUB COMMITTEE NO. 4

Date: Thursday 19th March 2015

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

Title: CONFIRMATION OF TREE PRESERVATION ORDER NO. 2601.
LAND ADJACENT TO 131 MERLIN GROVE, BECKENHAM.

Contact Officer: Mark Cannon, Principal Tree Officer
E-mail: mark.cannon@bromley.gov.uk

Chief Officer: Chief Planner

Ward: Kelsey and Eden Park

1. Reason for report

2. This report considers objections that have been made to the making of a Tree Preservation Order. The Committee must take the objections into account before deciding whether to confirm the order. The Committee must decide whether to endorse the recommendation of the Chief Planner and confirm the order without modification.

3. **RECOMMENDATION(S)**

The Chief Officer advises that the order be confirmed without modification.

Corporate Policy

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

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Planning and Renewal
 4. Total current budget for this head: £1.6m
 5. Source of funding: Existing Controllable Revenue Budget
-

Staff

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

Legal

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

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: None

3. COMMENTARY

3.1 The Site

3.2 The oak tree is located in an unadopted vehicular access road situated between 131 Merlin Grove and the rear gardens of 280 to 302 Eden Park Avenue, approximately 35m from the access into main highway.

3.3 The oak tree is situated close to the eastern rear garden boundary of 131 Merlin Grove, approximately 65 metres north west from the junction of Merlin Grove and Eden Park Avenue.

3.4 The surrounding area is predominately residential; comprising mainly 2 storey terrace and semi-detached dwellings, landscaped front and rear gardens and early mature ornamental tree planting within the public highway.

3.5 The Order

3.6 Tree Preservation Order No.2601 protects an individual oak tree located in unadopted land adjacent to 131 Merlin Grove, which is considered to have high public amenity value. The order supersedes Tree Preservation Order No. 2596, which was originally served following a request by Residents and Members to prevent the possible removal of the tree, after a tree removal notice had been issued by agents acting on behalf of the insurers for 129 Merlin Grove.

3.7 The order was served on all interested parties on 29th September 2014, superseding Tree Preservation Order 2596 which originally came into effect on 7th April 2014.

3.8 The order is effective for 6 Months. If the order is not confirmed within that period, the provisional protection will cease on 29th March 2015. The report is seeking authority to confirm the Tree Preservation Order so that it takes permanent effect.

3.9. Issues

3.10 The Council has received objections to the order from the owners of 129 Merlin Grove, Beckenham on the following grounds:

- a) In 2008 partial underpinning was carried out at 129 Merlin Grove and the oak tree was named as the cause of the damage. A neighbouring property was also underpinned 8 years earlier and insurers also blamed the damage on the oak tree. It would be in the interests of both properties that the oak tree could be removed.

3.11 The Councils Duty in Respect to Trees

3.12 The Town and Country Planning Act (1990) section 198(1) states that:

‘If it appears to a Local Planning Authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order’.

3.13 Considerations

3.14 The principal considerations in relation to the confirmation of the order including the objector’s comments are:-

- 3.15
- (a) In relation to the oak tree situated within land adjacent to 131 Merlin Grove:
 - (i) Is the oak tree of sufficient public amenity value and in a satisfactory condition to be made the subject of a permanent Tree Preservation Order.
 - (ii) Is there sufficient evidence supporting the claim that the oak tree is contributing or is the cause of structural damage.
- 3.16 The oak tree is located approximately 15m from the rear elevation of 129 Merlin Grove. The tree is mature and is considered by officers to be in satisfactory condition.
- 3.17 The tree is visible from public view points in Merlin Grove and it is considered that the loss or removal of the tree would have a detrimental effect on the character and appearance of the area.
- 3.18 There has been no supporting evidence submitted with the letter of objection demonstrating that the oak tree could be the cause of structural damage. The order allows for the future submission of a tree works application for the removal of the tree and together with the necessary evidence would be carefully considered.
- 3.19 The removal of an existing tree and its effect upon the local landscape is a material consideration for the Council, and in certain circumstances it will use its full powers in the interests of Public Amenity to protect trees which are considered to be at risk.

3.20. Conclusion and Recommendation

- 3.21 The oak tree is considered to be in a satisfactory condition and of public amenity value. The tree is visible to the general public and its removal would have a detrimental impact upon visual public amenity.
- 3.22 The objections to the order are not accepted for the reasons given in paragraphs 3.17 to 3.21 above. It is therefore recommended that the provisional Tree Preservation Order is confirmed.

4. POLICY IMPLICATIONS

This report is in accordance with Policy NE7 of the Councils Unitary Development Plan.

5. FINANCIAL IMPLICATIONS

None

6. LEGAL IMPLICATIONS

None

7. PERSONNEL IMPLICATIONS

None

Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	Copy of Tree Preservation Order No. 2601



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