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DATE: 21 July 2015

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

Councillor Lydia Buttinger (Chairman)
Councillor Michael Turner (Vice-Chairman)
Councillors Kathy Bance MBE, Nicholas Bennett J.P., Peter Dean, Simon Fawthrop,
Samaris Huntington-Thresher, Russell Mellor and Richard Scoates

A meeting of the Plans Sub-Committee No. 2 will be held at Bromley Civic Centre on
THURSDAY 30 JULY 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 4 JUNE 2015**
(Pages 1 - 14)
- 4 PLANNING APPLICATIONS**

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

Report No.	Ward	Page No.	Application Number and Address
4.1	Chislehurst	15 - 18	(15/01976/FULL1) - Red Hill Primary School, Chislehurst, BR7 6DA

SECTION 2 (Applications meriting special consideration)

Report No.	Ward	Page No.	Application Number and Address
4.2	Plaistow and Sundridge	19 - 30	(14/04443/FULL1) - 87 Oak Tree Gardens, Bromley, BR1 5BE
4.3	Cray Valley East	31 - 38	(15/00500/FULL2) - Rosedale, Hockenden Lane, Swanley, BR8 7QN
4.4	Darwin	39 - 72	(15/00508/FULL1) - Land Adjacent 2 (demolished) Main Road, Biggin Hill.
4.5	Darwin	73 - 84	(15/00981/FULL3) - Old Hill Farm, Old Hill, Orpington, BR6 6BN
4.6	Copers Cope	85 - 92	(15/01334/FULL1) - 2-4 Fairfield Road, Beckenham, BR3 3LD
4.7	Clock House	93 - 98	(15/01445/RECON) - 1A Balgowan Road, Beckenham BR3 4HJ
4.8	Penge and Cator	99 - 104	(15/01761/RECON) Harris Academy Bromley, Lennard Road, Beckenham BR3 1QR

4.9	Darwin	105 - 110	(15/01917/ADV) - Bristol Street Motors, Sevenoaks Road, Pratts Bottom, Orpington, BR6 7LP
4.10	Chislehurst Conservation Area	111 - 126	(15/01930/FULL6) - 6 The Meadow, Chislehurst, BR7 6AA
4.11	Penge and Cator	127 - 134	(15/01951/FULL3) - 167 - 169 High Street, Penge, London, SE20 7DS
4.12	Bickley		(15/01953/FULL1) 104 Nightingale Lane, Bromley BR1 2SE (REPORT TO FOLLOW)
4.13	Kelsey and Eden Park	135 - 144	(15/02045/FULL1) - 107 South Eden Park Road, Beckenham, BR3 3AX

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

Report No.	Ward	Page No.	Application Number and Address
4.14	Petts Wood and Knoll	145 - 158	(15/01312/FULL1) - 6 Ladywood Avenue, Petts Wood, BR5 1QJ
4.15	Bromley Common and Keston	159 - 166	(15/01547/FULL6) 81 Crown Lane, Bromley, BR2 9PJ
4.16	Chislehurst Conservation Area	167 - 178	(15/02282/FULL1) - 20 Camden Park Road, Chislehurst BR7 5HG

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

Report No.	Ward	Page No.	Application Number and Address
4.17	Bromley Town	179 - 188	(15/01673/FULL1) - Billingford, Elstree Hill, Bromley, BR1 4JE

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
	NO REPORTS		

PLANS SUB-COMMITTEE NO. 2

Minutes of the meeting held at 7.00 pm on 4 June 2015

Present:

Councillor Lydia Buttinger (Chairman)
Councillor Michael Turner (Vice-Chairman)
Councillors Kathy Bance MBE, Nicholas Bennett J.P.,
Peter Dean, Simon Fawthrop, Samaris Huntington-Thresher,
Russell Mellor and Richard Scoates

Also Present:

Councillors Nicky Dykes, Will Harmer, Alexa Michael and
Angela Wilkins

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

All Members of the Committee were present.

2 DECLARATIONS OF INTEREST

Councillor Samaris Huntington-Thresher declared a personal interest in Item 4.6 as a former work colleague of the applicant.

3 CONFIRMATION OF MINUTES OF MEETING HELD ON 2 APRIL 2015

RESOLVED that the Minutes of the meeting held on 2 April 2015 be confirmed and signed as a correct record.

4 PLANNING APPLICATIONS

SECTION 1

(Applications submitted by the London Borough of Bromley)

4.1 BROMLEY COMMON AND KESTON

(15/00754/FULL1) - Keston CE Primary School, Lakes Road, Keston

Description of application - All weather sports pitch with 1.8m high fence surround. Additional netting to 4.5 height on north, south and east pitch sides.

Oral representations in support of the application were received.

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

Comments from the Planning Officer were reported. It was noted that Committee Member Councillor Nicholas Bennett JP was not opposed to the application but merely to the imposition of a 5 pm curfew condition.

Natural England had raised no objections to the application.

Objections from Orpington Field Club had been received.

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

11 The all-weather sports pitch hereby permitted shall not operate after 5 pm on any day.

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

12 The all-weather sports pitch hereby permitted shall only be used in connection with the existing school and not be used by any commercial businesses.

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

13 Details of the colour to be used on the external surface of the proposed mesh fencing shall be submitted to and approved in writing by or on behalf of the Local Planning Authority.

Reason: To accord with Policy BE1, in the interest of the appearance of the building and in the interest of the amenities of the adjacent properties.

Councillor Nicholas Bennett JP's vote against permission was noted.

4.2 BICKLEY

(15/01388/FULL1) - Bickley Primary School, Nightingale Lane, Bromley

Description of application – Single storey detached modular building for toilet block and sports store.

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)

**4.3
PLAISTOW AND
SUNDRIDGE**

(14/03125/FULL2) - 1 Edward Road, Bromley

**THIS REPORT WAS WITHDRAWN FROM THE
AGENDA.**

**4.4
CRAY VALLEY EAST**

**(14/03989/FULL3) - Kevington Hall, Crockenhill
Road, Orpington and (14/03992/LBC) - Kevington
Hall, Crockenhill Road, Orpington**

(14/03989/FULL3) - Description of application –
Change of use of part basement, ground floor and first
floor from residential to venue for weddings and
corporate functions, including external flue to kitchens
internal alterations and creation of new vehicular
access to Crockenhill Road.

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

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

(14/03992/LBC) – Description of application - Change
of use of part basement, ground floor and first floor
from residential to venue for weddings and corporate
functions, including external flue to kitchens internal
alterations and creation of new vehicular access to
Crockenhill Road.

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

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

**4.5
BROMLEY TOWN**

**(14/03400/FULL1) - Blyth Wood Park, 20 Blyth
Road, Bromley**

Description of application – Change of use of ground
and first floor from sports hall (use class D2) to C3,
incorporating the existing residential unit in the roof
space to form a single 4 bedroom dwelling, new
vehicular access onto Bracken Hill Lane and
associated replacement fencing and gates.

Oral representations in objection to and in support of the application were received. Oral representations from Ward Member Councillor Nicky Dykes in objection to the application were received at the meeting.

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

Comments from the Highways Division were reported. The Planning Officer confirmed that this was a retrospective application.

Members having considered the report, objections and representations, **RESOLVED that the application be DEFERRED without prejudice to any future consideration to allow the applicant to seek an alternative means of access.**

4.6 FARNBOROUGH AND CROFTON

(15/00403/FULL6) - 35 Crofton Road, Orpington

Description of application – Enlargement of roof to provide first floor accommodation including rear dormer and single storey rear extension and conversion of garage to habitable room.

Oral representations in objection to and in support of the application were received at the meeting. Comments from Ward Member Councillor Charles Joel in support of the application were received at the meeting.

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

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

4.7 BICKLEY

(15/00654/FULL3) - Bickley and Widmore Working Mens Club, Tylney Road, Bromley

Description of application – Change of use and conversion of first floor social club function room, first floor front and rear extensions and creation of mansard roof to provide additional floor for a total of 6 flats (4 x 1 bedroom and 2 x 2 bedroom) on upper floors.

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

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

It was reported that the application had been amended by documents received on 21 May 2015. 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.

**4.8
PLAISTOW AND
SUNDRIDGE**

(15/00664/FULL1) - 1 Burnt Ash Lane, Bromley

Description of application – Demolition of existing bungalow and construction of a three storey building comprising 2 one bedroom and 4 two bedroom flats, parking, cycle parking, refuse and landscaping.

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

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

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

1 The proposal would result in an unacceptable overdevelopment of the site, detrimental to the character of the surrounding area and would have a detrimental impact on the nearby residential properties including the location of the rear parking area and the intensification of the use of the vehicular access onto a London Distributor Route, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.

Councillor Dean's vote against refusal was noted.

**4.9
BROMLEY TOWN**

(15/00696/FULL1) - Broadway House, 3 High Street, Bromley

Description of application – Extension of third, fourth, eighth and ninth floor to provide 9 flats.

Further comments from the Highways Division had included the suggestion that should Members be minded to grant permission, this should be subject to a Section 106 Agreement.

Members having considered the report, **RESOLVED that PERMISSION BE GRANTED** as recommended, **SUBJECT TO THE PRIOR COMPLETION OF A SECTION 106 AGREEMENT** and subject to the conditions and informatives set out in the report of the Chief Planner with the deletion of condition 8.

**4.10
CHISLEHURST
CONSERVATION AREA**

**(15/00840/FULL1) - Old Elthamians Sports Club,
Foxbury Avenue, Chislehurst**

Description of application – Formation of a senior football pitch with two spectators stands comprising 100 seated and 100 standing and associated floodlighting timber fencing and landscaping.

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

It was reported that a further letter in support of the application had been received.

Comments from the Highways Division were reported at the meeting.

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

**4.11
CRYSTAL PALACE**

(15/00990/FULL1) - 3 Anerley Park Road, Penge

Description of application – Single storey rear extension.

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

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

**4.12
CHISLEHURST
CONSERVATION AREA**

**(15/01084/FULL1) - Farringtons School, Perry
Street, Chislehurst**

Description of application – Two storey rear and first floor extensions to existing science teaching block, glazed canopy to rear and re-landscaping around building with new footpaths, ramps and external lighting.

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

It was reported that Environmental Health had raised no objections to the application.

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

**4.13
CHELSFIELD AND PRATTS
BOTTOM**

**(15/01533/ELUD) - Woodhill Farm, Norsted Lane,
Orpington**

**THIS REPORT WAS WITHDRAWN FROM THE
AGENDA**

SECTION 3

(Applications recommended for permission, approval
or consent)

**4.14
DARWIN**

**(14/03187/ELUD) - Yonder Farm, Orange Court
Lane, Downe**

Description of application – Use of buildings and land
as a stable and riding school without complying with
conditions 3, 4 and 7 of permission ref 02/01905
CERTIFICATE OF LAWFULNESS FOR AN
EXISTING USE.

Following deferment of this item at the Planning Sub-
Committee meeting held on 5 March 2015, the
applicant submitted further information comprising of a
note from her accountant and an affidavit in support of
previous representations regarding activities at the
site over the last 10 years.

At the meeting, Members were informed that
additional information had been provided and a
number of factual issues had come to light regarding
the application.

Members were concerned about the validity of the
application and believed that on a balance of
probabilities there had been a deliberate concealment
by the applicant of the activities carried out on the site.

The Council's legal representative pointed out that the
report correctly advised that the use had been
continuous for the required period of time. However,
where it could be shown that there had been a
deliberate concealment of the activities carried out on
the site, the applicant would be deprived of immunity
from enforcement action provided under s171B (3) of
the Town and Country Planning Act 1990 (as
amended).

The Council's legal representative made reference to
statute and the principle set out in *Welwyn Hatfield
Council v Secretary of State for Communities and
Local Government* [2011] UKSC 15 in relation to

deliberate concealment of breaches of planning control. In particular, the planning enforcement order (concealed development) code set out in s171BA, s171BB and s171BC had to be construed as a supplementary procedure which widened the powers available to local authorities, rather than an exhaustive replacement for the principal set out in the Welwyn Hatfield case.

Some Members were familiar with the Welwyn Hatfield case, which was summarised by the legal representative at the meeting. Members were advised that they did not need to go as far as applying an "exceptionality" test or consider whether the conduct of the applicant had been "truly egregious" to establish deliberate concealment (*Jackson v Secretary of State* [2015] EWHC 20 (Admin) – 13 January 2015). However, it must be shown that the applicant's conduct was such that it fell within the scope of the Connor Principal, which sets out the following four tests, articulated in the Welwyn Hatfield judgement, to establish whether there had been a deliberate concealment:-

- (1) there is positive deception in the planning process;
- (2) the deception is intended to undermine the planning process;
- (3) the deception does undermine the planning process; and
- (4) the applicant stands to profit directly from the deception.

Members were updated on the additional evidence submitted by the applicant and additional information discovered by the Council, which suggested a deliberate concealment

The legal representative read out each test and received the following Member responses to each:-

- 1) There is a positive deception in the planning process

Members concluded there had been a positive deception in the planning process based on the information provided by the applicant in her planning application submitted to the Council in May 2002. The applicant stated that she intended to use the land for her sole pleasure and for her family's horses,

however, in her affidavit which she submitted as part of her additional information, she stated that she moved her riding school business onto the site in mid-June 2002, approximately two weeks after submitting the planning application. Members found that the evidence, based on such a short timeframe, pointed to the applicant's intention of using the site for commercial purposes contrary to statements made in writing to accompany the planning application. Members noted the relevant conditions attached to the permission. These were as follows:-

- '(3) The use of the existing buildings shall only be for the private stabling of horses in the ownership of the person in possession of the land/buildings and shall not be used for or in connection with any commercial use;
- (4) The sand school shall only be for the use of horses in the ownership of the person in possession of the land/buildings and shall not be used for or in connection with any commercial use whatsoever;
- (7) The use shall be solely for the benefit of the applicant and no other party.'

Members agreed that the applicant sought to undermine the planning process by failing to apply for a variation of the conditions. The applicant had made eight planning applications in the past at her previous property at Garden Cottage, Rookery Road, Downe and was therefore fully aware of the planning process. The question was asked, why did she not apply to vary the conditions that she agreed to prior to moving her horse riding school onto the site? This led Members to conclude that she had sought to undermine the planning process by taking advantage of the immunity offered under planning legislation, by keeping a low profile, in the hope that the breach would remain undetected.

- 2) The deception is intended to undermine the planning process

Members concluded that the applicant intended to undermine the planning process by failing to engage with the Council. She was fully aware of the specific conditions attached to the planning permission and the planning application process and could have

applied to vary the conditions before she moved her business onto the site. She also failed to engage with the Council as demonstrated by the lack of any evidence of payment of business rates. The commercial use of the premises was potentially contrary to national and local green belt policy, which the Council has not had the opportunity to consider due to the applicant's failure to engage with the Council. It is highly probable that the outcome of the planning application may have been different had the applicant disclosed the relevant facts which are now apparent regarding the commercial use of the site.

3) The deception does undermine the planning process

Members concluded that failure to apply to vary the conditions and provide any evidence of business rates undermined the planning process because this prevented the Council from considering an application and the planning enforcement department from being alerted about the breach. The applicant's conduct amounted to a positive deception based on these facts.

4) The applicant stands to profit directly from the deception

Members concluded that by operating a commercial riding school the applicant stood to profit directly from the deception.

Members having considered the objections, report and additional information, **RESOLVED that a CERTIFICATE OF LAWFULNESS FOR EXISTING USE BE REFUSED** for the following reason:-

The evidence produced to support the application has been arrived at by a process of deliberate concealment and as such the applicant should be deprived of the immunity offered under s171B (3) of the Town and Country Planning Act 1990 (as amended).

IT WAS FURTHER RESOLVED that ENFORCEMENT ACTION BE AUTHORISED against the commercial use of the site as it was considered inappropriate within the Green Belt,

contrary to Policy G1 of the Unitary Development Plan and the NPPF.

Councillor Fawthrop's vote in favour of refusal and enforcement action was noted.

**4.15
DARWIN**

(15/01584/ELUD) - Yonder Farm, Orange Court Lane, Downe

Description of application – Use of part of barn as residential dwelling CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE.

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

The applicant submitted a new application for a Certificate of Lawfulness of an existing use following refusal of a previous application. The current application repeated the refused application but included additional information comprising of a Statutory Declaration signed by the applicant regarding the use of the barn as a residential dwelling for the last 4 years.

At the meeting Members were updated on the additional information provided and on factual issues which had come to light regarding the application.

Members were concerned about the validity of the application and believed that on a balance of probabilities there had been a deliberate concealment by the applicant of the activities carried out on the site.

The Council's legal representative pointed out that the report correctly advised that the use had been continuous for the required period of time. However, where it could be shown that there has been a deliberate concealment of the activities carried out on the site, the applicant would be deprived of immunity from enforcement action provided under s171B (2) of the Town and Country Planning Act 1990 (as amended).

The Council's legal representative made reference to statute and the principle set out in *Welwyn Hatfield Council v Secretary of State for Communities and Local Government* [2011] UKSC 15 in relation to deliberate concealment of breaches of planning control. In particular, that the planning enforcement

order (concealed development) code set out in s171BA, s171BB and s171BC had to be construed as a supplementary procedure which widened the powers available to local authorities, rather than an exhaustive replacement for the principal set out in the Welwyn Hatfield case.

Some Members were familiar with the Welwyn Hatfield case, which was summarised by the legal representative. Members were advised that they did not need to go as far as applying an “exceptionality” test or consider whether the conduct of the applicant had been “truly egregious” to establish deliberate concealment (*Jackson v Secretary of State* [2015] EWHC 20 (Admin) – 13 January 2015). However, it must be shown that the applicant’s conduct was such that it fell within the scope of the Connor Principal, which sets out the following four tests, articulated in the Welwyn Hatfield judgement, to establish whether there had been a deliberate concealment:-

- (1) there is positive deception in the planning process;
- (2) the deception is intended to undermine the planning process;
- (3) the deception does undermine the planning process; and
- (4) the applicant stands to profit directly from the deception.

The legal representative read out each test at the and received the following Member responses to each:-

- 1) There is a positive deception in the planning process

Members concluded that the applicant was fully aware of the planning process having made a total of eight planning applications in the past. In spite of this she failed to engage with the Council when the conversion was made. Specifically there had been no application for Building Regulations, no payment of Council Tax and no person registered on the Electoral Roll at Yonder Farm. Members considered that taking account of all of the facts there had been a positive deception.

2) The deception is intended to undermine the planning process

The applicant intended to undermine the planning process by failing to engage with the Council. For example, the applicant failed to provide evidence of Council tax payments, building regulations and Electoral Roll registration. In addition, the non-conforming use of part of the barn as a residential dwelling undermined the Council's green belt policy, which would only allow residential dwellings under very special circumstances. The Council had not been able to consider this due to the applicant's intentional failure to engage with the Council.

3) The deception does undermine the planning process

Members were informed that failure to provide any evidence of Council tax payments, building regulations and Electoral Roll registration undermined the planning process because this prevented the Council's planning enforcement department from being alerted about the breach.

4) The applicant stands to profit directly from the deception

Members considered that by using the barn as a residential dwelling the applicant stood to profit directly from the deception by way of the increase in value of the property in residential use.

Members having considered the objections, report and additional information, **RESOLVED that a CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE BE REFUSED** for the following reason:-

The evidence produced to support the application had been arrived at by a process of deliberate concealment and as such the applicant should be deprived of the immunity offered under the Town and Country Planning Act 1990 (as amended).

It was FURTHER RESOLVED that ENFORCEMENT ACTION BE AUTHORISED against the creation of a residential dwelling at the site as it was considered inappropriate development within the

Green Belt, contrary to Policy G1 of the Unitary Development Plan and the NPPF.

Councillor Fawthrop's vote in favour of refusal and enforcement action was noted.

SECTION 4

(Applications recommended for refusal or disapproval of details)

**4.16
ORPINGTON**

(15/01292/FULL1) - 23 The Drive, Orpington

Description of application – Detached 2 bedroom dwelling house with vehicle parking for 2 vehicles in the rear garden of 23 The Drive. Accessed from The Avenue.

Oral representations in support of the application were received.

Comments from Ward Member Councillor William Huntington-Thresher were reported at the meeting. Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reasons and informative set out in the report of the Chief Planner.

The meeting ended at 9.20 pm

Chairman

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

Application No : 15/01976/FULL1

Ward:
Chislehurst

Address : Red Hill Primary School Red Hill
Chislehurst BR7 6DA

OS Grid Ref: E: 543538 N: 171053

Applicant : Red Hill Primary School

Objections : YES

Description of Development:

Proposed replacement curtain walling to hall

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Chain Walk
London City Airport Safeguarding
London City Airport Safeguarding Birds
Sites of Interest for Nat. Conservation
Smoke Control SCA 16
Urban Open Space

Proposal

The proposal is for the replacement of curtain walling to the main school hall. The proposed walling will be a like for like replacement, constructed from transparent glass. The front and rear wall are proposed to be replaced, both measure 13.6m in width and 6.5m in height.

Location

The application site is located on the southern side of Red Hill with a south-east front elevation. The primary school is surrounded mainly by residential properties. The site comprises school buildings to the south of the site, with a nursery and library provided towards the east. The school has a large amount of playing fields surrounding the main school building backing onto woodlands to the south and residential properties to the north, east and west. The proposed front wall of the hall to be replaced faces on to Red Hill, set back at a distance of approximately 70m.

Consultations

Comments from Local Residents

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

Comments from Consultees

No comments were received from consultees.

Planning Considerations

BE1 Design of New Development
C1 Community Facilities
C7 Education and Pre-School Facilities
G8 Urban Open Space

The following Council adopted SPG guidance is also a consideration:
Supplementary Planning Guidance 1 General Design Guidance
Supplementary Planning Guidance 2 Residential Design Principles

The above policies are considered consistent with the objectives and principles of the NPPF. The London Plan 2015 is also a material consideration.

Planning History

There is a considerable planning history with regards to the site, of which the most pertinent applications consist of:

12/02011/FULL1 - erection of canopies for covered walkway - permitted
13/02039/FULL1 - erection of a freestanding canopy within the playground - permitted
14/02396/FULL1 - single storey extension to the toilets - permitted
15/01278/FULL1 - single storey extension to provide toilets - permitted

Conclusions

Members may consider the main issues relating to the application as being the effect that the proposal would have on the streetscene and the character of the surrounding area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

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

The development is considered to accord with Policy G8 in that the proposal relates to the existing use at the site as a primary school. The proposed structure is not considered to impact upon the openness of the Urban Open Space by virtue of being within the envelope of the school buildings and not increasing the footprint

of the building. The external appearance of the school building will be slightly altered in that the existing curtain walling has a blue film applied which is proposed to be replaced by transparent glass however the mullions and transoms will closely mirror the existing walling. Members may find that the walling is considered a betterment to the existing walling which is of poor repair, both aesthetically and from a safety point of view.

The main school itself is set back from the road and the proposed development will not have a detrimental impact on the street scene. The materials proposed are not considered to form an obtrusive nor incongruent feature. Due to the distance from neighbouring residential development, the proposed replacement walling will not impact on residential amenity.

On balance, given the siting of the replacement walling, the development is considered acceptable.

No additional pupils or staff are proposed as part of this application and therefore no additional traffic or car parking issues are considered to arise as a result of the proposal.

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

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

REASON: Section 91, Town and Country Planning Act 1990.

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

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

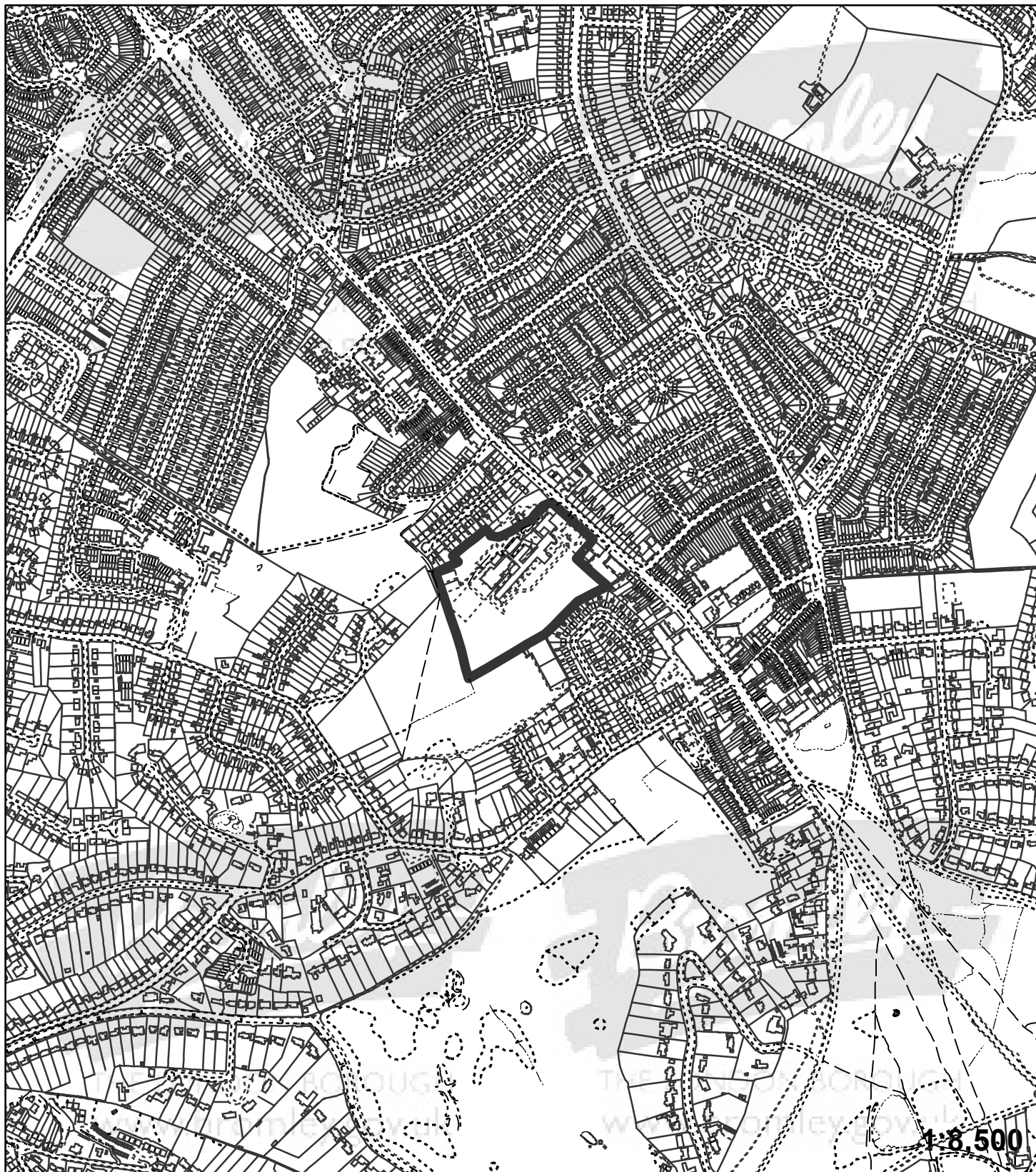
- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

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

Application: 15/01976/FULL1

Address: Red Hill Primary School Red Hill Chislehurst BR7 6DA

Proposal: Proposed replacement curtain walling to hall



"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 : 14/04443/FULL1

Ward:

Plaistow And Sundridge

Address : 87 Oak Tree Gardens Bromley BR1 5BE

OS Grid Ref: E: 540986 N: 171589

Applicant : PJ Supplies Construction

Objections : YES

Description of Development:

Redevelopment of land at rear of Nos. 87-93 Oak Tree Gardens to include demolition of Nos. 89 and 91 and erection of eight 2 1/2 storey, 4 bedroom houses comprising two terraces of 3 houses, one pair of semi detached houses and one detached single garage; associated access, parking, landscaping, cycle storage, refuse and recycling provision.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Local Cycle Network
Flood Zone 2
Flood Zone 3
London City Airport Safeguarding
London City Airport Safeguarding Birds

Proposal

The application proposes the demolition of Nos. 89 and 91 Oak Tree Gardens in order to provide access to the rear to a formed backland development site upon which 2 terraces of 3 dwellings and 1 pair of semi-detached dwellings would be built.

The dwellings would be arranged with the 2 terraces of 3 dwellings being sited towards the rear of the site, facing each other and broadly perpendicular to the western boundary of the site with the adjacent railway land. The pair of semi-detached dwellings would align with the front and rear elevations of the northern terrace and would be sited approx. 2.4m from the boundary with the rear garden of No. 95 Oak Tree Gardens and 3.98m from the boundary with the retained rear garden of No. 93 (which would range from 11.5m long to 14.7m long).

The terrace comprising dwellings 1-3 would be sited approx. 2.89m from the western boundary and rear gardens would range in depth from 9.5m deep to 8.5m deep, although as a result of the sloping site, a 2m high retaining wall would be constructed approx. 3.25m from the rear elevation of the terrace, with a grassed garden area towards the rear accessed via steps, upon which a shed for each

dwelling would be sited. A side space of 2m would be retained between the terrace and the proposed adjacent pair of semi-detached houses.

The terrace comprising dwellings 6 - 8 would be sited a minimum of approx. 2.57m from the western boundary of the site with the eastern elevation of the terrace lying 1m from the boundary with the severed rear garden of No. 87 Oak Tree Gardens, which would be approx. 15.25m long. The rear gardens for the terrace would be of similar arrangement as the northern terrace in addressing the change in site levels by providing a terrace with retaining wall and a grassed area with a shed towards the rear. The garden depths would range from max. 10.14m deep to 9.2m deep.

All of the proposed dwellings would be approx. 8.75m high to the mock ridge/flat roof and approx. 5.75m to eaves height. The dwellings would incorporate rear dormers set within the rear roof slope.

The dwellings would be tile hung at first floor level with facing brick below. Close-boarded timber fencing would be erected around the site and adjacent to the access road. Retaining walls are proposed to address the sloping topography of the site/

Each dwelling would have 2 forecourt parking spaces, with the exception of House 1, which would have 1 car parking space and House 5 which would be provided with 1 forecourt space and an attached garage.

The car parking spaces and the site itself would be accessed via a driveway which would be approx. 6m wide and which would be sited on the outside of the right angled bend in Oak Tree Gardens. A turning area would be provided adjacent to proposed dwelling No. 8, and 5 additional car parking spaces would be constructed between the turning area and the driveway, adjacent to the flank boundary of No. 87 Oak Tree Gardens.

In addition to the proposed dwellings, a detached garage for the existing dwelling at No.87 would be provided between the flank elevation of the dwelling and the newly formed side boundary with the parking area and access road.

Location

Oak Tree Gardens forms part of a larger post-war suburban residential estate. Dwellings in the locality are similar in style and form, and within Oak Tree Gardens there is an appreciable uniformity in the layout of dwellings, with a consistent pattern of development characterised in the main by modest dwellings set within long but reasonably narrow plots incorporating substantially deep rear gardens beyond which lie detached residential garages accessed by a rear access way.

The dwellings located close to the corner of Oak Tree Gardens and Portland Road are semi-detached, with a total of 12 pairs of dwellings, beyond which to the south and east of the corner dwellings, houses are generally arranged in terraces of 4 dwellings. The streets are reasonably wide and trees lined, and have a spacious character, particularly around the bend in the street. At this point, the arrangement of dwellings set slightly further back from the roadway than on the straight sections

of the streets and at an angle to each other contributes to the perception of space between and about development and allows views between houses to the rear.

Nos. 89 and 91 lie on the outside corner of the right-angle bend where Oak Tree Gardens and Portland Road meet. These dwellings benefit from very generous rear gardens which unlike the dwellings arranged on the straight stretches of the street are fan shaped as a result of the arrangement of the dwellings around the bend. A number of trees have been felled at the rear of the existing residential gardens and the railway embankment can be seen at a higher level than the adjacent garden land.

The backland site would be formed from the entirety of the sites of Nos. 89 and 91, and the severed rear gardens of Nos. 87 and 93 Oak Tree Gardens. The site slopes up from the front to the rear to the point where it meets the adjacent railway land.

The applicant's agent has stated that the site lies approx. 49m from the Quaggy river culvert and the site is not shown as lying within a flood zone, albeit it is reasonably close by. The Quaggy river runs through the adjacent Chinbrook Meadows before being sent underground in the culvert, passing close by Nos. 11 and 13 Portland Road.

Consultations

Comments from Local Residents

A significant number of letters were received from local residents in response to the Council's initial notification, and further letters were received following the submission of revised plans amending the proposals, including correspondence from the Links Estate Residents' Association. One letter of support was received, which stated that the proposals would represent an improvement over the existing situation.

The remaining letters objected to the proposals and the concerns raised may be summarised as follows:

- The proposals would increase traffic in the road and the corner is already hazardous with difficult sightlines worsened by cars parking on either side of the road
- Increased risk of flooding as Oak Tree Gardens sits on a gradient and has flooded in the past. The removal of trees and development of the land will exacerbate this problem
- Overdevelopment of the site, demonstrated by the loss of land from residential gardens
- It is a quiet and peaceful road and the proposal would have a negative impact on the character of the neighbourhood
- Loss of privacy to rear gardens as the dwellings are set at a right angle to the remaining gardens and the proposals are 2.5 storeys high

- Concerns relating to the implementation of the development, in terms of construction noise and traffic
- Would set a precedent for future developments
- Loss of wildlife habitats
- Increased pressure on parking and sewerage
- The site lies close to the Quaggy River and there have been recent flood warnings.
- The land is adjacent to Metropolitan Open Land
- The development is backland development
- The dwellings would be out of character with the 1930s feel of the area
- Trees have already been removed, spoiling the natural woodland and exposing neighbouring gardens and the railway line
- Contrary to para 58 of the NPPF as the development is contrary to local character and history and doesn't reflect local surroundings or materials
- The developer directed the removal of mature trees before submitting the application
- The rear access to the garages gets very wet and muddy during the winter
- The widening of the access will make the traffic and road safety situation worse as it will encourage faster speeds for drivers accessing and leaving the site
- The dwellings would be visible as a result of the upwardly sloping site and while dwellings at street level may have had loft conversions, they are set at a lower level than the houses would be

Comments from Consultees

Highways

The site is located in an area with a very low PTAL rate and the proposal now includes provision for 1.5 parking spaces per dwelling. A total of 20 spaces are proposed including parking for visitors and 2 spaces for No. 87.

A swept path analysis shown in the revised drawing is considered satisfactory and no objections are raised subject to conditions.

Environmental Health

No objections are raised to the proposal from an Environmental Health perspective.

Network Rail

It is recommended that prior to the commencement of development the developer should contact the Asset Protection Kent team and signs up to an Asset Protection Agreement to enable Network Rail to review the development's design and construction.

Further information and guidance has been provided regarding the relationship between development and the railway infrastructure and including advice regarding

railway noise and development. The potential for any noise/vibration impact must be assessed in the context of the NPPF.

Environment Agency

The application has been assessed as having a low environmental risk and therefore there are no comments.

Drainage

There are public sewers crossing or close to the development and therefore approval should be sought from Thames Water where any building would be over the line of or within 3m of a public sewer.

There are no objections with regards to sewerage or water infrastructure capacities.

Planning Considerations

BE1 Design of New Development

H1 Housing Supply

H7 Housing Density and Design

H8 Residential Extensions

H9 Side Space

NE7 Development and Trees

T3 Parking

T7 Cyclists

T8 Other Road users

T18 Road Safety

SPG1 General Design Principles

SPG2 Residential Design Guidance

London Plan:

3.4 Optimising Housing Potential

3.5 Quality and Design of Housing Developments

5.3 Sustainable Design and Construction

5.13 Sustainable Drainage

6.9 Cycling

6.13 Parking

7.2 An Inclusive Environment

7.3 Designing out crime

7.4 Local Character

7.6 Architecture

Mayor of London's Housing Supplementary Planning Guidance

The NPPF 2012

Planning History

There is no relevant planning history on the site to report.

Conclusions

An appeal has been submitted on the grounds of the non-determination of the application within the statutory timeframe. It is therefore necessary for Members to consider whether to contest the appeal, and if so, on what planning grounds.

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

Many residential properties and localities in the Borough are characterised by spacious rear gardens and well-separated buildings and policy H7 of the UDP states that proposals which would undermine this character will generally be resisted. However, such development may be acceptable provided it is small-scale and sensitive to the surrounding residential area. Lower residential densities will usually be required and there should be adequate access.

The applicant has argued that the scheme is sustainable and would utilise previously developed land with good access and space standards. The residential density of the development would equate to 213 habitable rooms per hectare and 36 units per hectare. The units per hectare calculation is at the lower end of the London Plan guidance while the number of habitable rooms per hectare exceeds the thresholds, as set out in Table 3.2: Sustainable residential quality (SRQ) of the London Plan. The Council does not consider that the residential gardens would comprise previously developed land, and this approach is in line with the NPPF, the London Plan and the Mayor's Housing SPG, which emphasises in para. 1.2.18 the important roles that gardens can play, including in respect of the definition of local context and character.

It is considered that the development would represent an overdevelopment of the site, out of keeping with the character of the locality. Specifically, the proposed development would leave the existing properties on either side of the demolished pair with significantly reduced rear garden depths, far below the existing spatial standards of the site and those in the vicinity. The proposed dwellings would also possess significantly less external amenity space than is generally characteristic of the area.

In terms of the arrangement of the dwellings in isolation from consideration of their setting, the house-type and mix of terraces and semi-detached dwellings would not be out of character in principle with the existing residential area. Terraces and semi-detached houses are typical of the suburban residential built form in the locality. However, the character of an area is as much informed by the space about buildings and the setting of development as the basic choice of housing type, and it is in this respect that Members may consider the proposals unsatisfactory.

Firstly, the site itself would be formed partly from the severed rear gardens of adjacent dwellings. While the existing lengths of these gardens are deeper

adjacent to the demolished pair of semi-detached dwellings, where the gardens adjoin those of the neighbouring dwellings set on the straight sections of the streets, away from the corner, their current proportions are not uncharacteristically deep. The development would result in the existing gardens being significantly reduced in depth. These retained gardens would be deeper than those of the proposed dwellings, but would not reflect the prevailing pattern of development in the locality, where gardens are generally reasonably uniformly deep. In this respect Members may consider that the proposals would fail to have sufficient regard for the distinctive character of the surrounding residential area.

Similarly, while the proposed gardens serving the application dwellings would broadly conform to the 10m rear garden depth that may be considered a reasonable minimum standard for dwelling houses, the retention of space to the rear of the dwellings would contrast unfavourably with the pattern of development in the locality and would tend to undermine the spacious character of the area. As such, the proposals would appear as a cramped overdevelopment of the site.

The proportion of the site covered by buildings and hard surfaces would be disproportionate in contrast with the pattern of development in the locality, with limited opportunity for soft landscaping in front of the dwellings and adjacent to the access to soften the appearance of the development and to provide an attractive setting for the development. The setting of the development in the sloping site would necessitate the construction of substantial retaining walls which would truncate the proposed rear gardens and would increase the cramped appearance of the dwellings and their residential plots.

The proposed dwellings would be higher than the existing estate dwellings, and would incorporate significant accommodation within the second floor roof space. This would be achieved through the design of the roof to accommodate steeply sloping pitches arranged around a substantial flat roofed area. As a consequence, the massing of the roofs would appear disproportionately bulky. The impression of bulk would tend to emphasise the cramped appearance of the backland development and the perceived overdevelopment of the site.

The applicant has suggested that the granting of planning permission on appeal (APP/G5180/A/11/2145203) for a development at 12-16 Leamington Close provides an example of similar development being acceptable within the locality, stating that that site and the application site are strikingly similar.

Notwithstanding the principle that each case should be considered on its merits, the other nearby site is not considered to provide a persuasive precedent for the current proposal. In the case of the Leamington Close development, the Inspector noted the position of the site, which lies on an off-shoot from a residential cul-de-sac, with the host dwellings themselves arranged in a backland location around a banjo-shaped turning circle. It is considered that that proposal was supported by the existing backland location of the dwellings which were demolished in order to provide the rear access. The remaining dwellings were positioned in such a manner as to punctuate the new vehicular and pedestrian access and the new dwellings were positioned within the site to broadly face the new banjo-shaped turning area. As such, the new development responded to the pattern and rhythm

of the original street layout. This is not considered to apply to the proposed development which may be considered to introduce backland development into a consistently and uniformly laid out residential street, with the proposed dwellings being poorly related in terms of orientation and siting to the adjacent street.

Furthermore, the garden depths provided for the new dwellings were broadly similar to those of the remaining main cul-de-sac houses and those retained within the off-shoot. In the case of the application proposal, the gardens proposed for the dwellings fall significantly short of the prevailing character of the street.

Members may consider that the orientation of the dwellings in relation to the rearmost parts of adjacent gardens and open space would limit the potential impact of the proposals on the privacy of neighbouring dwellings to an extent. Flank facing windows would be capable of being obscure-glazed. However, it should be noted that the rear facing dormers at Plots 6-8 would overlook the rear half of the garden at No. 85 Oak Tree Gardens and it is necessary to carefully consider whether this loss of privacy would be significantly adverse. Furthermore, while views from the proposed development may be obscured to an extent, the views which surrounding residents currently enjoy would be altered from open gardens to an intensive development with dwellings of substantial scale and bulk. Having regard to the level of amenity that local residents currently enjoy and might reasonably expect to continue to enjoy, the development proposed would detract significantly from the amenities of the occupiers of surrounding dwellings, particularly those retained with severed rear gardens.

The impact of the proposal on residential amenity would not be limited to an impact on outlook and privacy, but it is also necessary to consider the siting of the vehicular access road in relation to the semi-detached dwellings which lie on either side of the proposed access. Where these dwellings currently enjoy a reasonable level of peace and quiet, sited as they are adjacent to the pair of semi-detached dwellings it is proposed to demolish, the proposals would introduce the comings and goings of vehicles associated with the development in reasonably close proximity to the retained dwellings. In the case of No. 93, the access road would be sited approx. 1.5m from the flank elevation of the dwelling, and would run for the full depth of the retained reduced depth garden, with the driveway to dwelling No. 5 lying at the rear of the garden. A narrow 0.5m grass strip between the road and the boundary would provide little opportunity for soft landscaping, planting or other measures that might provide a barrier from noise and disturbance associated with the development.

The other retained semi-detached dwelling would be more satisfactorily capable of being shielded from the noise and other impacts of the development as a consequence of the provision of a more generous separation, although the proposed turning area would be sited approx. 3.5m from the flank boundary with the truncated rear garden, and 5 car parking spaces would be sited adjacent to the boundary with the detached garage associated with No.87.

While the proposed side separation distances across the site would comply with the requirements of Policy H9 of the UDP and the proposed dwellings would have access to private amenity space, in terms of the relationship between the proposed backland dwellings and the street-facing existing dwellings, the proposal would

represent a cramped overdevelopment of the site, which would be harmful to the amenities of surrounding residential properties and detrimental to the character of the area.

In terms of access and parking, no objections have been raised in respect of the revised proposals, which included the widening of the access and an increase in the number of parking spaces to 1.5 spaces per dwelling. The swept path analysis submitted with the revised drawings is considered satisfactory and Members may consider that subject to appropriate conditions to safeguard the parking and access elements of the proposal, this aspect would be acceptable and would not have a significant detrimental effect on road safety.

Neighbouring residents have raised significant concerns regarding the impact of the development on flooding and drainage, and these concerns relate to material planning considerations. However, no objections have been received from Thames Water in respect of water or sewerage infrastructure capacity, and the Environment Agency has stated that the development has low environmental risk. In the absence of technical objections from either party Members may consider that the impact of the proposals on flooding and drainage infrastructure would be acceptable.

Having had regard to the above it is considered that the scale, form and layout of the development would result in a cramped overdevelopment of the site, harmful to the visual amenities and character of the area and would result in a significant loss of amenity to local residents.

While it is acknowledged that the proposal would provide additional housing units towards meeting the supply of new dwellings in the Borough, it is not considered that this aspect of the proposal would outweigh the significant harms identified above.

RECOMMENDATION: RESOLVE TO CONTEST APPEAL

Grounds for contesting the Appeal are as follows:

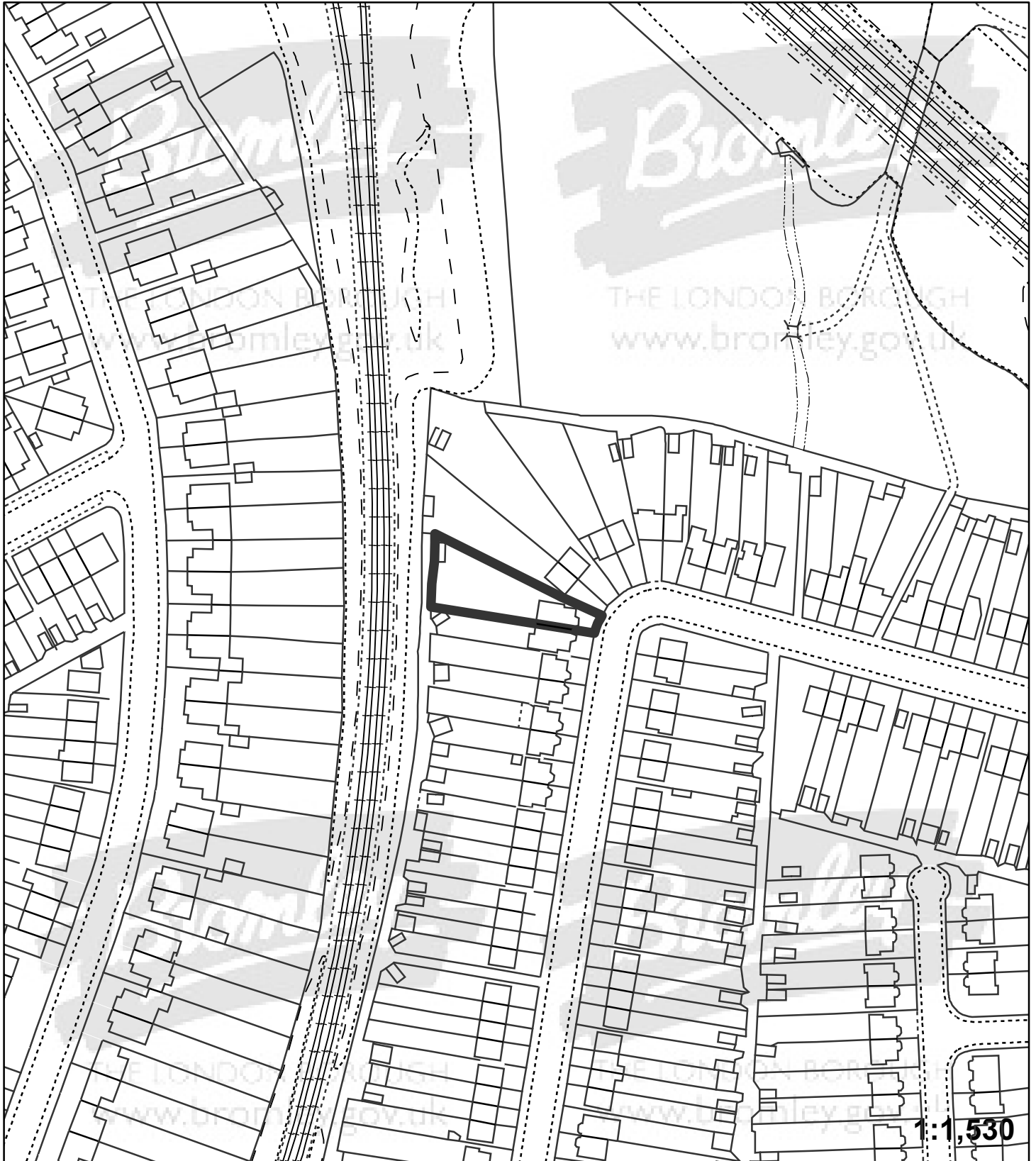
- 1 The proposal by reason of its layout, bulk and siting in relation to neighbouring residential dwellings constitutes an unsatisfactory and cramped form of backland development, seriously detrimental to the residential amenities which the occupiers of neighbouring properties might reasonable expect to continue to enjoy, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan, Policies 3.5 and 7.4 of the London Plan and the National Planning Policy Framework.**
- 2 The proposal, by reason of its bulk, layout and siting, would constitute an unsatisfactory form of backland development, out of character with the pattern of development, quality and distinctiveness of the surrounding area, thereby detrimental to the visual amenities of the area and contrary to Policies BE1 and H7 of**

the Unitary Development Plan, Policies 3.5 and 7.4 of the London Plan and the National Planning Policy Framework.

Application:14/04443/FULL1

Address: 87 Oak Tree Gardens Bromley BR1 5BE

Proposal: Redevelopment of land at rear of Nos. 87-93 Oak Tree Gardens to include demolition of Nos. 89 and 91 and erection of eight 2 1/2 storey, 4 bedroom houses comprising two terraces of 3 houses, one pair of semi detached houses and one detached single garage; associated access,



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

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SECTION '2' – Applications meriting special consideration

Application No : 15/00500/FULL2

Ward:
Cray Valley East

Address : Rosedale Hockenden Lane Swanley
BR8 7QN

OS Grid Ref: E: 549631 N: 169176

Applicant : Mr R Smith

Objections : YES

Description of Development:

Continued use of land for stationing of residential caravans to provide 1 gypsy pitch, with associated works (hardstanding, fencing, septic tank and landscaping) and stable block and paddock on land adjacent to Vinsons Cottage, Hockenden Lane, Swanley (Renewal of permission ref 08/02489 granted on appeal for a temporary period of 5 years.)

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Local Distributor Roads
Smoke Control SCA 20

Proposal

A 5 year temporary planning permission was granted on appeal in February 2010 (ref.08/02489) for the change of use of this area of land to the east of Vinsons Cottages for the stationing of residential caravans to provide 1 gypsy pitch, with associated works (hardstanding, fencing, septic tank and landscaping), but this has now expired. A permanent permission was also granted for the retention of a stable block consisting of 3 loose boxes and a store with associated paddock.

The current application has been submitted in order to continue the use of the land and retain the structures, other than the stable block which has a permanent permission. The application states that the use first commenced in September 2004, and that none of the structures permitted in 2010 have changed.

Location

This site is located on the southern side of Hockenden Lane, adjacent to Vinsons Cottages and opposite the junction with Cookham Road. It measures 0.15ha in area, and lies within the Green Belt.

Consultations

Letters of objection have been received from nearby residents, and the main points raised are summarised as follows:

- * the residential caravans are not now required to look after horses on the adjoining land
- * the site lies within the Green Belt
- * the site is too close to nearby residential properties.

Comments from Consultees

The Council's Highway Engineer has commented that the proposals were previously granted on appeal for 5 years, and he is not aware that this has caused any impact on the highway, therefore, no objections are raised.

Planning Considerations

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

G1 The Green Belt
H6 Gypsies and Travelling Show People
BE1 Design of New Development

National Planning Policy Framework (NPPF) March 2012:

Paragraphs 87 and 88 of the NPPF advise that inappropriate development 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. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Planning Policy for Traveller Sites (PPTS) March 2012:

Policy H of the PPTS sets out guidance for determining planning applications for traveller sites. Paragraph 22 identifies relevant matters including:

- * the existing level of local provision and need for sites
- * the availability (or lack) of alternative accommodation for the applicants
- * other personal circumstances of the applicant
- * that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.

Paragraph 25 indicates that if a local planning authority cannot demonstrate an up-to-date 5-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.

The application has been called in to committee by a Ward Councillor.

Planning History

A 5-year temporary planning permission was granted on appeal in February 2010 (ref.08/02489) for the change of use of this land for the stationing of residential caravans to provide 1 gypsy pitch, whilst a permanent permission was granted for the retention of the stable block consisting of 3 loose boxes and a store.

The Inspector concluded that inappropriate development had taken place which reduced the openness of the Green Belt, led to encroachment into the countryside and failed to prevent urban sprawl. She found that the harm identified to the Green Belt by reason of inappropriateness was not sufficiently outweighed by other considerations to allow a permanent permission to be granted, but concluded that a temporary 5 year permission could be granted due to the significant unmet need for gypsy and traveller sites (which would not be resolved in the immediate short term), and the limited harm caused to the Green Belt by the temporary permission when compared with the significant harm that would be caused to the appellant's home and family life if they were forced to leave the site. For that reason, the Inspector also limited the temporary permission to the applicant, Mr Robbie Smith, and his resident dependants. The temporary permission would enable the Council to bring forward allocated traveller sites.

The NPPF and PPTS were subsequently introduced in March 2012 which required Councils to allocate Traveller Sites within a comprehensive Local Plan document.

The Council's intention to designate this site as a Traveller Site has already been set out in two stages of Local Plan public consultation, to which no objections were raised

* "Options and Preferred Strategy Document" (March 2013) Preferred Option 30

* "Draft Policies and Designations Document" (Feb 2014). The supporting text to the draft Traveller's Accommodation Policy 5.12 reiterates that this site is proposed as a Traveller Site.

The detailed boundary of this and other traveller sites was recently endorsed for public consultation by Development Control Committee (on 13th July) and the Executive (on 15th July).

Conclusions

The main issues in this case are whether there are very special circumstances to justify the continued use of the site as a gypsy pitch that would outweigh the harm caused by reason of its inappropriateness within the Green Belt, and the impact on the amenities of nearby residential properties.

The emerging Local Plan has to date involved four separate consultations, three of which have specified that the Council proposes to allocate this site as a Traveller

Site in accordance with the PPTS. This exclusion from the Green Belt can only occur through the plan making process, and therefore, whilst the intention is clearly set out in published documents, the allocation would not take effect until the Local Plan is adopted, and the proposal therefore remains an inappropriate use in the Green Belt.

Although the proposed allocation of this site as a Traveller Site has not yet been adopted, and the granting of a permanent permission cannot remove the site from the Green Belt, the Council has accepted that "exceptional circumstances" exist to propose that this site be allocated as a Traveller Site inset within the Green Belt through the Local Plan process. The NPPF sets out the weight to be attached to emerging policies according to; the stage of preparation (the allocation has been through three public consultations with only the detailed boundaries to be consulted on); the extent to which there are unresolved objections (no objections have been raised to the allocation of this site); and the degree of consistency with the NPPF (the proposals are consistent with the PPTS which is the sister document to the NPPF).

These are considered to constitute very special circumstances that outweigh the harm to the Green Belt due to its inappropriateness, and a permanent permission (rather than a further temporary permission) would be considered appropriate in this case.

The site has been kept in a good condition, and the structures on the site are the same as those which were not considered by the previous Inspector to cause significant visual harm to the surrounding area.

The site lies within a small residential enclave, and the proposals are not considered to result in any undue loss of light, privacy or prospect to neighbouring properties.

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 No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time.**

Reason: In order to comply with the requirements of UDP Policy H6, the NPPF (2012) and the PPTS (2012)

- 2 No commercial activities except the breeding of horses shall take place on the land, including the storage of materials.**

Reason: In order to comply with the requirements of UDP Policy H6, the NPPF (2012) and the PPTS (2012)

- 3 No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.**

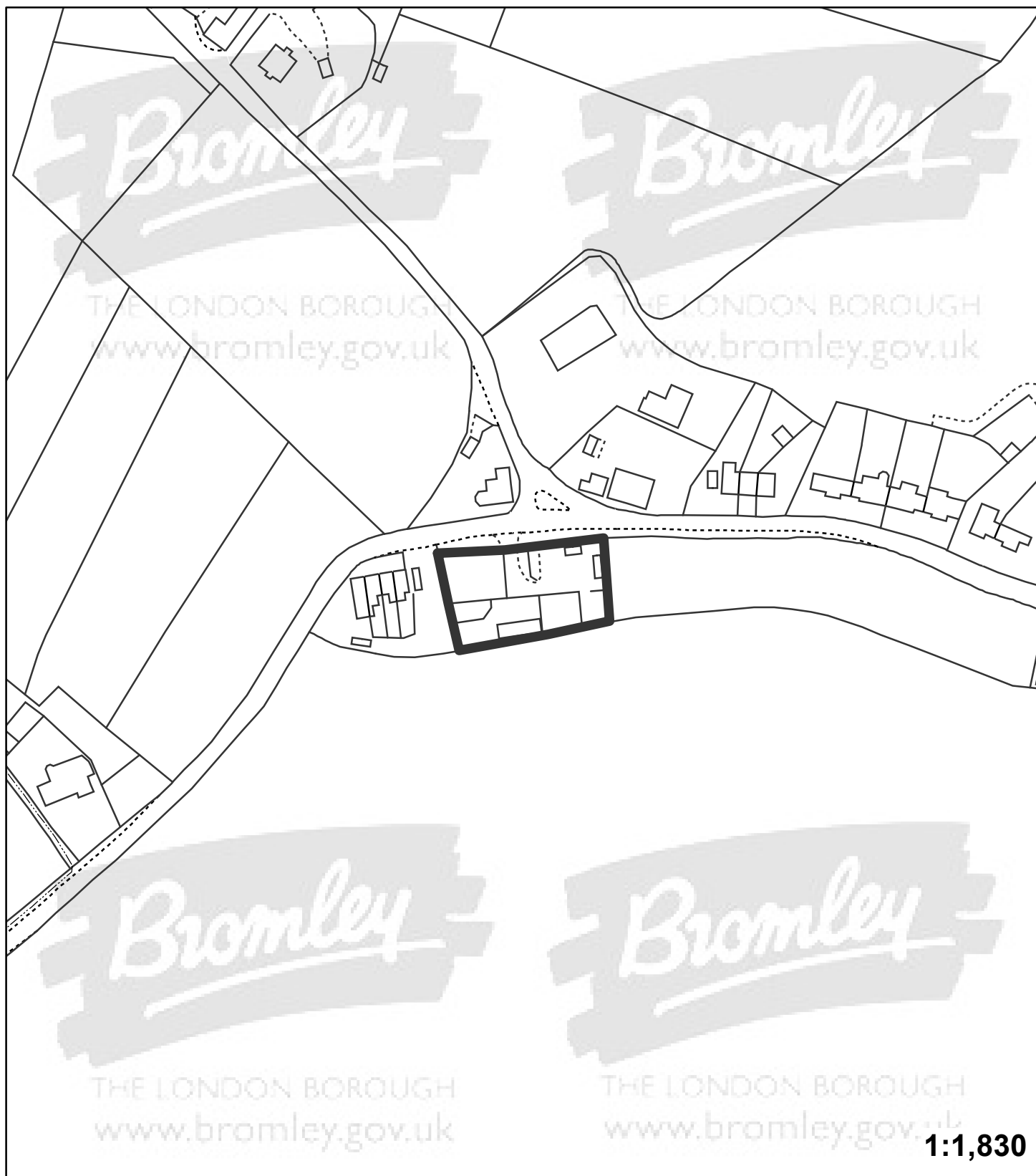
Reason: In order to comply with the requirements of UDP Policy H6, the NPPF (2012) and the PPTS (2012)

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Application:15/00500/FULL2

Address: Rosedale Hockenden Lane Swanley BR8 7QN

Proposal: Continued use of land for stationing of residential caravans to provide 1 gypsy pitch, with associated works (hardstanding, fencing, septic tank and landscaping) and stable block and paddock on land adjacent to Vinsons Cottage, Hockenden Lane, Swanley (Renewal of permission ref



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SECTION '2' – Applications meriting special consideration

Application No : 15/00508/FULL1

Ward:
Darwin

Address : Land Adjacent 2 (demolished) Main
Road Biggin Hill

OS Grid Ref: E: 541204 N: 160889

Applicant : Taylor Wimpey South West Thames **Objections :** YES

Description of Development:

Erection of 16 dwellings (4 x 2 bed flats, 3 x 3 bed houses and 9 x 4 bed houses) with access from Moxey Close and Barwell Crescent together with 43 car parking spaces, cycle storage and landscaping, to include the stopping up of an existing access onto the A223.

Key designations:

Biggin Hill Noise Contours
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
London Distributor Roads
Major Development Sites
Smoke Control SCA 24
Technical Sites BH

Proposal

- 16 residential units comprising four x 2 bed flats, three x 3 bed houses and nine x 4 bed houses
- units are two storey in height and include detached and semi-detached dwellings with the four flats being located within a two storey detached block
- the development is laid out in a cul-de-sac arrangement with access from Moxey Close to the north
- the existing access from Main Road A233 will be stopped up apart from to provide pedestrian/cycle access
- 6 affordable units will be provided as follows:
 - plots 5 and 16: three bed houses;
 - plots 6, 7, 8 and 9: two bed flats (all are indicated as 'shared ownership')
- Two wheelchair units are provided at ground floor within the apartment building
- Buildings will be traditional in appearance predominantly with gable ended roof designs

- Landscaping includes the retention of some existing trees, particularly along the southern edge of the site fronting Main Road and a small open green area towards the centre of the site taking into account two mature trees which are to be retained
- Parking for a total of 43 vehicles including 3 visitor spaces, 8 communal spaces (including 2 disabled) and 10 spaces within attached and detached garages
- Each unit has an allocated bin storage area.

A revised package of plans and documents was received on 1st June 2015. The main alterations made to the scheme can be summarised as follows:

- The number of units on the site has been reduced from 18 to 16 dwellings
- Increase in separation of development in the north-east corner of the site to Main Road frontage
- Garages previously abutting the western boundary moved away to provide a green buffer
- Increase in separation of development to No's 18 and 19 Barwell Crescent
- Minor re-configuration of parking layout

The applicant has submitted the following documents and, in some cases, subsequent addendums to support the application:

- Ecology appraisal and Protected Species Survey

This concludes that the site has a low value for local wildlife with some minor potential for roosting bats and protected nesting birds and recommends impact avoidance measures and mitigation planting for an area of grassland containing pyramidal orchid. Overall it anticipates no significant ecological impacts on the site or on the adjacent SSSI as a result of the development

- Arboricultural report including tree survey and impact assessment

It considers that removal of lesser quality trees is required while better quality trees will be retained and the planting of new trees mitigates the loss of trees, whilst adding to the sustainability, species diversity and biodiversity, etc within the site. A total of 14 trees will be removed. Construction management will include schemes of protection for the retained trees.

- Energy statement

The document examines five methods of bringing the developments energy target in line with London Plan requirements however the developer confirms that their preference is for enhanced fabric plus photovoltaics in order to achieve the 35% reduction on carbon dioxide emissions.

- Code for Sustainable Homes, pre-assessment report

This considers that the development can achieve an overall code level of 4.

- Flood risk assessment

This concludes that as the site is located within flood zone 1 which is defined as having a low risk of flooding, residential development is appropriate and does not require further mitigation measures.

- Transport statement

This assesses the proposed access to the development, parking provision, internal layout and anticipated vehicular trips and concludes that no significant highways or transport issues would arise as a result of the development and that the parking standards accord with UDP requirements

- Noise impact assessment

The assessment concludes that subject to glazing specification and use of appropriate ventilation, internal noise levels at the development would be acceptable.

- Phase I desk study, site reconnaissance & phase II site investigation report

This study concludes that there is evidence of ground contamination and anticipates that remedial measures will be required within areas of domestic gardens and landscaping.

- Statement of community involvement

This summarises the public consultation which took place prior to the submission of the planning application.

The application is also accompanied by a Planning Statement and Design and Access Statement and subsequent addendums to the above, in which the applicant submits the following summary points in support of the application:

- Principle of development on the site has been established with the approval of the heritage centre application (ref.04/02334)
- The site is designated as a Major Developed Site where redevelopment in the Green Belt will be permitted
- Proposed density is appropriate for Green Belt location
- The affordable housing for the amended proposal will all be shared equity and equates to 37.5% affordable on a habitable room basis
- The layout allows for landscape features to be respected and allows good space about dwellings for landscaping and development will appear open when viewed from Main Road
- the scheme will offer much needed housing, including affordable in-line with current planning policy
- meets required design standards including lifetime homes and incorporates wheelchair accessible dwellings
- fits in with existing development to the north and existing landscaping to provide an attractive living environment.

The applicant has also submitted a supporting statement in relation to the proposed access through the Leavesden estate via Moxey Close in which the following points are made:-

- Moxey Close was designed to provide an ideal vehicular access to the proposal site if it was ever brought forward for residential development
- While the approved heritage centre proposal utilised the existing access from Main Road, sufficient visibility splays are no longer achievable due to

the subsequent construction of the residential units on Barwell Crescent and fence on the frontage with Main Road

- Moxey Close is wide enough to allow two cars and a car and an HGV to pass
- as part of the Transport Statement, the anticipated vehicular trip generation from the development was determined and would equate to one additional vehicular movement every 4-5 minutes during peak times which would not have a discernable impact on the local highway or local residents.

Location

- The site measures 0.71 hectares (gross site area)
- The site is designated as Green Belt and also as a major developed site within the UDP
- the site forms part of the Former RAF Biggin Hill Married Quarters (Area 2 of the major developed site at Biggin Hill) which contained a number of buildings that have now been demolished
- it is in close proximity to the Saltbox Hill Site of Special Scientific Interest (SSSI)
- the site still contains various areas of hardstanding associated with the earlier development, although it is otherwise devoid of any development and is generally characterised by various trees and shrubbery
- it is subject to a blanket Tree Preservation Order (No.1204)
- the site is predominantly flat with a gentle slope from east to west
- the western site boundary adjoins Vincent Square which forms part of the RAF Biggin Hill Conservation Area with most houses along that road having been Statutory Listed
- to the north is located the Leavesden Estate, including Barwell Crescent and Moxey Close from which access is proposed to the development
- to the south lies the A233 Main Road with part of the historic RAF Biggin Hill quarters fronting the opposite side of Main Road, also containing a number of Statutory Listed buildings
- the site is within a low Public Transport Accessibility Level (PTAL) area of 1b/2.

Consultations

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

- Object to further development which will increase traffic, noise and pollution
- Not prepared to add to problems caused by social housing tenants
- Entrance should be from Main Road as was intended for the Heritage Centre
- Leavesden residents have spent time and money looking after and maintaining private development
- Object to use of private road and entrance gates
- Increased traffic to small and narrow roads in Leavesden estate
- Object to proposed number of houses

- Properties will be built overlooking No.18 Barwell Crescent
- Loss of property value
- Parking is already restricted
- Object to more people using private green
- Object to Leavesden being used as a cut-through access route
- Moxey Close is very narrow and has no pavements as was designed for light vehicle use
- Safety issues with up to 34 vehicles regularly driving through the Close
- Rubbish lorries and other large vehicles cannot currently use the close as it is narrow
- Emergency vehicles wouldn't be able to enter site due to width restrictions
- Would have headlights in front room at night
- Constant pedestrian and cycle traffic through close
- Crime
- Development should be kept separate from Leavesden Estate
- Has drainage/sewerage been considered
- Have school places been considered
- Land should be used for something for the community not more houses
- New residents will park in existing roads
- Use of entrance onto Leavesden Estate for works vehicles is unacceptable
- Heritage Centre would have been a valuable asset to whole area
- Proposed dwelling at plot 18 is too close to boundary fence and will invade privacy of 24, 25 and 26 Vincent Square
- Loss of privacy - overlooking into back windows and rear garden of No.17 Barwell Crescent
- Trees currently give privacy to boundary with No.17 Barwell Crescent, this will be lost
- More trees should be retained or planted
- Proposal reduced current level of site security due to allowing access for cars, pedestrians and cyclists
- Proposed site plan offers no pavement for families/children wishing to use the main green on the existing Leavesden Estate
- New plan only offers to visitor spaces which is unrealistic
- Insufficient visitor parking spaces
- Residents should be refunded for Heritage Centre not going ahead
- Do not give permission for layout to be opened out
- Want 2 large trees removed as shed leaves and dangerous in storms
- Pollution from Airport and Main Road is affecting Asthma, more cars will make it worse
- People climb fence from Leavesden to Vincent Square to cut through
- Plot 18 squeezed into a very small piece of land which would spoil appearance of the site
- Rapid increase in population is exceeding our public services
- Drainage, sewerage, rubbish
- Overlooking and loss of privacy into 17 Barwell Crescent by plots 1, 2, 3 and 5
- Object to affordable housing
- Higher density than surrounding area
- Other houses adjacent to rear of Vincent Square should have no first floor rear windows

- Residents will climb over boundary fences
- Plans do not give priority to pedestrians as there are no pavements
- At only 5m wide Moxey Close would serve as a bottle neck to access the site
- Insufficient visitor parking.

Petitions have also been received objecting to the development on the grounds of the proposed vehicular access to the development through Barwell Crescent/Moxey Close putting pressure on on-street parking and effecting private security gates. Objections also relate to the proposed social housing.

In addition, Orpington field Club commented that the development should be conditional based on the recommendations from the Ecological Appraisal and Protected Species Documents which accompanies the application. In addition, planting should include more native planting and Prunus laurocerasus should not be included especially so close to Salt Box hill SSSI. Furthermore, a check should be done for native birds before any tree work or scrub removal.

Comments from Consultees

The Council's Highway Development Engineer: There are 4 existing properties in Moxey Close and the proposal is for an additional 16 dwellings. The Council's design standards would allow up to 25 properties to be served from a 4.8m wide shared surface road. The existing Close is 4.8m wide and the proposed extension of the access is slightly wider so it would accord with the Council's standards. The existing access from Barwell Crescent onto Main road does not have an accident record. In addition, the proposed garages are a good size and parking provision is above UDP standards; Consequently there are no objections to the proposed arrangements, subject to conditions.

The roads on the estate are private and so the developer would need a private right of way over Moxey Close and Barwell Crescent (the applicant has confirmed that Barwell Crescent and Moxey Close are registered in the name of Taylor Wimpey Developments Limited).

With regard to whether or not the existing access from Main Road could be utilised, there is no indication that the necessary sightline requirements could be met from an access directly onto Main Road and Highways Officers would be in favour of stopping up the existing access to Main Road due to safety concerns of its permanent use. Furthermore, it is desirable for the development to be served from the lowest category road available instead of a small residential development being accessed directly onto the A233 which is a strategic route.

If access was proposed from Main Road the following factors would need to be taken into account: speed of traffic, location of the access in relation to the bend and site levels. Speed surveys would also be required as vehicles may be travelling in excess of the 30mph speed limit.

If suitable sightlines can be achieved from the access to the site from Main Road that is proposed to be stopped up then it may be appropriate to use that for construction traffic so the vehicles do not have to go through the estate.

The Council's Drainage Engineer: the proposal to provide soakaways, permeable paving and infiltration trench to attenuate surface water run-off on site for all events including the 1 in 100 plus 30% climate change is acceptable.

The Council's Occupational Therapist: at this stage is satisfied that the two wheelchair units comply with South East London Housing Partnership standards.

The Metropolitan Designing Out Crime Adviser: no objections subject to recommended conditions.

Transport for London (TFL): the development trip generation would be unlikely to have a significant impact on the local highway and public transport networks; the level of parking proposed is acceptable; the current design of cycle parking lacks detail and is not satisfactory - 32 long-stay cycle spaces are required and a condition is recommended to secure this.

Greater London Authority (GLA): a stage 1 report has been received in respect of the original proposal for 18 units, in which it considered it did not comply with the London Plan by reason of insufficient evidence to demonstrate that it does not impact on the openness of the Green Belt. Furthermore, with regard to the affordable housing provision, the GLA suggested that the Council try and secure a 3 - 4 bedroom family housing unit.

The GLA were re-consulted on the amended scheme and have raised no further objections in respect of the impact on the Green Belt. However, they do not consider that the amended proposal sufficiently addresses the concerns relating to family housing provision within the affordable element of the provision to ensure that the mix will meet local needs.

The Environment Agency: no objections subject to relevant conditions including an investigation into site contamination being carried out.

Thames Water: no objections subject to recommended informatives.

Natural England have raised no objections in principle to the impact on the nearby SSSI and have directed the local authority to their standing advice with regard to protected species.

Historic England: the application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

Planning Considerations

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

BE1 Design of New Development
BE7 Railings, Boundary Walls and Other Means of Enclosure
BE8 Statutory Listed Buildings
BE13 Development Adjacent to a Conservation Area
BH2 New Development
BH5 Former RAF Married Quarters (Area 2)
BH8 Noise-Sensitive Development
ER7 Contaminated Land
ER10 Light Pollution
G1 The Green Belt
H1 Housing Supply
H2 and H3 Affordable Housing
H7 Housing Density and Design
H9 Side Space
NE1 Development and SSSIs
NE3 Nature Conservation and Development
NE5 Protected Species
NE7 Development and Trees
T1 Transport Demand
T2 Assessment of Transport Effects
T3 Parking
T7 Cyclists
T8 Other Road Users
T9 and T10 Public Transport
T11 New Accesses
T12 Residential Roads
T15 Traffic Management
T16 Traffic Management and Sensitive Environments
T18 Road safety

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

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

The most relevant draft Local Plan policies include:

5.1 Housing Supply
5.3 Housing Design
5.4 Provision of Affordable Housing
7.1 Parking
8.1 General Design of Development
8.2 Development and SSSI
8.6 Protected Species
8.7 Development and Trees
8.14 The Green Belt

- 8.33 Statutory Listed Buildings
- 8.37 Development Adjacent to a Conservation Area
- 11.1 Delivery and implementation of the Local Plan

In strategic terms, the application falls to be determined in accordance with the following policies of the London Plan (March 2015):

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people's play and informal recreation
- 3.7 Large residential developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood risk assessment
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.21 Contaminated land
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 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
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving Air Quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.16 Green Belt
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

Mayor's SPG: "Housing" (2012)

Mayor's SPG: "Accessible London: Achieving an Inclusive Environment" (2014)

Mayor's SPG: "Providing for Children and Young People's Play and Informal Recreation" (2012)

On 11 May 2015 the Mayor of London published for six weeks public consultation two sets of Minor Alterations to the London Plan - on Housing Standards and on Parking Standards. Where London Plan policies are quoted the changes in the MALP are shown in italics. The most relevant changes to policies include:

3.5 Quality and Design of Housing Development

3.8 Housing Choice

5.2 Minimising Carbon Dioxide Emissions

5.3 Sustainable Design and Construction

6.13 Parking

Relevant policies and guidance in the form of the National Planning Policy Framework (NPPF) (2012) and National Planning Practice Guidance (NPPG) must also be taken into account. The most relevant paragraphs of the NPPF include:

14: achieving sustainable development

17: principles of planning

47-50: housing supply

56 to 66: design of development

79, 80, 87-89: Green Belt

109 -111, 118, 120 - 121, 121: nature conservation and biodiversity

128 -137: heritage assets

National Planning Policy Guidance (NPPG)

Planning History

The first phase of the development, known as the "Leavesden Estate" and located to the north of the application site was granted outline planning permission (subject to legal agreement) under ref.04/02322

Under ref.04/02334 outline permission was granted for the demolition of existing dwellings at 2, 4, 6 & 8 Main Road and 37, 38, 39 & 40 Vincent Square; erection of building for use as Heritage Centre with associated car and coach parking and associated landscaping and upgrading of existing access.

The applicant has stated that the site is no longer required for the Heritage Centre as it is now proposed to be located on the airport opposite, leaving this area of land redundant (Design and Access Statement). A subsequent application has now been approved for the Heritage Centre at an alternative location at RAF Station on the opposite side of Main Road by the RAF chapel under ref.14/02136.

The s106 legal agreement in respect of applications 04/02322 and 04/02334 anticipated a residential development of the current application site in the

circumstances that the Heritage Centre is provided elsewhere, subject to a financial contribution for the Heritage Centre.

The main issues to be considered in respect of the current proposal are

- o Acceptability of the proposal in terms of the Green Belt designation of the site
- o Density
- o Impact on the Planned Heritage Centre
- o Impact on Heritage Assets adjoining the site
- o Acceptability in terms of design and layout
- o Housing Issues
- o Impact on neighbouring amenity in terms of outlook, daylight, sunlight and privacy
- o Highways impacts
- o Impact on trees and ecology
- o Planning Obligations including Heritage Centre contribution
- o Screening Opinion for an Environmental Impact Assessment

Conclusions

Impact on the Green Belt and openness and purpose for including the site in the Green Belt

The site is designated as Green Belt, albeit one designated as a major developed site (area 2) within the UDP, where limited infilling or redevelopment is not seen as inappropriate.

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Green Belt serves five purposes:

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

Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

Guidance on major developed sites has not been duplicated within the 2012 NPPF and instead reference is made to "previously developed sites" within paragraph 89

of the NPPF. In relation to the development proposal, the NPPF states that the following is an exception to inappropriate development in the Green Belt:

limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The definition of previously developed land is given in annexe 2 of the NPPF. In this instance, given that the land was (prior to demolition) previously occupied by a number of permanent structures and hard surfaces, the site is considered to be "previously developed".

The issue of whether the development proposed would have a greater impact on the openness of the Green Belt and the purposes of including the site in the Green Belt than the previous development must next be addressed. Policy BH5 of the UDP sets out what is acceptable in Area 2 and states that proposals should retain and enhance the shared landscaped areas and have less visual impact on the openness of the Green Belt than existing development.

All previous buildings on the site were demolished some years ago, however, from plans submitted showing the previous site layout and historic maps it can be seen that 3 very large buildings associated with the former RAF use existed along the southern portion of the site, along with 3 dwellings and 2 smaller ancillary buildings in the northern portion. An area of tarmac car park occupied the central region of the site with tarmac roads interspersed between buildings. There was also extensive greenery, including a large grassed area containing trees to the west of the site adjoining properties in Vincent Square, and a green buffer along the Main Road frontage.

The massing of the proposed buildings is broken up from large single buildings covering a large part of the site to numerous two storey buildings spread across the site. A central estate road is proposed with a communal grassed area containing two mature trees which are to be retained at the heart of the site. The applicant has changed the extent of the scheme by reducing the number of units from 18 to 16, as well as increasing the separation distance of development in the north-east corner of the site to the Main Road frontage, increasing separation distances to 18 and 19 Barwell Crescent and moving built form (previously two single storey garages) away from the western site boundary. This results in a green buffer along the western edge of the site, adjacent to properties in Vincent Square and a green wedge retained on the southern edge of the site adjoining Main Road. In addition, a comprehensive scheme of landscaping is proposed which would minimise the visual impact of the development, particularly when viewed from the Main Road frontage. Furthermore, the dwellings will all incorporate reasonably sized gardens and the layout proposes shared landscaped areas.

The housing density of the development would equate to 22.5 units per hectare and 125 habitable rooms per hectare which is below both the density guidelines set

out in the UDP and the London Plan (see below). This is considered appropriate in this sensitive location given that development should not result in a greater impact on the openness of the Green Belt. Overall, it may therefore be considered that the proposed development will not significantly detract from the openness of this part of the Green Belt by comparison with the previous development.

Furthermore, given the site's surroundings which include the residential development to the north of approximately 140 houses, granted under application ref.04/02322, and the statutory listed dwellings in Vincent Square to the west, it is considered that the development does not conflict with the purposes of including the site in the Green Belt in terms of unrestricted urban sprawl, given that it would be situated within the confines of existing residential development.

It is also important to recognise that this is a previously developed site on which planning permission has already been granted for the erection of a heritage centre and therefore the principle of built development has been established.

In summary it is considered that the proposed development is not inappropriate development within the Green Belt.

Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Policy 4B.1 and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL). This site is considered to be in a 'suburban' setting and has a PTAL rating of 1b/2 giving an indicative density range of 50 - 75 dwellings per hectare / 150 - 200 habitable rooms per hectare (dependent on the unit size mix). The London Plan states that residential density figures should be based on net residential area, which includes internal roads and ancillary open spaces. UDP Policy H7 also includes a density/location matrix which supports a density of 150 - 200 habitable rooms / 30 - 50 dwellings per hectare for locations such as this provided the site is well designed, providing a high quality living environment for future occupiers whilst respecting the spatial characteristics of the surrounding area.

Development should comply with the density ranges set out in table 4.2 of the UDP and table 3.2 of the London Plan and in the interests of creating mixed and balanced communities development should provide a mix of housing types and sizes. The Council's Supplementary Planning Guidance No1 - General Design and No.2 - Residential Design Guidance have similar design objectives to these policies and the NPPF. Policies 3.3 and 3.4 of the London Plan seek to increase the supply of housing and optimise the potential of sites, whilst policy 3.5 seeks to protect and enhance the quality of London's residential environment.

As set out above, the housing density of the development would equate to 22.5 units per hectare and 125 habitable rooms per hectare which is below both the density guidelines set out in the UDP and the London Plan.

Impact on the Planned Heritage Centre

As discussed above, this proposal is connected to a first phase of development, known as the "Leavesden Estate" located to the north of the application site which was granted outline planning permission (subject to legal agreement) under ref.04/02322

Under ref.04/02334 outline permission was granted for the demolition of existing dwellings at 2, 4, 6 & 8 Main Road and 37, 38, 39 & 40 Vincent Square; erection of building for use as Heritage Centre with associated car and coach parking and associated landscaping and upgrading of existing access.

A Heritage Centre has not been built on this part of the site and an alternative location has been identified on the airport site opposite, leaving this area of land redundant. A subsequent application has now been approved for the Heritage Centre at an alternative location at RAF Station on the opposite side of Main Road under ref.14/02136. Consequently the Council are of the opinion that this site is no longer required for the Heritage Centre.

The s106 agreement attached to 04/02322 and 04/02334 seeks to secure the provision of a Heritage Centre on this site by securing the land as a location (transferring the land to the Council) and a financial contribution towards the provision of a Heritage Centre. The financial contribution would be put towards other funds (to be secured by the Council) to cover the costs of building the Heritage Centre. Furthermore, the 04/02322 and 04/02334 s106 agreement includes a clause whereby if the Council secure an alternative location for the Heritage Centre and therefore do not require this particular site for that purpose the Developer is entitled to make a planning application for redevelopment of the site for residential purposes.

In the instance of an alternative planning permission being granted for redevelopment of this site for residential purposes the Developer is required to pay a further financial contribution to the Council for the purposes of facilitating the erection of a Heritage Centre in the alternative location.

The Council has secured an alternative location and in the event that planning permission is granted for this development it is entirely appropriate that the Developer pay a further Heritage Centre Contribution to the Council towards provision of the facility elsewhere in the Borough. The Heritage Centre Contribution is £967,788.

Impact on Heritage Assets adjoining the site

The site is bounded to the west by Vincent Square which forms part of the RAF Biggin Hill Conservation Area with most houses along that road having been Grade 2 statutory listed.

When considering the impact of a proposed development on the significance of a designated heritage asset, the NPPF states, at paragraph 132, that "great weight should be given to the asset's conservation.... Significance can be harmed or lost

through alteration or destruction of the heritage asset or development within its setting...Substantial harm to or loss of a grade II listed building, park or garden should be exceptional". Furthermore, "Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably" (Para.137).

The amended site layout shows a green buffer retained along the western edge of the site adjacent to the cottages in Vincent Square and, given the scale of the proposed dwellings, along with the separation distances proposed, no significant harm on the setting of these listed buildings or on the conservation area is anticipated. Where a substantial RAF building previously stood immediately adjacent to the entrance to Vincent Square, this would be occupied by two dwellings with their rear gardens and landscaping adjoining the site boundary, providing some enhancement to the setting of the listed buildings. However, no details have been provided with regards to boundary treatments and these will need to be carefully considered with regards to their impact on the adjacent conservation area and setting of the listed buildings. A condition is therefore recommended, should Members be minded to grant permission, requesting details of boundary treatments for the development.

In the light of the above it is considered that the current scheme is acceptable from a heritage point of view.

Design, Layout and Scale

The National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. At the same time the Government attaches great importance to the design of the built environment. New development should reflect the identity of local surroundings and add to the overall quality of an area, whilst not discouraging appropriate innovation. The NPPF also encourages the effective use of land and states developments should optimise the potential of the site to accommodate development. Consistent with this, policies H7 and BE1 of the London Borough of Bromley Unitary Development Plan (UDP) require new developments to complement the scale, form, layout and materials of adjacent dwellings. Development should not detract from the existing street scene and the space about buildings should provide opportunities to create attractive settings.

Layout

The amended layout, overall, provides adequate separation between proposed dwellings and existing neighbouring development, providing good opportunities for soft and hard landscaping and retaining existing mature landscaping on and around the site. At the southern edge of the site, adjacent to Main Road, a substantial green buffer would be provided with trees and landscaping resulting in an acceptable visual impact from Main Road. At the western side of the site, the double garage previously abutting the site boundary has been re-positioned and a minimum 4.4m (approx.) separation would be provided between built development and the boundary with properties in Vincent Close.

While the buildings at plots 4 and 12 do not appear to retain the minimum 1m side space to the side boundaries of their respective plots, given that the side boundaries of these units are adjacent to the proposed road, the resulting visual impact would not appear unduly cramped.

Design and Scale

The proposed dwellings will all be two storeys with the flats being located within a two storey block. The adjacent Leavesden estate and properties in Vincent Square are predominantly two storey and the applicant has taken references for the massing, scale, materials directly from the first phase of development, incorporating traditional features such as gable ended roofs and entrance canopies and utilising traditional materials of brick and render on the walls and concrete roof tiles. The architectural approach is appropriate for this location and design quality will be secured by way of a condition to control the materials.

Overall, the development would complement the scale, layout and form of adjacent development.

Housing Issues

Unit Size Mix

London Plan policy requires new housing development to offer a range of housing choices in terms of the mix of housing sizes and types taking into account the housing requirements of different groups. Policies within the Bromley UDP do not set a prescriptive breakdown in terms of unit sizes. Each application should be assessed on its merits in this respect. The proposal provides a mix of 2 bedroom flats and houses and larger 3 and 4 bedroom houses, therefore providing a good mix of housing types and unit sizes.

Tenure

The development is considered liable for the provision of affordable housing on site as set out in the Policy H2 and contributions by way of planning obligations under Policy IMP1. Policy H2 requires 35% affordable housing (on a habitable room basis) to be provided.

The affordable housing offered for the amended proposal includes 4 x two bed apartments (including 2 wheelchair accessible flats) and 2 x three bed houses. This represents 37.5% by unit numbers and 28.48% by proposed habitable room. All units would be shared equity (intermediate) housing. The Council normally requires a split of 70% social-rented housing and 30% intermediate provision unless it can be demonstrated that the 70:30 split would not create mixed and balanced communities whereas London Plan policies require a 60/40 split.

In this instance, given the relatively small scale of the development and the need for the scheme to provide planning obligations in respect of education, health and the heritage centre Members may consider that the 100% intermediate provision of

affordable housing is acceptable. Furthermore, the applicant states there would be no discernible difference in appearance between the private and affordable part of the development.

Standard of Residential Accommodation

The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out baseline and good practice standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including cycle storage facilities) as well as core and access arrangements.

Table 3.3 of the London Plan and Standard 4.1.1 of the SPG sets out minimum space standards for new development with which the proposal complies. All units must benefit from private amenity space which must comply with the requirements set out in the Mayor's Housing SPG. Private gardens are proposed for each single occupancy units and a shared garden for the flats, as well as a communal grassed area centrally positioned within the site. Based on the expected child occupancy of the development, the London Plan requires a minimum 4.2 square metres of communal play space for the flatted part of the scheme which the proposed communal amenity area far exceeds at over 200 square metres. The proposal would therefore provide adequate amenity space for occupiers of the development and would reflect the general layout characteristics of existing development granted in the first phase.

London Plan Policy 3.8 requires all housing units to be built to Lifetime Homes standards and 10% should be designed to be wheelchair accessible. In the submitted Design and Access Statement the applicant has advised that all units are designed to Lifetime Homes standards and two units are designed as wheelchair accessible and are situated on the ground floor of the apartment block.

Overall the proposal would provide a good mix of dwellings designed to afford a high standard of amenity for future occupiers.

Site wide energy requirements

London Plan Policies 5.1 - 5.7 refer to energy requirements to achieve climate change mitigation including reduction in carbon emissions and renewable energy. The applicant has submitted a Sustainable Energy report setting out options to meet these requirements. The report recommends the use of photovoltaic cells located on the roof of the apartment block to provide renewable energy which it states are able to meet London Plan energy requirements of a 35% reduction in carbon emissions above that of the 2013 Building Regulations. A condition is recommended to ensure this reduction is achieved. Furthermore, the photovoltaics would appear unobtrusive and are considered acceptable from a visual perspective.

Impact on neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

As set out above, the revised layout would provide reasonable separation between the development and neighbouring residential properties. However, concerns have been raised from occupiers of adjacent dwellings in Vincent Square regarding the proximity of the new development along the western side of the site which they consider would result in a loss of privacy, outlook and light. The minimum separation distance between the house at plot 15 and the rear of number 28 Vincent Square equates to around 15 metres, which is considered a reasonable separation and commensurate with separation distances in the adjacent Leavesden Estate. Furthermore, the house at plot 15 is set at an angle so as not to provide opportunities for direct overlooking.

The relationship of the house at plot 16 with No.25 Vincent Square would appear more over-bearing in comparison, given its 12 metre separation distance to the rear No.25 and its width in relation to the neighbouring garden. However, it is noted that the applicant has designed this house to be slightly lower in height than other units, at approx.7.3 metres and with a hipped roof to lessen the visual impact. Furthermore, no first floor windows are proposed at the rear. While it is acknowledged that the proposal would result in some loss of outlook and a degree of overshadowing to the rear gardens compared to the current open outlook which neighbouring residents enjoy, this particular unit would contribute to the affordable (shared ownership) housing requirement of the development and, on balance, Members may consider the impact on neighbouring amenities is acceptable. In addition, a condition is recommended to provide additional planting at the rear of plot 16 to screen the development from adjacent properties.

Similar concerns have been raised by nearby residents in Barwell Crescent, in particular with regard to overlooking and loss of privacy. However, the layout proposed provides good separation to these neighbouring properties and, as such, no undue overlooking is expected. While the house at plot 1 is in close proximity to No.1 Moxey Close, the angle at which the two properties are positioned would also not lead to any significant overlooking.

The majority of local opposition in relation to the development is related to the proposed access to the development via Moxey Close and Barwell Crescent and utilisation of the private access gates belonging to local residents. The applicants have submitted a supporting statement in which they explain that Moxey Close, to the south of the Leavesden estate, was designed to provide an ideal vehicular access to the proposal site if it was ever brought forward for residential development. Indeed, the clause in the legal agreement attached to the 04/02322 and 04/02334 applications allowed the site to be brought forward for residential development should an alternative location for the heritage centre be secured. Furthermore, Barwell Crescent and Moxey Close are registered under title number SGL668019 in the name of Taylor Wimpey Developments Limited. The gates are therefore situated on the Developer's land. In any case, Members will appreciate

that land ownership and impact on property values are not matters which can be considered under the planning regime.

The previously approved Heritage centre proposed an access directly onto Main Road with the access located towards the apex of the bend. However, the applicants states that while visibility splays were achievable at that time, during the design of the residential scheme it was identified that the subsequent construction of the first phase of development had resulted in sub-standard visibility splays now being achievable directly from Main Road. From a technical highways perspective, the stopping up of the existing access to vehicles would be favourable due to safety concerns with its permanent use. It is noted that the existing access is not in the same place as that proposed for the Heritage Centre according to plan V480-005. Furthermore, pedestrian and cycle access to the proposed development will still be provided direct to Main Road from the existing access.

In addition to the above, it is desirable for the development to be served from the lowest category road available instead of being directly accessed from the A233 which is a strategic route. The 4.8m wide existing carriageway (Moxey Close) and 5.09m carriageway proposed would accord with the Council's design standards to serve the needs of this particular development as well as the 4 existing dwellings in Moxey Close and is therefore considered acceptable from a technical highways perspective.

A judgement therefore needs to be made as to the level of disturbance to neighbouring residents which would result from the proposed access via Moxey Close. As part of the Transport Statement, the anticipated vehicular trip generation was determined and estimated 14 vehicular movements during the AM peak hour and 12 during the PM peak hour. While local residents have raised concerns over many more vehicles entering and exiting the site, given the anticipated vehicular trip generation as above, on balance, the level of traffic and resulting noise and disturbance which is likely to arise from an additional 16 dwellings, would not be significantly harmful to neighbouring amenities. Furthermore, it is unlikely to have a significant impact on road safety or the pedestrian environment in the vicinity.

There are also concerns in relation to over-spill parking from the new development into the Leavesden estate. However, the number of parking spaces proposed is above the maximum standards set out in the UDP and may therefore be considered sufficient to accommodate both residents and visitors to the development.

Overall, it is therefore considered that the proposed access via Moxey Close is acceptable given the road safety issues which would arise from an alternative access directly onto Main Road. Furthermore, pedestrian and cycle access would still be available from Main Road and the proposed access would accord with the Council's standards and would not have a significant impact on road safety or the safety of other road users. Also, the level of noise and disturbance resulting from traffic movements to and from the site is unlikely to lead to a significant loss of amenity for local residents.

On balance, the proposal is therefore considered acceptable in terms of overlooking/loss of privacy, visual impact, effect on daylight and sunlight and traffic and parking implications for neighbouring residents of the development.

Parking and cycling provision and Highways impacts

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, safe and suitable access to the site can be achieved for all people. It should be demonstrated that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the UDP should be used as a basis for assessment.

All private dwellings have a garage accessed off of a private driveway and 8 car parking spaces (including 2 disabled) are provided for the affordable units to the eastern side of the site in a communal court immediately in front of the building. The three bed affordable dwelling to the western side has 2 allocated parking spaces. There are an additional 3 visitor parking spaces dispersed around the site. The proposed level of parking is considered acceptable in terms of the highways and parking impact.

It is proposed to stop up the existing access from Main Road on completion of the development leaving a cycle/pedestrian access; however, the applicant states that temporary construction traffic will access the site via this existing access while construction takes place. The design of the cycle/pedestrian access will need to be agreed by the Council and substantially completed before development is occupied and a condition is recommended to that effect.

Stand-alone cycle storage has been indicated for the affordable units as well as a communal bin store, while all market dwellings benefit from individual bin stores and cycle parking available within the garages. Further details are required by way of condition to fully assess the refuse and cycle storage facilities.

Having regard to the above, the proposal is considered acceptable in that it would not have a significantly harmful impact on road safety or parking in the area.

Trees and Ecology

A comprehensive scheme of planting has been received as well as a tree protection plan and arboricultural report.

The removal of 18 trees from within the site is proposed of which several are mature, including 2 Poplar trees which are considered noteworthy. Both trees are located towards the northern half of the site measuring approximately 25m in height, and are visually very prominent, and can be seen from several locations when viewed from Barwell Close as well as Main Street. These trees as well as all of the remaining mature trees on site are the subjects of an area tree preservation order (TPO).

The arboricultural report describes these trees as category C on the grounds that they are beginning to come to the end of the safe useful life expectancy, and could only be safely retained after undertaking significant canopy reduction works. Officers have visited the site and concur with the report, raising no objections to their removal.

Trees shown to be removed also include a line of mature false cypress trees located along the main road elevation fronting onto Main Street. These trees are very visible however they have very little visual merit and no objections are raised subject to the implementation of satisfactory tree planting and a soft landscaping scheme to be submitted to and approved by the Council. The remaining trees within the removal program consist of lower category trees and, again, no objections are raised to their removal.

The scheme attempts to retain several of the existing tree stock, which on the whole, it does successfully. However trees T26 and T27 (sycamore) and (ash) respectively will be within close proximity of Plot 10, and there are some concerns regarding over-shadowing and post construction pressure to undertake tree pruning and removal. However, Canopy management and maintenance is likely to resolve many of these issues and, on balance, the proposal is considered acceptable from a trees perspective.

From an ecological perspective, Natural England were consulted and consider that the proposal is unlikely to damage or destroy the interest features of the nearby SSSI, provided the application is carried out in strict accordance with the details as submitted. While Orpington Field Club have raised concerns over the planting of *Prunus laurocerasus*, given the anticipated impact on the SSI, there are no objections raised to the proposed planting scheme.

The ecological appraisal and protected species surveys submitted the proposal concludes that the site has a low value for local wildlife with some minor potential for roosting bats and protected nesting birds and recommends impact avoidance measures including removal of vegetation when nesting birds are least likely to be present and planting which includes species known of value for bird foraging and nesting. Subject to the implementation of the recommendations made within the report, the proposal is unlikely to have a significant adverse effect on local ecology and protected species.

It is proposed to attach tree, landscape and ecology conditions to any planning permission.

Planning Obligations

The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.

The site is subject to an existing s106 agreement that was completed when the 14/02322 and 04/02334 permissions were granted. Where relevant this has been referred to earlier in this report. It is proposed that there be a further s106 obligation related to the current proposal.

From April 2015 it is necessary for pooled contributions to take account of pooling regulations. In this instance the Council seek to secure the provision of affordable housing in compliance with Policy H2, health and education contributions.

Based on the proposed tenure mix of 6 affordable units (intermediate) (4 x 2 bed flats, 2 x 3 bed houses) and 10 market houses (9 x 4 bed, 1 x 3 bed), the calculations for health and education contributions are as follows:

Health: £28,032

Education: £122,157

Heritage Centre Contribution £967,788.

Therefore a legally binding planning obligation would be required to secure the above contributions plus the provision of the affordable housing.

The scheme would also be subject to Mayoral CIL.

Screening Opinion for an Environmental Impact Assessment

As part of the application process it is necessary for the Council to give a screening opinion as to whether an Environmental Impact Assessment is required.

The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 came into force on 6th April 2015; however, as the application was received before this date the 2011 Regulations still apply.

The proposal constitutes Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment)(England and Wales)

Regulations 2011. After taking into account the selection criteria in Schedule 3 of the Regulations and the terms of the European Directive, it is considered that the proposed development would not be likely to have significant effects on the environment by virtue of such factors as its nature, size and location. This opinion was expressed taking into account all relevant factors including information submitted with the application and the scale/characteristics of the existing and proposed development on the site.

Summary

The assessment above considers the impact of the development on the Green Belt, density, the setting of the adjacent listed buildings, amenity for future occupiers, the amenity of the occupants of nearby buildings, the local highway network and on trees and ecology.

It is concluded that the development would not be inappropriate development in the Green Belt and, further, that it would not significantly detract from the openness of this part of the Green Belt compared to the previous development. The impact on trees, ecology and protected species has also been considered and the proposal is unlikely to have any significantly adverse impacts. Furthermore, the proposal would not harm the setting of the adjacent listed buildings.

It is clear that there will be an impact on adjacent properties as a result of this proposal and due consideration has been given to the comments made by residents during the consultation process. However, based on the above it is considered that the development in the manner proposed is acceptable in that it would not have an unduly harmful impact on the outlook or amenities of local residents, nor would the highways proposals lead to significant road safety issues or undue noise and disturbance to occupiers of nearby dwellings.

Background papers referred to during production of this report comprise all correspondence on the file refs 04/02322, 04/02334, 14/02136 and 15/00508 set out in the Planning History section above, excluding exempt information. as amended by documents received on 23.03.2015 01.06.2015 17.06.2015

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

and the following conditions:

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

REASON: Section 91, Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out otherwise that in complete accordance with the following plans unless previously agreed in writing by the Local Planning Authority:**

Site wide plans/elevations/floor plans: 13.064.1001 Rev U;
13.064.1002 Rev J; 13.064.3001 Rev J; 13.064.7001 Rev H;
13.064.7002 Rev G; 13.064.7003 Rev F; 13.064.7004 Rev B;
Wheelchair accessible units:13.064.7005 Rev F
Landscaping and Trees: CSa/2214/102 Rev D; CSa/2214/101 Rev E;
8161/02 Rev B
Drainage: V480-D01 Rev B

REASON: In order to comply with Policies BE1, BE13, BH2, BH5, G1, H7 and H9 of the Unitary Development Plan and in the interest of the openness of the Green Belt, the impact on the adjacent conservation area and heritage assets and the visual and residential amenities of the area.

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

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

- 4** Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The windows shall be installed 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 buildings and the visual and residential amenities of the area.

- 5** The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific needs of the application site and the development. Details of these measures shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development hereby permitted, and implemented in accordance with the approved details. The security measures to be implemented in compliance with this condition shall seek to achieve the "Secured by Design" accreditation awarded by the Metropolitan Police.

Reason: In the interest of security and crime prevention and to accord with Policies H7 and BE1 of the Unitary Development Plan

6 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development Order 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

REASON: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

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

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

8 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

REASON: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

9 The development permitted by this planning permission shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development has been submitted to, and approved by, the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off

rates to Greenfield rates in line with the Preferred Standard of the Mayor's London Plan.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties and to accord with policy 5.12 of the London Plan.

10 Prior to the commencement of groundworks required as part of the development hereby permitted, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the local planning authority:

a) a site investigation scheme, based in the Phase 1 report, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;

b) the results of the site investigation and detailed risk assessment referred to in (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and

c) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: For the protection of controlled waters and to accord with Policy 5.21 of the London Plan as the site is located over a principal aquifer and may be affected by historic contamination.

11 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the local planning authority.

Reason: For the protection of controlled waters and to accord with Policy 5.21 of the London Plan as the site is located over a principal aquifer and may be affected by historic contamination.

- 12 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 final design of the buildings prior to first occupation. The strategy shall include measures to allow the development to achieve a reduction in carbon emissions of 35% above that required by the 2013 building regulations. The development should also achieve a reduction in carbon emissions of at least 20% from on-site renewable energy generation. The final designs, including the energy generation shall be retained thereafter in operational working order, and shall include details of schemes to provide noise insulation and silencing for and filtration and purification to control odour, fumes and soot emissions of any equipment as appropriate.

REASON: In order to seek to achieve compliance with the Mayor of London's Energy Strategy and to comply with Policies 5.2 and 5.7 of The London Plan.

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

Reason: For the protection of controlled waters and to accord with Policy 5.21 of the London Plan as the site is located over a principal aquifer and may be affected by historic contamination.

- 14 Prior to occupation of the development, details of a scheme of 'screening' tree planting and soft landscaping adjacent to the western site boundary at the rear of plot 16 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in conjunction with the approved landscaping scheme and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

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

- 15 The landscaping scheme as shown on the submitted drawings shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted.

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

- 16 Unless otherwise agreed in writing by the Local Planning Authority, the trees hereby approved as part of the landscaping scheme shall be of standard nursery stock size in accordance with British Standard 3936:1980 (Nursery Stock art 1:Specification for Trees and Shrubs), and of native broad-leaved species where appropriate.

REASON: In order to comply with Policy NE8 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

- 17 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

REASON: In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

- 18 The existing access shall be stopped up at the back edge of the highway before any part of the development hereby permitted is first occupied in accordance with details of an enclosure to be submitted to and approved in writing by the Local Planning Authority. The approved enclosure shall be permanently retained as such.

REASON: In order to comply with Policy T11 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

- 19 Details of the new footpath link to Main Road and the reinstatement of the verge and footway shall be submitted to and approved, in writing, by the local planning authority and these arrangements shall

be substantially completed before the development hereby permitted is first occupied.

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

20 Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.

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

21 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to 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 of the Unitary Development Plan and policy 6.9 of the London Plan in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

22 Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no infiltration of surface water drainage into the ground is permitted without the prior approval in writing by the local planning authority. Approval may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: For the protection of controlled waters and to accord with Policy 5.21 of the London Plan as the site is located over a principal aquifer and may be affected by historic contamination.

23 Piling or any other foundation designs using penetrative methods shall not be permitted without the prior approval in writing by the local planning authority. Approval may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. Where soil contamination is present, a risk assessment should be carried out in accordance with Environment Agency guidance 'Piling into Contaminated Sites'. Piling activities will not be permitted on parts of a site where an unacceptable risk is posed to controlled waters.

Reason: For the protection of groundwater and to accord with Policy 5.21 of the London Plan

24 The development hereby permitted shall be carried out in complete accordance with the survey, mitigation and biodiversity enhancement recommendations outlined in the Ecological Appraisal document accompanying the application. Any deviation from these recommendations shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing.

Reason: In order to comply with Policy NE5 of the Unitary Development Plan and in the interest of any protected species present at the site.

25 The development hereby permitted shall be carried out in complete accordance with the arboricultural impact assessment, tree protection plan and method statement accompanying the application (updated 1st June 2015) and the tree protection methods agreed shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development.

Reason: To ensure that all existing trees to be retained are adequately protected and to comply with Policy NE7 of the Unitary Development Plan

26 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

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

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

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

You are further informed that :

1 We have reviewed the document 'Phase I Desk Study, Site Reconnaissance & Phase II Site Investigation Report' by LEAP (reference LP00840 dated 18/12/2014). The site is located

over a principal aquifer and within an outer Source Protection Zone (SPZIII) for the public drinking water supply. The executive summary of the report incorrectly states that the site is not within SPZ, but this is correctly identified in the main text of the report. Given the history of the site, the report concludes that an intrusive investigation is required. Although the report title indicates such an investigation is included, this has not been reported.

- 2 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 3 There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.
- 4 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 5 Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing

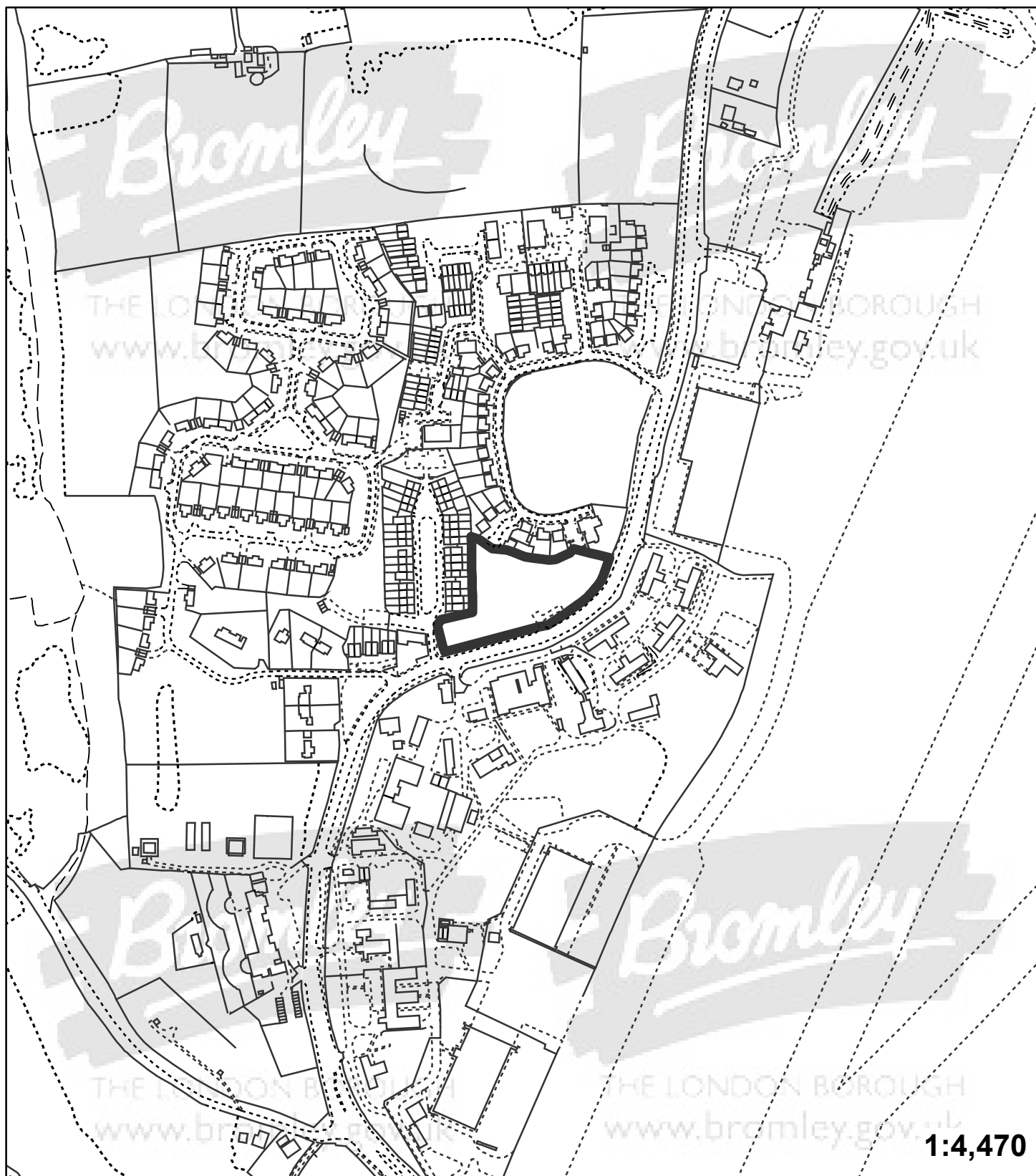
wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

- 6 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.**
- 7 You should consult Street Naming and Numbering/Address Management at the Civic Centre on 020 8313 4742, email address.management@bromley.gov.uk regarding Street Naming and Numbering.**
- 8 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number**

Application:15/00508/FULL1

Address: Land Adjacent 2 (demolished) Main Road Biggin Hill

Proposal: Erection of 16 dwellings (4 x 2 bed flats, 3 x 3 bed houses and 9 x 4 bed houses) with access from Moxey Close and Barwell Crescent together with 43 car parking spaces, cycle storage and landscaping, to include the stopping up of an existing access onto the A223.



"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 : 15/00981/FULL3

Ward:
Darwin

Address : Old Hill Farm Old Hill Orpington BR6
6BN

OS Grid Ref: E: 545288 N: 163624

Applicant : Mr Bill Heaseman

Objections : YES

Description of Development:

Change of use of existing buildings to mausoleum with associated landscaping, elevational alteration, hardstanding and parking for 37 cars

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Local Distributor Roads
Smoke Control SCA 28

Proposal

The application relates to the conversion of two existing buildings, currently in a business use, into a mausoleum for the internment of the deceased; no ceremonial activity is proposed. The existing curtilage would be landscaped to provide car parking facilities and alterations to the soft landscaping. No further hardstanding would be created and no additional buildings are proposed.

The application is accompanied by a Planning Statement, a Design and Access Statement, a Supplementary Planning Statement (Response to Appeal Decision), and a Transport Assessment.

Use

A Planning Statement has been submitted that outlines the proposed use. The two existing buildings would be re-clad utilising the existing structures. The internal layout comprises a central access with a crypt area featuring burial vaults. A total of 690 burial crypts would be provided.

The proposed mausoleum would operate between the hours 9.30am to 4.00pm Monday to Friday and 10.00am to 3.00pm on Saturdays and Sundays with a stated number of staff of four. A total of 40 car parking spaces are provided which

includes 3 disabled spaces, two spaces for hearse parking. Cycle storage is also proposed.

The scheme also proposes to form new paths and upgrade existing ones in order to enhance pedestrian access to the site. The Transport Assessment sets out the nature of these proposed works, which the applicant has offered to undertake under a Section 106 agreement:

- improve the public footpath which runs from the application site to the A21 and provides a link to Green Street Green High Street;
- provide a pedestrian access and new path to the rear of the mausoleum site and the existing public footpath which runs to Green Street Green High Street;
- improve the footpath that provides a pedestrian link running parallel to Old Hill on the western side of Old Hill. A short additional section of footway approximately 5 metres long could also be provided to ensure a fully linked pedestrian route from the mausoleum site to the A21.

In addition to the above, the applicant has proposed to provide a mini bus service, whereby upon making an appointment to visit the mausoleum, visitors could request to be collected from anywhere within a mile of the site.

Design

The submitted Design and Access Statement sets out that the buildings would be re-clad in timber and sand stone with green walls and roofs. Soft landscaping is proposed to the existing grassed area of the site with the introduction of shrubs and trees to the west of the buildings with a steel mesh walkway through to the buildings from the car park. However, the rear of the site would have the hardstanding removed and trees and soft-landscaping introduced.

Location

The site is located to the eastern edge of Old Hill with the residential areas of Beechwood Avenue (accessed from Shire Lane) to the north and Old Hill to the south. Shire Lane is to the north, the A21 is to the east. The application site itself measures 0.97 hectares although surrounding land is within the applicant's control.

The site comprises two single storey buildings currently in use by Westland Estates, a residential and commercial garden maintenance company. The site is enclosed by woodland to each side with an opening to Old Hill, south of the buildings is an open grassed area of some 0.4 hectares although this falls outside of the application site.

The site is within the Green Belt with the surrounding woodland being subject to a blanket Tree Preservation Order (TPO).

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations have been received which are summarised below:

- additional traffic along Old Hill, which is a confined narrow road also used by horse riders
- scale of additional traffic generation is unacceptable
- traffic flow will be impeded
- proposal will undermine road safety conditions
- additional indiscriminate parking along Old Hill
- proximity to A21 is of concern
- grid-lock at funeral times with cortege
- no local benefit, in terms of jobs or financial contribution
- concern at long-term upkeep of the site, which could ultimately fall to the Council
- harm to local wildlife
- proposed minibus service is unworkable and unsustainable
- proposal already refused by the Council and dismissed at appeal
- access to the site impractical by foot and poorly served by public transport
- additional proposal parking is inadequate
- loss of privacy
- noise and disturbance
- already a lot of vehicle traffic at junction with Cudham Lane
- road too narrow for funeral processions
- existing lack of sufficient parking in the area at weekends and evenings due to other local facilities
- existing poor pedestrian access
- changes do not overcome previous concerns
- inappropriate use in the Green Belt
- sufficient burial capacity exists in the borough
- space for mausoleum at Kemnal Road cemetery
- Council should refuse to consider this application
- unacceptable to tarmac footpaths in nature conservation site
- Old Hill already a dangerous 'rat run' for local residents
- danger to horse riders
- traffic impact on Old Hill underestimated
- poor sightlines
- consent of Secretary of State required to resurface path passing through Common Land
- adverse drainage implications owing to additional hardstanding
- potential adverse health risks
- parking overspill into Beechwood Avenue
- enlarged parking area would be within Site of Metropolitan Importance
- no structural report to show that existing buildings can be used for intended purpose
- no environmental assessment
- poor appearance of building for proposed use
- no lighting on roads
- damage to woodland to achieve desired visibility
- houses prices devalued
- road junctions would have to be redesigned

Objections have also been raised by the Downe Residents' Association which are summarised below:

- unable to estimate vehicle movements
- Old Hill is a narrow road which would be unsafe for a cortege to negotiate
- parking on opposite side of site entrance would impede access
- potential non-viability of the site is of concern
- facilities at Kemnal Road cemetery makes this proposal redundant
- inappropriate in the Green Belt
- previous Inspector was correct to raise highway concerns

Further objections have been raised by Orpington Field Club which are summarised below:

- provision of visibility splay for site access will involve loss of mature species and loss of wildlife habitats
- harm to local biodiversity
- provision of hard surface inappropriate in Site of Importance for Nature Conservation
- adverse impact of additional parking
- lack of supporting documents
- previous planning application considered that implication for nature conservation would remain to be addressed

Objections were also received from the High Elms Countryside and Parks Officer which are summarised below:

- High Elms Country Park is designated as a Local Nature Reserve, Site of Metropolitan Importance and part of a Site of Special Scientific Interest
- no Environmental Impact Assessment undertaken despite existence of protected species in close proximity
- potential loss of beech tree to achieve adequate visibility splay
- loss of hedgerow
- harm to protected species, including hazel dormouse and lepidoptera and potentially badgers
- proposed landscaping includes species inappropriate for semi-rural area
- wholly inappropriate resurfacing of footpaths in countryside setting
- path and bridleway along Old Hill are not Public Rights of Way and are open at the Council's discretion
- poor public transport provision
- additional parking will not address parking concerns
- parking along Old Hill is a strong possibility
- potential pedestrian safety hazard

Comments have also been received from the Beechwood Residents' Association which reiterate objections listed above.

Comments from Consultees

No Environmental Health objections have been raised.

The Council's Highways Engineers have objected to the proposal, noting that there is no new information regarding trip generation from mausoleums from the previous application. A number of measures have been suggested to regulate the number of trips to the site by people visiting occupied crypts but it is considered that some of these are unlikely to have a significant impact on car trips. It is unclear whether these can be practically conditioned. Having a maximum of one internment per day is likely to restrict the daily trips but would not impact on the number of people potentially attending an internment. It is not considered that the sustainability of the site can be significantly increased by the measures suggested. Therefore it is not considered that the application has overcome the concerns previously raised and the scheme is still contrary to Policy T18 of the UDP.

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
- C1 Community Facilities
- C2 Community Facilities and Development
- ER7 Contaminated Land
- G1 The Green Belt
- NE7 Development and Trees
- NE12 Landscape Quality and Character
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T18 Road Safety

London Plan:

- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 7.4 Local Character
- 7.14 Improving Air Quality
- 7.16 Green Belt
- 7.21 Trees and Woodland
- 7.23 Burial Spaces

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

Planning History

Application reference 99/03751 was granted permission for the change of use of the barns and pasture land to a tree nursery, arboricultural and landscape contractors.

Application reference 01/01113/VAR sought to vary condition 2 of this permission to allow the use of barn 2 for storage of horticultural trade supplies. This was

refused on the grounds that this would be detrimental to the openness and amenities of the Green Belt by reason of increased activity, noise and disturbance and additional outside storage. However, this decision was subsequently overturned at appeal with the Inspector commenting that the Green Belt location of the site was of little direct relevance as the intentions of the Green Belt would not be prejudiced by the proposed use and that no loss of openness would result from a use that is not inappropriate.

The Inspector attached several conditions in allowing the appeal, of particular relevance are condition 2 which restricted the hours of operation to 0730 to 1900 Monday to Saturday (excluding Sundays, Bank Holidays, Christmas Day and Good Friday); and condition 6 which required details of a scheme to provide noise insulation and silencing for and filtration and purification to control odour, fumes and soot emissions from the plant and machinery in use.

2013 application: 13/03699

Application reference 13/03699 a proposal for a change of use of the existing building to a mausoleum with associated landscaping, elevational alterations, hardstanding and parking for 40 cars was refused by the Council on the following grounds:

“The proposal, in the absence of any suitably justified information to demonstrate otherwise, would give rise to potentially unsafe conditions in the public highway and harm to the openness and character of the Green Belt by reason of uncontrolled and potentially indiscriminate parking within the site and on the local highway network, contrary to Policies G1 and T18 of the Bromley Unitary Development Plan and the National Planning Policy Framework 2012.”

“In the absence of any detailed information submitted with the application to demonstrate otherwise, the proposal would give rise to significant adverse impact on the amenity of the surrounding properties by reason of noise, odours and contamination contrary to Unitary Development Plan Policies BE1(v) and EMP6 and the National Planning Policy Framework 2012.”

A subsequent appeal was dismissed in February 2015, specifically in relation to the effect on highway conditions. The Inspector submitted the following findings which are summarised below:

- the openness of the Green Belt would not be reduced or otherwise be materially harmed by the scheme;
- proposal would not conflict with the purposes of including the site within the Green Belt, and would therefore not constitute inappropriate development;
- scheme would represent an overall improvement to the existing character and appearance of the site and the distinctiveness of the site’s open countryside setting would not be harmed;
- scale, character and intensity of the proposed operation would provide little reason to suggest any significant harm to living conditions of neighbouring residents;

- the currently proposed provision of parking is not considered to be harmful to the character and appearance of the Green Belt, but there would come a point where the extent of parking would be harmful and the openness of the site undermined;
- the possible scale of vehicle generation is uncertain and would not be significantly offset by the attractions of public transport or walking. The scheme would be harmful to the free and safe movement of vehicles and pedestrians in the vicinity;
- questions around the detailed implications of the scheme for nature conservation, including issues around planting details and works to existing planting around the frontage, would remain to be addressed

Conclusions

Taking account of the findings of the above appeal decision, the main point of consideration in this proposal relates to its effect on the highway conditions in the vicinity. It is considered that matters relating to the openness and character of the Green Belt, and any potential impact on the amenities of the occupants of surrounding residential properties have been settled following the appeal decision in which the Planning Inspector did not identify significant harm on either front.

In comparison to the 2013 application, the following changes have been made or added to the proposal:

- total number of burial crypts reduced from 1000 to 690
- total number of full-time employees reduced from around ten to four
- appointment-based system incorporated with gates kept locked
- enhance existing and provide new footpaths to enable improved pedestrian access to the site

Highways issues

Despite the uncertainty identified in the Appeal Decision about the possible scale of vehicle generation, there remains a lack of any evidence base to clearly demonstrate the potential scale of the use, which the applicant has failed to provide. The figures provided in this application are for two cemeteries with no data being provided as to how a mausoleum operates in terms of visitors and trip generation. It is also noted that there is a further uncertainty as to how many standalone mausolea there are in the UK from which to assess comparable data (as opposed to those few that do exist that utilise existing cemetery sites). The trip generation evidence used is, therefore, no more than an assumption by the appellant and his appointed consultant as to how a standalone mausoleum would operate and the ramifications in terms of car use. The number of vehicles attending an interment constitute an unknown, as shown by the TA itself. Whilst a reduction in the number of burial crypts has been made (reducing this from 1000 to 690), there is unlikely to be any resultant impact from this reduction for many years, since this change would presumably only affect the longer-term operation of the mausoleum.

It is therefore reasonable to assume that there are no foundations to base the appellant's assumption that no significant levels of traffic would be generated and that, accordingly, the parking provision is sufficient. Even limited to one internment per day, that internment may attract a large number of cars for which there is no provision on the site and any on-street parking would be hazardous to road safety. Parking by reason of overspill onto Old Hill would be highly undesirable given the nature of the road, and as a result all parking provision would have to be accommodated within the site. An additional result of such indiscriminate parking is the potentially unsafe conditions to the public highway by way of the level of parking in such an inappropriate location. The proposal requires the alteration of the access and egress to the site to improve the visibility splays, an area that is controlled by the Council and concerns have been raised as to the acceptability of such an alteration.

The Inspector, in paras 19 – 21 of his decision notice, had concerns about the level of parking and was not convinced a condition about monitoring as previously mentioned was appropriate. Although the start time for an internment could be conditioned, a condition to limit the duration of each internment is not considered reasonable under the tests set out under the NPPF. The Inspector was also concerned increasing parking provision could impact on the Green Belt: that *“there would come a point where the extent of parking would be harmful and the openness of the site undermined.”*

The applicant has suggested a number of measures to reduce car trips. There is the suggestion to resurface footpaths in the vicinity of the site to encourage walking. The Planning Inspector himself cast doubt about opportunities for travel by non-car modes, stating:

“my assessment is that opportunities for sustainable transport appear limited. Although the scheme does include facilities for cycle parking, the site is not directly served by buses and is not reasonably close to a railway station. The nearest bus links would require a significant walk either up and/or down Old Hill which is poorly served by public footpaths, or up and/or down a right of way through the adjacent woodland, and then across the busy A21 and on to Green Street Green High Street. Given the absence of formal footpaths along much of Old Hill, allied to its topography and significant volumes of traffic, I do not find that Old Hill represents a particularly safe or attractive environment for pedestrians. I consider that such circumstances are instead likely to generally encourage car-based travel.”

In addition, following discussions with the Council section which deals with the maintenance of rights of way, their initial view is that the footpaths around the site are rural in nature and surfacing is not something they would support. A minibus service is also proposed which would collect visitors from nearby bus stops or railway stations. This would rely on where visitors are coming from in order to be able to use the public transport network and there is no assessment of the likely car trips this would save.

It is proposed to make all visits to the mausoleum by appointment only. This would regulate the numbers but it is unclear as to how any condition would be practically monitored. It has also been suggested that a traffic marshal would be on site, but it is unclear what would be done if more vehicles arrived than parking spaces were available. A Travel Plan has been proposed but as there are only intended to be 4 members of staff the impact of one is likely to be insignificant.

Site access

The site has an existing access from Old Hill and the Inspector made reference to the concealed nature of the access. Following speed surveys supplied with the previous application it was agreed that the required sightline was 51m using MfS criteria. The access plan shows only minor amendments to the vegetation being required which, if no major changes are made, may give the impression that it will remain relatively concealed. The access is on the brow of the hill and the applicant has stated that the visibility splay was achievable in the horizontal and vertical plane. The land required to provide the sightline by cutting back the vegetation is outside of the site. The area is maintained by the Council although it appears not under the highway maintenance contract so it is unlikely to be a highway verge.

Other matters

Concerns have been raised regarding the future maintenance of the proposed use and the issue of a sound financial management plan. In particular, these concerns relate to the issue of the business failing and the maintenance of the mausoleum at significant cost to the Local Authority; a responsibility that would be unavoidable in such circumstances given the potential environmental risk that would result from such an outcome. Although this is not considered a material planning consideration, such an issue could be addressed by way of a legal agreement to secure the future financial stability of the site.

In regard to matters of nature conservation, no objections were previously raised in this regard by the Council, and in considering the 2013 application, the Inspector acknowledged that “questions around the detailed implications of the scheme for nature conservation, including issues around planting details and works to existing planting around the frontage, would remain to be addressed.” Were the proposal to be considered acceptable in principle, such issues could be addressed through planning conditions.

Summary

In summary it is considered that the appellant has failed to demonstrate any evidence of the anticipated trip generation for the proposed development and as such the parking arrangements allowed for are not demonstrably capable of accommodating the possible high levels of vehicles present at any given time. The site is not readily accessible by public transport or by other means of sustainable transport and the limitations of the site by way of the parking capacity and Old Hill itself compound the issues of inadequate parking provision to the site. Accordingly, the proposal is not considered acceptable in terms of achieving adequate levels of road safety, and therefore fails on the basis of Policy T18 of the UDP.

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: APPLICATION BE REFUSED

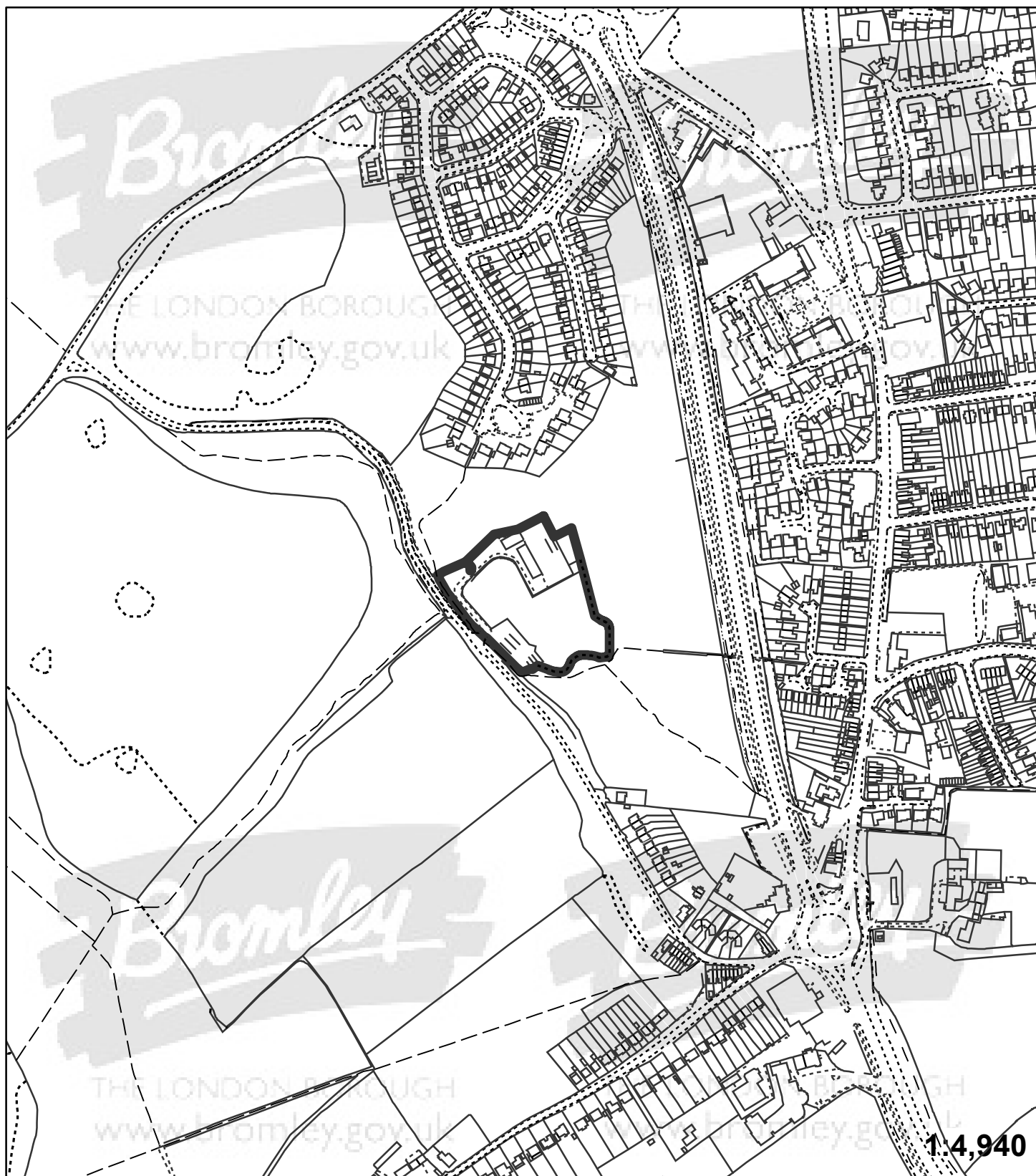
The reason for refusal is:

The proposal, in the absence of any suitably justified information to demonstrate otherwise, and in view of the lack of viable alternatives to car-borne travel within what is a relatively unsustainable location, would give rise to potentially unsafe conditions on the public highway by reason of uncontrolled and potentially indiscriminate parking on the local highway network, contrary to Policy T18 of the Unitary Development Plan.

Application:15/00981/FULL3

Address: Old Hill Farm Old Hill Orpington BR6 6BN

Proposal: Change of use of existing buildings to mausoleum with associated landscaping, elevational alteration, hardstanding and parking for 37 cars



"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 : 15/01334/FULL1

Ward:
Copers Cope

Address : Ground Floor 2 - 4 Fairfield Road
Beckenham BR3 3LD

OS Grid Ref: E: 537313 N: 169418

Applicant : Mr Tilesh Chudasama

Objections : YES

Description of Development:

Change of use of ground floor from former members social club (Sui Generis) to restaurant (Use Class A3) Front elevational changes to incorporate stairs

Key designations:

Areas of Archeological Significance
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Smoke Control SCA 12

Proposal

Planning permission is sought for a change of use of the ground floor of the Former Beckenham Social Club (Use Class Sui Generis) to an Indian Restaurant (Use Class A3) and elevational changes to the front of the building.

Note* - this application was deferred from plan-sub committee 4 on 2nd July because the site has not been considered in the context of its new designation within the Beckenham Conservation Area. Amended plans were received changing the front elevation & a consultation response sought from the Council's Conservation Officer.

A public fire exit is indicated on drawing (D3) and the first floor, which does not form part of the application, but does have its own separate access and fire escape.

Location

The application property is a ground floor unit, located on the end of six terrace properties on the western side of Fairfield Road, Beckenham. The site is not part of a designated shopping frontage but does lie on the edge of Beckenham High Street (which is a designated District Centre). The application site now lies in the Beckenham Conservation Area.

Consultations

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

- o The proposed restaurant will be located within a residential neighbourhood
- o Beckenham High St is already saturated with bars and restaurants
- o Any new restaurant should be located within the High Street where noise and disturbance would be less perceptible and would be a more appropriate location.
- o The private members club was long established and members and their guests had to adhere to strict controls.
- o The building should be returned to a residential use
- o Do need another restaurant in Beckenham High Street
- o It will increase demand for parking
- o Increased noise
- o Pests - there are a significant amount of rats, mice and foxes in the area already
- o Unpleasant smells

Comments from Consultees

Highways

The site is located on Fairfield Road just off High Street Beckenham (A234), which is a London Distributor Road (LDR) with waiting restrictions (No waiting at any time) immediately outside. PTAL rating for this development is 4. Furthermore there are two public car parks in the vicinity. The site is located close to other restaurants and takeaways.

The site is within a parade of shops which has other food & takeaway outlets so I would have no objection to the application.

Environmental Health

I have looked at this application and visited the area and would have no objections to permission being granted.

Drainage

No comment

Thames Water

No objection subject to an informative.

Waste services

No comment

Conservation Officer

The drawing makes a good contribution to the Conservation Area as it keeps the hall entrance to the right and maintains the inscription on the front façade. Subject to conditions regarding the materials.

Planning Considerations

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

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- BE11 Conservation Areas
- ER9 Ventilation
- S1 District Centres
- S9 Food and Drink Premises
- T3 Parking
- T18 Road Safety

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

Planning History

Under planning application reference: DC/05/00079 planning permission was granted for elevational alterations to ground floor and access ramp and steps at front.

Under planning application reference: 84/01069 planning permission was refused for a part one/two storey side extension.

Conclusions

The main issues relating to the application are the effect that it would have on the character of Beckenham District Centre (having regard to its shopping function), the impact that it would have on the amenities of the occupants of surrounding residential properties and the impact on highway safety.

Impact of the development on the character of the Conservation Area

The site lies just off of the main High Street and therefore must be considered in respect of Policies S1 and S9. The proposal is currently vacant and was formerly the Beckenham Social Club. The amended plans now show that the front façade will remain similar to that which currently exists. It maintains the inscription "H J Memorial" over the door. A new brick wall is also proposed.

The proposal involves the change of use of a former Members Club (Use Class Sui Generis) to an Indian Restaurant (Use Class A3). The Former Members Social club has been vacant since June 2014.

In considering the acceptability of the proposed change of use in policy terms, the absence of any long term vacancy at the premises makes it necessary to consider whether the proposed use would contribute to the range of local services or provision of local community facilities and whether it would contribute to the vitality of the centre by providing a services or attracting visitors during shopping hours (in accordance with Policy S1). The proposed use could be considered to contribute to the range of local services and would provide a service and potentially attract visitors during shopping hours, from lunchtimes onwards.

As noted above, whilst the site is not within a designated retail frontage, it is located 40m from Beckenham High Street where other restaurants exist. There are many restaurants located in Beckenham High Street with the only other Indian Restaurant being 'Curry Cottage' located on nearby Kelsey Park Road. In view of Beckenham Town Centre having a range of uses it is not considered that the change from a Sui Generis use would lead to an over concentration of similar uses arising.

Impact to neighbours

Fairfield Road consists of six residential properties, a Church & Church Halls and a supermarket (Lidl), making the surrounding area mixed use.

The proposed use will operate during daytime and evening hours, up to 11pm (Mon-Sat) & 10pm on Sundays and Bank Holidays. The Former members Club operated until similar times (Mon/Tues/Wed/Sun until 10pm & Thurs/Fri/Sat until 11pm).

Whilst the use is likely to attract customers until 11pm is considered that will be of a similar level of people who visited the Members Club. Other restaurants in the nearby vicinity open until similar times on any given day. Therefore in light of the proposed hours of operation it is considered to be acceptable.

The Environmental Health Officer has raised no concerns from a noise or ventilation perspective. Whilst it is acknowledged that nearby residents will experience some impact on their current level of amenity it is considered that the associated use and adequate ventilation to mitigate fumes and odours can be controlled through condition. The closing times are also considered acceptable and can be controlled accordingly.

Highways & parking

The proposed restaurant does not propose any car parking spaces as part of the development. The Highways Engineer considers that there are two car parks

located close by in which people can park and given the proximity to Public Transport the Highways Officer raises no objection to parking.

Summary

Having regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in the loss of amenity to local residents not detrimentally upon the character of the area.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 15/01334 set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

As amended by documents received on 14th July 2015

Subject to the following conditions:

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

Reason: Section 91, Town and Country Planning Act 1990.

- 2 Customers shall not be admitted to the premises before 11:00 on any day, or after 23:00 Monday-Saturday, or after 22:00 on Sundays and Bank Holidays.**

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

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

In the interests of residential amenities of the adjoining properties and the visual amenities of the area, in line with Policies BE1 and S9 of the UDP.

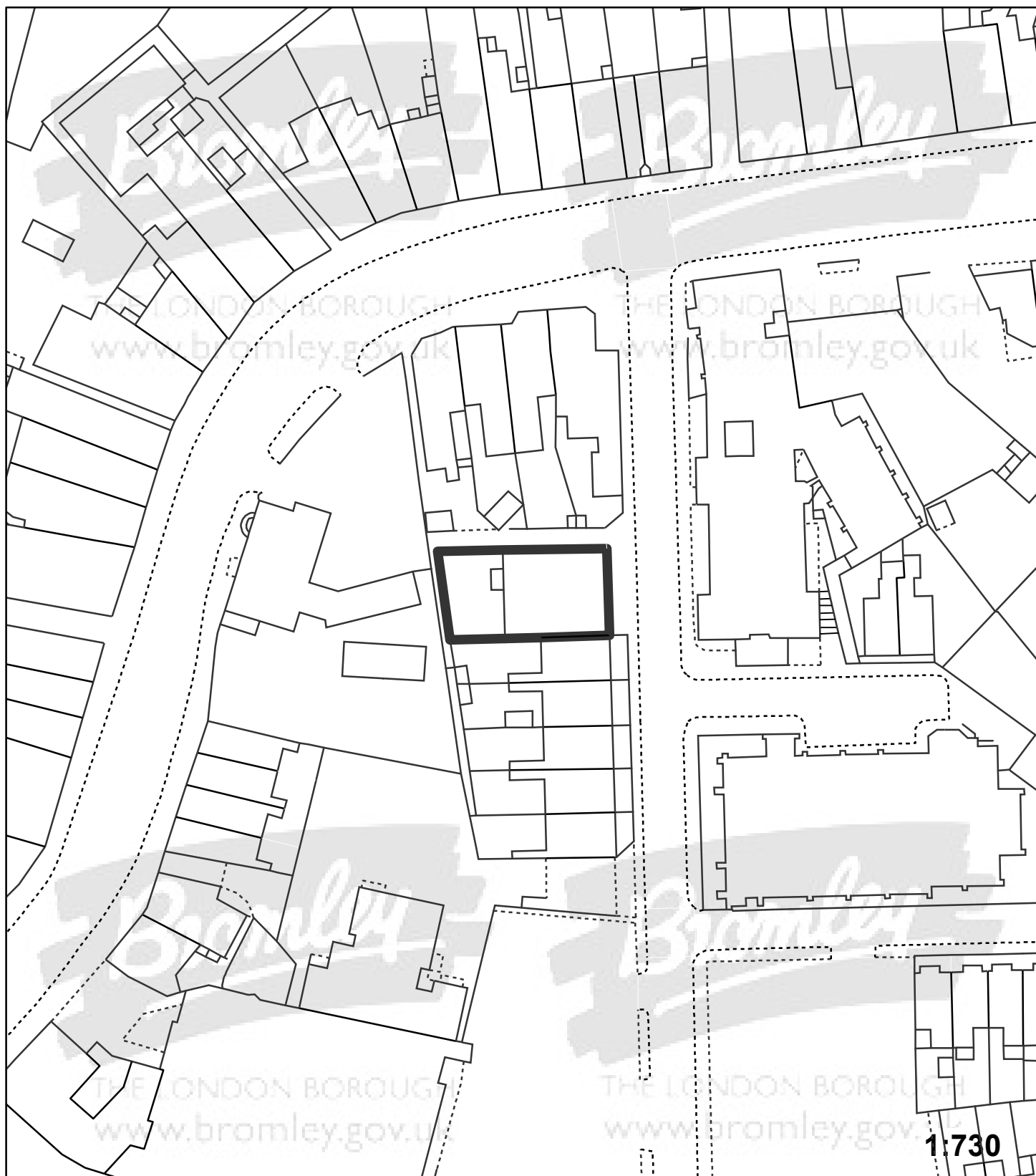
- 4 Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.**

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

Application:15/01334/FULL1

Address: Ground Floor 2 - 4 Fairfield Road Beckenham BR3 3LD

Proposal: Change of use of ground floor from former members social club (Sui Generis) to restaurant (Use Class A3) Front elevational changes to incorporate stairs



"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 : 15/01445/RECON

Ward:
Clock House

Address : 1A Balgowan Road Beckenham BR3
4HJ

OS Grid Ref: E: 536547 N: 169095

Applicant : Mr Garnet Frost

Objections : YES

Description of Development:

Variation of Condition 03 of application 11/00980 for change of use of detached garage to ceramics studio/workshop with office/classroom to allow the hours of operation to be Monday to Friday 9am to 9pm, Saturday 9am - 5pm all year round and variation of Condition 05 to allow evening classes in mindful meditation.

Key designations:

Biggin Hill Safeguarding Birds Aldersmead Road
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Smoke Control SCA 15

Proposal

The application site is located on the east side of Balgowan Road, close to the northern junction with Belmont Road. The site currently comprises garage building that was formerly a site office. The surrounding area is characterised by predominantly terraced housing with Balgowan Primary School opposite the site.

The proposal seeks a variation of Condition 03 of application 11/00980 for change of use of detached garage to ceramics studio/workshop with office/classroom to allow the hours of operation to be Monday to Friday 9am to 9pm, Saturday 9am - 5pm all year round and variation of Condition 05 to allow evening classes in mindful meditation.

In relation to the second element the agent has provided additional information as follows:

"Mindfulness is a state of mind, accessible to everyone, enables us to view our thoughts, feelings and behaviour without attachment or judgement. Using these simple techniques (meditation, reflection, etc) we can change the way we think, feel and act in the face of the challenges of everyday life.

Mindfulness training is a collection of tools and techniques that have been developed from 2,500 year old Buddhist meditation practices. scientific studies have produced overwhelming evidence of reduction in stress, worry and anxiety.

Many businesses and multinational organisations use Mindfulness techniques with their staff in order to develop a stress free work environment. Organisations and medical institutions such as the NHS, Google, Intel, Bank of America, sporting and athletics teams, the US military and many others, regularly organise Mindfulness courses and drop-in sessions

The NHS state that "paying more attention to the present moment - to your own thoughts and feelings, and to the world around you - can improve your mental wellbeing"
...and that "Good mental wellbeing means feeling good about life and yourself, and being able to get on with life in the way you want."

There are existing Mindfulness sessions throughout Bromley including St Marks Church, Bromley South and Chantry Studios, Bromley Common, and by offering courses/sessions in Beckenham it would open up the benefits of Mindfulness to a wider audience. Clearly the sessions are non-evasive to the local community and would have the utmost respect to neighbours."

Consultations

Local representations have been received there have been letters of support for the proposed use.

There have also been objections and these comments can be summarised as follows:

- _ This permission was given for school children to attend
- _ concerns in respect of noise and disturbance
- _ devalue property
- _ ignored previous conditions

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

These comments are on file.

Environmental Health has no objections to this proposal.

Planning Considerations

The principal policies against which to assess this application are Policies BE1, C1, ER6, ER8 and T18 of the adopted Unitary Development Plan. These concern the design of new development, community facilities (particularly educational facilities), potentially-polluting development, noise pollution, ventilation and issues of highway safety.

Conclusions

The main issue of concern in this instance is the impact of the proposal on the character of the area, the amenities of the neighbouring residential properties. Members will need to consider whether the proposal will be unduly detrimental to neighbouring amenities and whether the proposal is acceptable in light of the guidance set out in Policies BE1, C1 and T18.

It is noted that planning permission does exist at this premises. However, this application seeks to Vary of Condition 03 of application 11/00980 for change of use of detached garage to ceramics studio/workshop with office/classroom to allow the hours of operation to be Monday to Friday 9am to 9pm, Saturday 9am - 5pm all year round and variation of Condition 05 to allow evening classes in mindful meditation.

Members will need to consider whether the use is acceptable in this location taking into account the objections received during the notification process together with the impact the propose variation will have on neighbours.

Bearing in mind the issues in this case and the concerns raised locally this application is presented on list 2 of the agenda. On balance Member may agree that the variations proposed are acceptable.

RECOMMENDATION: APPROVAL

subject to the following conditions:

- 1 The proposed window (s) on the northern elevation shall remain obscure glazed and shall be subsequently be permanently retained as such.**

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

- 2 The use hereby permitted shall only operate between 9am and 9pm Mondays to Fridays and 9am and 5 pm on Saturdays only.**

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

- 3 The equipment comprising the existing ventilation system shall be retained in an efficient working manner and there shall be no changes to the system without the prior written approval of the Local Planning Authority.**

Reason: In order to comply with Policy ER6 of the Unitary Development Plan and in the interest of the visual amenities of nearby residential properties.

4 The use hereby permitted shall be used as a ceramics studio/workshop with associated classroom and office space and evening classes in mindful meditation and for no other purpose.

Reason: In the interests of the amenities of local residents and in order to prevent overdevelopment of the site.

5 The use hereby permitted shall be restricted to a maximum of 10 users and 2 members of staff at any one time.

Reason: In order to comply with Policy BE1 and in the interests of protecting the amenity of neighbouring residents.

6 No machinery other than that referred to in the letter received on 05/03/2008 shall be installed on the premises without prior written approval of the Local Planning Authority.

Reason: In the interests of the amenities of nearby properties and to accord with Policy BE1 of the Unitary Development Plan

7 The existing flank windows shall remain fixed and obscure glazed and there shall be no changes to these windows without the prior approval in writing of the Local Planning Authority.

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

8 The evening classes in mindful meditation element of this application shall only be in operation between 6pm and 9pm Mondays to Fridays only.

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

Application:15/01445/RECON

Address: 1A Balgowan Road Beckenham BR3 4HJ

Proposal: Variation of Condition 03 of application 11/00980 for change of use of detached garage to ceramics studio/workshop with office/classroom to allow the hours of operation to be Monday to Friday 9am to 9pm, Saturday 9am - 5pm all year round and variation of Condition 05 to allow



"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 : 15/01761/RECON

Ward:
Penge And Cator

Address : Harris Academy Bromley Lennard Road
Beckenham BR3 1QR

OS Grid Ref: E: 536308 N: 170396

Applicant : Education Funding Agency

Objections : YES

Description of Development:

Temporary modular building for educational use (Class D1) and 5 car parking spaces

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Flood Zone 2
Flood Zone 3
London City Airport Safeguarding
London City Airport Safeguarding Birds
Local Distributor Roads
Local Distributor Roads
Metropolitan Open Land
Sites of Interest for Nat. Conservation
Smoke Control SCA 25
Water Link Way

Proposal

This application seeks permission for a temporary modular building at the main entrance to Harris Aspire Academy within the existing car park to be used as classrooms. The building is on site and has permission under application 14/02181. This application is effectively to keep this building until September 2016.

Consultations

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

From a highways point of view, a revised Transport Statement was submitted as part of this application. Accordingly, the results of these surveys demonstrate that any short term demand for parking of the increase in pupils can be accommodated on the local highway network. Furthermore, the current arrangement is without noticeable impact or complaint. Nevertheless, the school need to aim to encourage

users of the school to use more sustainable modes of transport, particularly those living nearby.

There are no objections in terms of Environmental Health.

The Environment Agency have no objections.

The Council's in-house Drainage Adviser has indicated that a surface water drainage strategy is required and should achieve greenfield surface water run-off rates.

Thames Water have no objections 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
G2 Metropolitan Open Land
G7 South East London Green Chain
C7 Educational and Pre-School Facilities
T2 Assessment of Transport Effects
T3 Parking
T18 Road Safety

The temporary classrooms will be inappropriate development in Metropolitan Open Land (MOL). Policy G2 of the UDP states that 'within Metropolitan Open Land (MOL) as defined on the Proposals Map, 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.' The policy further states that '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.'

Conclusions

The main issues relating to the application are as follows:

- o impact on the character of the area including the openness of the Metropolitan Open Land, the adjacent Conservation Area and the adjacent South East London Green Chain
- o impact on the residential amenities of the occupants of nearby residential dwellings
- o whether very special circumstances have been demonstrated that clearly outweigh the harm by inappropriateness or any other harm.

The building will be functional in its design and appearance and will be located to the front of the existing school building on the site. The location of the building in

relation to the adjacent South East London Green Chain will ensure that there will be no harm to the character and function of the Green Chain. The buildings will result in a degree of harm to the character of the area. However, this harm will be temporary for a period and the buildings are required to fulfil an educational need. The proposal is considered acceptable in terms of the character of the area, including the character of the adjacent conservation area.

The location of the building in relation to nearby dwellings will ensure that there will be no undue harm in residential amenity terms.

The building and car parking will be located in Metropolitan Open Land and the applicant has sought to demonstrate very special circumstances to clearly outweigh the harm to the Metropolitan Open Land from inappropriateness and any other harm. In view of the siting of the building and the car parking and the temporary nature of the building it is considered that the openness of the MOL will not be unduly harmed and the applicant has demonstrated very special circumstances to that outweigh the harm to MOL by inappropriateness and any other harm.

Having had regard to the above it was considered that the proposal is acceptable in terms of the impact on the character of the area including, the adjacent Conservation Area and South East London Green Chain, and in terms of the impact on the residential amenities of the occupants of nearby residential dwellings. Furthermore, the proposal is considered acceptable in terms of MOL policy.

Accordingly, Members may agree that a building on site for a further limited period is acceptable.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The building hereby permitted shall be removed and the land reinstated to its former condition on or before the 30 September 2016**

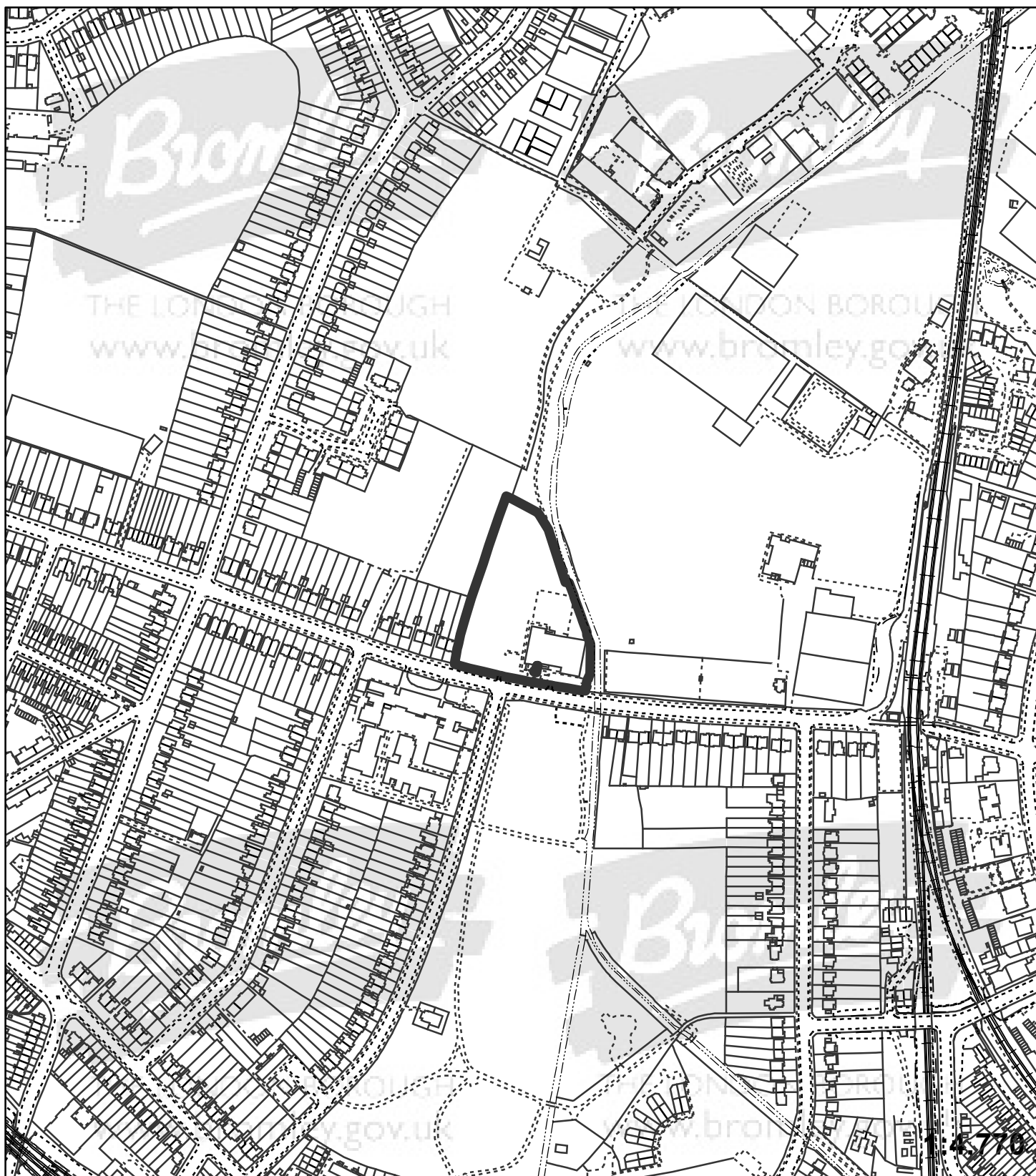
Reason In order that the situation can be reconsidered in the light of the circumstances at that time in the interest of the amenities of the area.

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Application:15/01761/RECON

Address: Harris Academy Bromley Lennard Road Beckenham BR3 1QR

Proposal: Temporary modular building for educational use (Class D1) and 5 car parking spaces



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

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SECTION '2' – Applications meriting special consideration

Application No : 15/01917/ADV

Ward:
Darwin

Address : Bristol Street Motors Ltd Sevenoaks
Road Pratts Bottom Orpington BR6 7LP

OS Grid Ref: E: 545528 N: 163224

Applicant : Mr Gavin Bradford

Objections : YES

Description of Development:

Four internally illuminated fascia signs and one part externally/part internally illuminated entrance sign

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Flood Zone 2
Flood Zone 3
Green Belt
London City Airport Safeguarding
Local Distributor Roads
Local Distributor Roads

Proposal

The proposal will replace/supplement existing signage relating to the services offered at the site. Sign F listed within the submitted plans will be located inside the building and is not subject to advertisement consent.

Location

The site is situated adjacent to the A21 Sevenoaks Road, by a major roundabout which adjoins High Street Green Street Green, Old Hill and Cudham Lane North. The site contains a sales building and workshop and an open-air car park within which vehicles are displayed.

Consultations

Comments from Local Residents

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

- no regard for area
- light pollution

- previous applications concerning the site are overdue
- there remain existing planning breaches at the site

Comments from Consultees

No technical Highways objections have been raised.

Planning Considerations

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

BE21 Control of Advertisements and Signs
T18 Road Safety

All other material considerations shall also be taken into account.

Planning History

The site is the subject of a considerable planning history, including recent enforcement investigations. However, since this application relates to advertisement consent and is stand-alone in substance, it is not considered that this matter has any bearing on other aspects of the application site.

Conclusions

The main issues in this case are whether the proposed signs are in keeping with the appearance of the surrounding area and whether it respects the amenities of neighbouring properties. A further consideration is the impact on pedestrian and vehicular safety.

The proposed signs will be situated on the outside of the main building within on the site which contains a salesroom. The proposed signs B, D and E are considered to be commensurate in scale and appearance with existing signage and it is not considered that these will undermine amenity. Sign A will surround the main entrance to the building and incorporate a large free flying overall. Despite its overall scale, it is not considered that this will appear unduly prominent and harmful to the amenities of the area.

However, the proposed internally illuminated flex box Sign C which will occupy a position to the eastern elevation of the building and comprise an internally illuminated 'flex box' with overall dimensions of 12.4m x 3.9m is considered to be excessive in scale and over-dominant within the surrounding streetscene. Given its size, design and location, it is considered that Sign C would result in an excess of advertising matter within the site, detrimental to the visual amenities of the streetscene of the area in general.

For the above reasons, a split decision is recommended.

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: SPLIT DECISION

CONSENT GRANTED IN RESPECT OF SIGNS A, B, D, E

Subject to the following conditions:

F01

F02 ... signs (A, B, D and E)... ... 300...

CONSENT REFUSED IN RESPECT OF SIGN C

For the following reason:

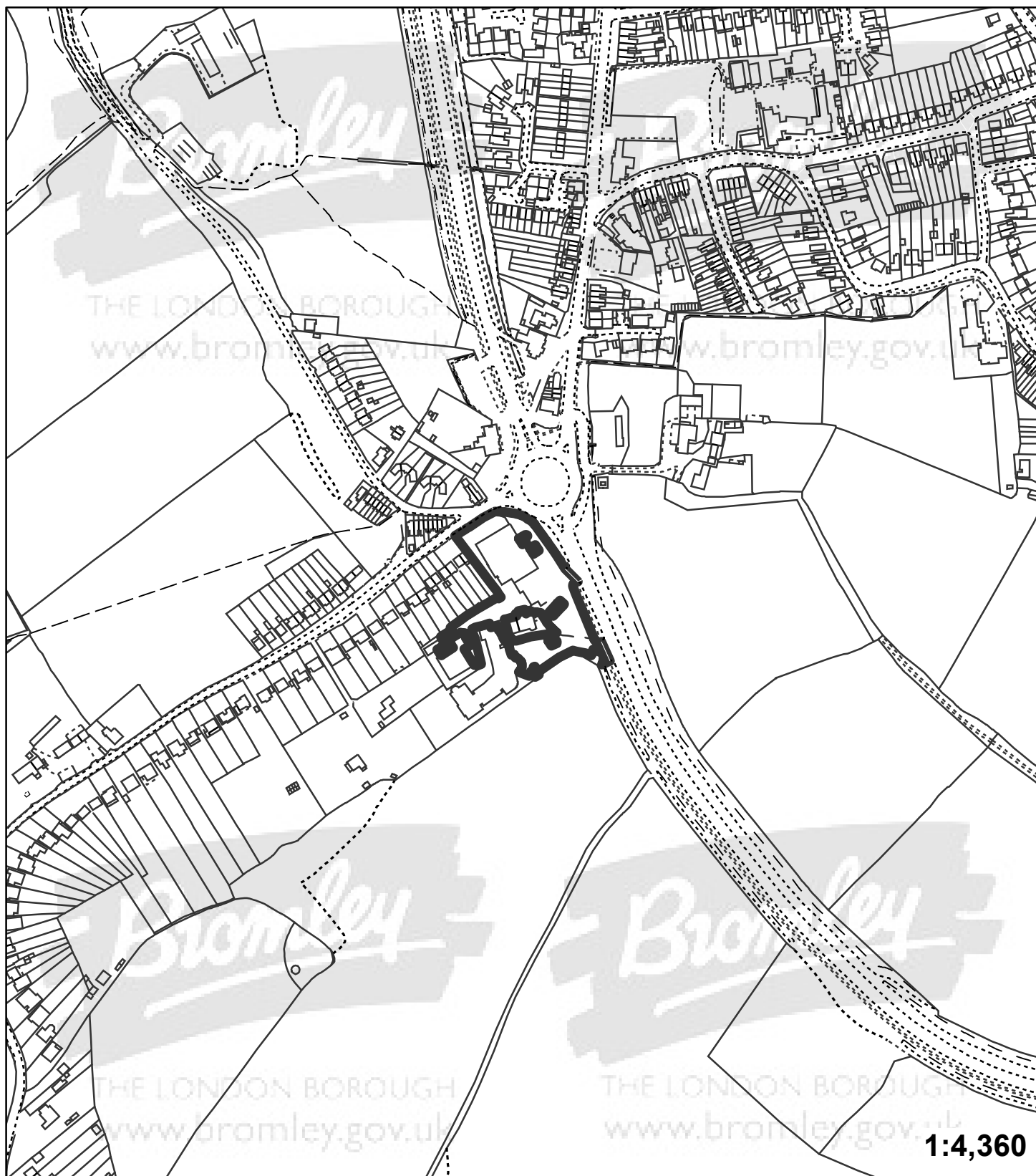
The proposed internally illuminated flex box sign (Sign C) would, by reason of its scale and design, result in an excess of advertising matter within the site, detrimental to the visual amenities of the streetscene and of the area in general, and contrary to Policy BE21 of the Unitary Development Plan.

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Application:15/01917/ADV

Address: Bristol Street Motors Ltd Sevenoaks Road Pratts Bottom Orpington BR6 7LP

Proposal: Three internally illuminated fascia signs and one part externally/part internally illuminated entrance sign (Signs A, B, D and E)



"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 : 15/01930/FULL1

Ward:
Chislehurst

Address : 6 The Meadow Chislehurst BR7 6AA

OS Grid Ref: E: 544197 N: 170780

Applicant : Mr & Mrs D & K Boughey

Objections : YES

Description of Development:

Demolition of existing house and erection of replacement four bedroom dwelling with attached garage

Key designations:

Conservation Area: Chislehurst
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Smoke Control SCA 16

Proposal

The proposal is for the demolition of the existing dwelling, and the construction of a replacement four bedroom dwelling. This application seeks a revision to the design that was recently granted planning permission (Ref: 15/00839). The configuration of the built development has been amended with the detached garage now attached to the main building on the northern side of the dwelling. A side space of 0.5m is maintained between the proposed flank elevation of the building and the boundary with No. 8 The Meadow. The building is therefore positioned closer to the southern boundary with a side space of 2.042m maintained between the built development and the southern boundary.

The site is located on the eastern side of The Meadow and occupies a prominent corner plot at the junction with Heathley End. The site backs on to the Western Boundary of No 1 Heathley End.

The proposed dwelling is substantially larger than the existing. The applicant has advised that the proposed dwelling will have a floor area of 320 sq m (GIA). The existing dwelling has a floorspace of 146.22 sq m (including attached garage).

The proposed dwelling is two storeys with a single storey element to the rear. No.8 also has a single storey rear extension and the single storey element of the proposed dwelling will project approximately 3.3m beyond this. The flank wall of the proposed dwelling will now be 2.4m away from the boundary with No.8.

The height of the proposed dwelling is approximately 9.1m at its highest point. A plan of the existing dwelling has not been provided, so it is not possible to confirm the difference in height when compared to the existing.

The proposed dwelling will be constructed of brickwork with stone banding. The roof will be set behind a parapet with stone coping and centre gables to the front and rear elevations. The front elevation includes a feature window with a curved head within the front gable. The quoin detailing on the building has also been changed on the revised drawings.

The area is characterised by properties of a range of types, sizes and styles.

The site is located within the Chislehurst Conservation Area.

Consultations

A number of letters of objection have been received in respect of this proposal and these are summarised as follows:

- The proposed development is grossly overdeveloped and disproportionately large in comparison to the site;
- Cannot see the necessity for the demolition of the existing building which although in need of refurbishment is not in need of demolition and is in keeping with the surrounding housing of a similar period;
- The proposed development seeks to maximise the financial potential as opposed to enhancing the conservation area.
- The new design of the property has the windows revealed to No 4 The Meadow while in the original drawing there was a garage in situ which would have obscured this;
- With the removal of the hedge/fence line to the South aspect in recent gardening works, No.4 will now be overlooked by these windows;
- Concerns re large size of the build footprint as it was canvassed to neighbours that the intention was to renovate the property rather than tear it down.

Letters of Support

A letter of support has been received from a representative of a local estate agent whose comments are summarised below:

- I supported the first application and am fully behind the revised application as it creates a home befitting the road within the Chislehurst Conservation Area;
- Whilst opinions on design are subjective, this is a traditional design that the vast majority would agree is acceptable;
- I understand that the revised application is taking account of neighbours concerns during the first application and the applicant not wishing to endure a hostile relationship once they occupy their new property. The applicant should be applauded for being so considerate at a considerable cost to them.

Comments from Consultees

Highways - Highways raised no objection subject to Conditions

APCA

APCA has repeated its previous comments. It strongly objects to the demolition of the building which is by a noted architect - E.J. May - and which they consider makes a positive contribution to the Conservation Area and also collectively with other E.J. May buildings in the area. Demolition would be contrary to SPG paras 4.8 & 9 UDP policy BE7 & NPPF policy.

The proposed new design is grossly overlarge and out of character with the area and of poor and inappropriate design

Heritage and Design

The Council's Heritage and Design Officer has repeated his previous comments. He has advised that the existing house was designed by local architect EJ May. Whilst APCA has objected to its loss, he notes the Chislehurst Society accepts that redevelopment would be possible. His view is therefore that, whilst it is of some interest that EJ May designed the building, it is not of the same standard as other EJ May houses, and its architectural merit is limited. In conclusion, he considers that it makes a neutral contribution and therefore redevelopment would be acceptable.

The loss of the side space through the construction of the garage is considered to be regrettable, however, the applicant has revised the scheme to reduce the width of the garage and on balance this is considered to be an acceptable compromise.

He also advises that the proposed replacement house is substantially larger than the original dwelling. The central staircase window on the principal elevation is also quite dominant and would ideally be scaled back. In the event that the application is recommended for permission conditions C01, C03 are recommended.

The suggestion that the property should be included on the Local List was considered by the Council's Heritage and Design Officer who assessed it against the criteria contained in the Locally Listed Buildings SPG. It was concluded that the building did not reach the required standard.

Trees

Both existing trees located at the front of the site are now shown to be removed in order to accommodate changes to the vehicular access. The trees are suitable for retention and their removal will impact on the visual character of the streetscape.

The application proposes the removal of both trees and that they will be replaced with 2 No Advanced Nursery Stock-Malus 'Evereste'. At their current size both existing trees could be readily replaced, however, larger stock should be provided 5.5m high 200 LP trees, with an open mind on species selection so this can be tied into the wider landscaping detail of the site.

The layout is unlikely to affect the remaining existing trees to the rear of the site, however a tree protection plan should be provided as well as a landscape planting plan.

Environmental Health

No objection

Drainage and Waste Water

No objection subject to the imposition of a surface water drainage condition.

Thames Water

No Objections

Planning Considerations

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

BE1 Design of New Development
BE11 Conservation Areas
BE12 Demolition in conservation areas
H1 Housing Supply
H7 Housing Density and Design
H9 Side Space
NE7 Development and trees
T3 Parking
T7 Cyclists
T18 Road Safety
ER7 Contaminated Land

SPG No.1 - General Design Principles
SPG No.2 - Residential Design Guidance

London Plan (March 2015)

Policy 3.3 Increasing Housing Supply.
Policy 3.4 Optimising Housing Potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater Infrastructure
Policy 5.15 Water use and supplies
Policy 5.16 Waste net self-sufficiency
Policy 5.17 Waste capacity
Policy 5.18 Construction, excavation and demolition waste
Policy 5.21 Contaminated land
Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.8 Heritage Assets and Archaeology
Policy 7.6 Architecture
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

Housing: Supplementary Planning Guidance. (November 2012)

Planning History

There is no relevant planning history on the site.

Conclusions

The main issues to be considered in respect of this application are:

- o Principle of Development
- o Design
- o Standard of Residential Accommodation
- o Highways and Traffic Issues
- o Side space and Impact on Adjoining Properties
- o Sustainability and Energy

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.

Principle of Development

As planning permission was granted for a replacement dwelling under planning application ref 15/00839 the principle of a replacement dwelling on this site has already been established. Therefore, the consideration of this application should focus primarily on the changes to the scheme.

The site is located within the Chislehurst Conservation Area, Policy BE12 relates to the demolition in conservation areas. The policy relates to schemes that involve the demolition of unlisted buildings that make a positive contribution to conservation areas and it sets out the criteria against which these should be assessed. The principle of the demolition of the existing building has already been accepted under application Ref: 15/00839. Whilst there have been objections from local residents to the loss of this building and a request for it to be included on the Local List as it is an example of Architect E J May's work, the Council's Heritage and Design

officer visited the property and considers that the building is not of sufficient architectural or historical merit to warrant protection. In his view the property makes a neutral contribution to the Conservation Area and therefore redevelopment would be acceptable. It is also noted that the Chislehurst Society has not objected to the demolition and redevelopment of this property.

In terms of the proposed replacement dwelling, Policy H7 of the UDP sets out criteria to assess whether new housing developments are appropriate subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, community safety and refuse arrangements.

Design, Siting and Layout.

The site occupies a prominent position in Meadow Way located at the junction with Heathley End. The site has had a rather unkempt appearance for some time due to a lack of maintenance by the previous owners, but is considered to have the potential to make a contribution to local visual amenity and the character and appearance of the Conservation Area, particularly given its prominent and exposed position.

The proposal replaces a relatively modest dwelling with a bold, modern and far larger one that will result in built development closer to both boundaries. It is considered that the scale and massing of the proposed dwelling combined with the quantum of the site covered by buildings will significantly alter the streetscene on this corner of The Meadow. However, there are a range of types, sizes and styles of dwellings in this part of the Conservation Area and the principle of a substantial replacement dwelling has already been accepted.

Whilst it is not considered that the residential amenities of the surrounding occupiers will be affected by this proposal, it is considered that the replacement dwelling will result in a material change to the street scene due to the scale of the proposal on this prominent corner plot. The proposal is similar to that granted under Ref: 15/00839, however, the detached garage has been deleted from the proposal and is replaced with an attached garage to the northern flank elevation of the main property. A side space of 0.5m is maintained to the flank boundary with No.8, Whilst this does not comply with policy H9 the applicant has highlighted that there are a number of other properties in The Meadow which do not have a full 1m side space to their flank boundaries. The applicant has revised the drawings to increase the sidespace from 0.3m to 0.5m and the conservation officer has accepted this as a suitable compromise.

Individual views on the design and the impact of the proposed replacement dwelling on the streetscene and Conservation Area are subjective. Members will need to consider whether absence of a 1,m side space in this location is detrimental to the character and appearance of the Conservation Area.

Standard of Residential Accommodation

Policy 3.5 of the London Plan (2011) Quality and Design of Housing Developments states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.

Policy BE1 in the Adopted UDP states that the development should respect the amenity of occupiers of future occupants.

The floor space of the house is approximately 320 sq m. Table 3.3 of the London Plan requires a Gross Internal Area of 100m² for a 4 bedroom 5 person dwelling house.

The shape, room size and layout of the rooms in the proposed building is considered to be satisfactory. None of the rooms would have a particularly convoluted layout which would limit their use. All habitable rooms would have satisfactory levels of light and outlook.

In terms of amenity space, the remaining garden space remains comparable with similarly sized properties in the vicinity and of sufficient proportion to provide a usable space for the purposes of a four bedroom dwellinghouse.

Car parking

The proposal has a good sized garage and other car parking is available on the frontage and the Council's Highways Officer has not raised any objection in this regard subject to the inclusion of conditions. It is considered the proposal would generally be in accordance with UDP Policy T3 and Policy 6.13 of the London Plan (2011).

Cycle parking

Cycle parking is generally required to be 1:1 for residential development. The applicant has not provided details of a location for lockable cycle storage for the unit although there is room for a shed in the rear garden which would be considered suitable.

Refuse

All new developments shall have adequate facilities for refuse and recycling. The applicant has not provided details of refuse storage for the unit but this can be dealt with by condition.

Impact on Adjoining Properties

Whilst the proposed dwelling is substantially larger than the one that it replaces the main front and rear elevations are in line with the adjoining property. There is a single storey addition to the rear that projects approximately 3.3m beyond the existing single storey rear extension at No.8, however, in view of the orientation this is not considered likely to result in any material loss of light to No.8.

In terms of outlook, the arrangement of the fenestration is considered acceptable. A flank window is located at first floor level on both the north and south flank elevations to allow bedrooms to be dual aspect. Obscure glazing is recommended to both of these windows to maintain a suitable level of privacy to the occupiers of adjoining properties.

The proposal is not considered to result in adverse impacts on the residential amenities of the adjoining properties, and any impact would be restricted to the visual amenities, which is considered to be subjective.

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. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

The applicant has not submitted a Sustainable Homes pre-assessment document in respect of the above policies.

Lifetime Homes

The applicant has not confirmed that the development will be Lifetime Homes compliant.

Summary

It is considered that the existing property is not of sufficient architectural or historical merit to warrant protection, and in the event that a suitable replacement is proposed the principle of the demolition of the existing dwelling and its replacement has been accepted.

The principle of a substantial replacement dwelling has already been established under application Ref: 15/00839.

The proposal is for a replacement dwelling that is substantially larger than the one that it replaces and will result in built development closer to both boundaries. Despite its size, it is not considered that the proposal will result in an unacceptable impact on the residential amenities of neighbouring occupiers, subject to suitable conditions being imposed on any permission.

The revisions bring the main two storey element of the built development further away from No.8. The impact of the proposal on No.4 in terms of overlooking is considered to fall within acceptable levels and can be suitably mitigated with appropriate boundary screening which can be controlled by condition.

In terms of the design of the proposed dwelling and its impact on the Conservation Area, this part of the Conservation Area is characterised by a range of sizes, types and styles of dwellings, including a number of large and modern dwellings. On balance the design and impact on the Conservation Area is considered to be acceptable.

The proposal would not have an adverse impact on the local road network or local parking conditions.

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

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

Reason: Section 91, Town and Country Planning Act 1990.

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

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

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

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

- 4 Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of**

any recess) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The windows shall be installed 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.

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

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 4A.14 of the London Plan.

- 6** Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 7** While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

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

- 8** Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any

part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 4A.14 of the London Plan and Planning Policy Statement 25.

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

Reason: To protect the amenities of the adjoining residents in order to comply with Policies H7 and BE1 of the Unitary Development Plan

- 10** No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the flank elevation(s) of the building hereby permitted, without the prior approval in writing of the Local Planning Authority.

Reason: To protect the amenities of the adjoining residents in order to comply with Policies H7 and BE1 of the Unitary Development Plan.

- 11** The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the adjoining residents in order to comply with Policies H7 and BE1 of the Unitary Development Plan.

- 12** Prior to the commencement of the development hereby permitted, a survey of the condition of the road shall be submitted and agreed by the Local Planning Authority and any damage caused to the surface of the road during the construction phase of the development will be reinstated to a standard at least commensurate with its condition prior to the commencement of the development.

Reason:In the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policy T18 of the Unitary Development Plan.

- 13** Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and

how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 14** Before the development hereby permitted is first occupied the proposed window(s) 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 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

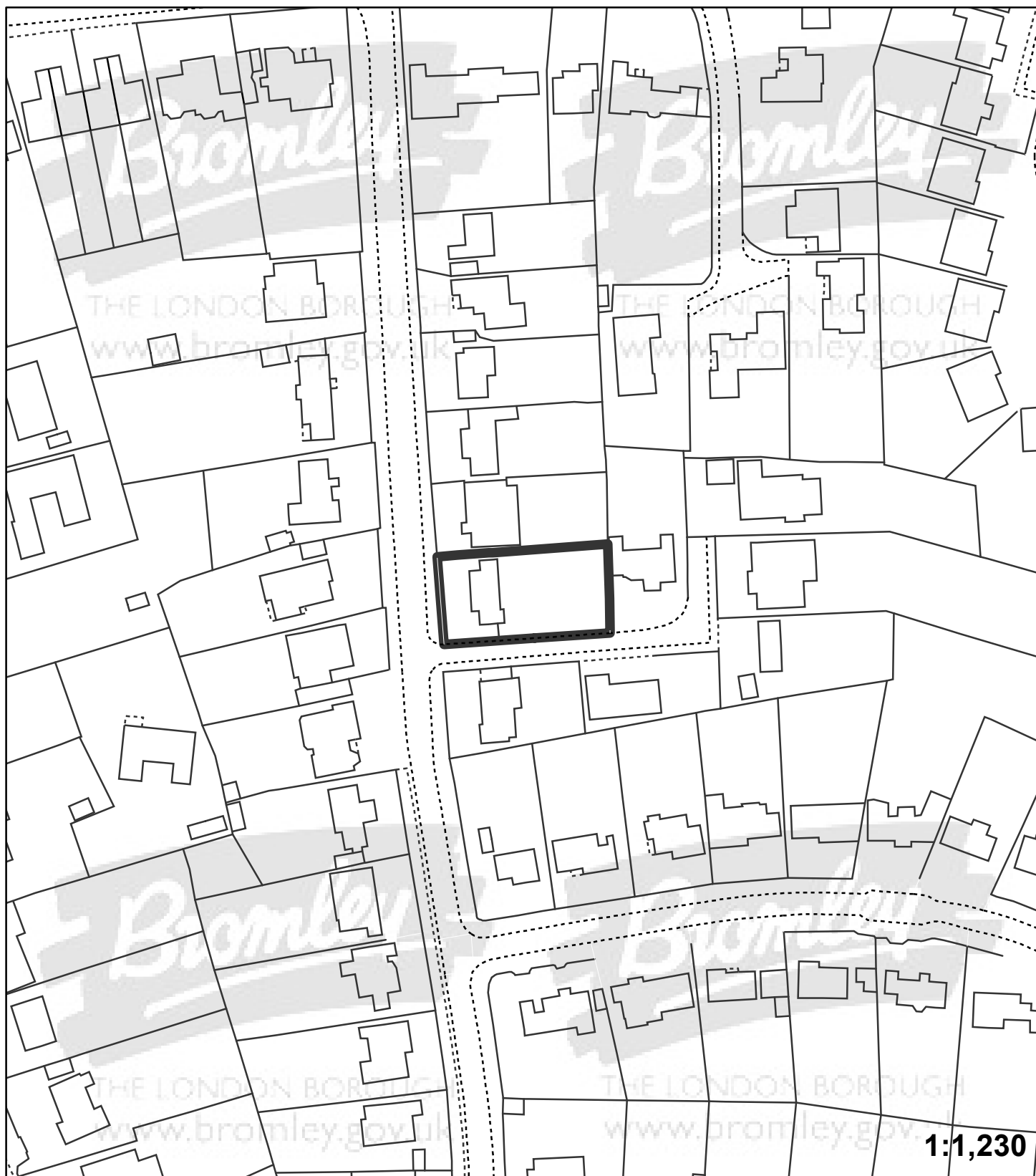
- 15** No development shall commence until an arboricultural impact assessment for the protection of trees shown retained both on and immediately adjoining the site and as described by British Standard BS 5837:2012 is submitted to and approved in writing by the Local Planning Authority. The arboricultural impact assessment shall be accompanied by a tree protection plan and method statement detailing means of any special methods of construction for excavation, foundations and new hardsurfaces. Once approved the works shall be implemented as specified in the method statement prior to the commencement of work on site, and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development.

Reason:To ensure that all existing trees to be retained are adequately protected and to comply with Policy NE7 of the Unitary Development Plan.

Application:15/01930/FULL1

Address: 6 The Meadow Chislehurst BR7 6AA

Proposal: Demolition of existing house and erection of replacement four bedroom dwelling with attached garage



"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 : 15/01951/FULL3

Ward:
Penge And Cator

Address : 167 - 169 High Street Penge London
SE20 7DS

OS Grid Ref: E: 535589 N: 170180

Applicant : Antic London

Objections : YES

Description of Development:

Change of use of ground, first and second floors from Class A1 retail shop with ancillary office and commercial use on the second floor to mixed A3/A4 use as a cafe/restaurant/bar with function room with first floor terrace and external elevational alterations at the rear.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
London Distributor Roads
Open Space Deficiency
Primary Shopping Frontage
Smoke Control SCA 1

Proposal

It is proposed to change the use of the ground, first and second floors of this retail shop with ancillary office use of the upper floors to a mixed A3/A4 use as a café/restaurant/bar with a function room.

The ground floor would be an open plan bar/café providing bakery goods, coffee, lunches and a wine bar during the day and a bar space at night.

On the first floor, a restaurant is proposed, with a kitchen and bar allowing the preparation of food for consumption on the premises. The first floor would have a roof terrace at the rear, providing access to an escape stair in addition to being used by customers until 21.00.

The terrace on the first floor would incorporate a rear facing wooden fence with planting to screen the terrace from neighbouring residents.

The second floor function room would cater for events including christenings and weddings and for individual events. The initial application submission proposed the

formation of a terrace at the rear of the second floor, but this element has been deleted from the scheme.

On the basis of other Antic London pubs in the area, the assumed delivery and servicing pattern would involve a delivery from 1-2 vans daily with food supplies and 1-2 waste collections per week. A loading bay in front of the premises would facilitate the delivery cycle. It is intended that smaller vehicles would be capable of using the narrow rear access way which leads to the rear of the premises.

Location

The application site lies on the north eastern side of Penge High Street within the Primary Shopping Frontage. It lies between a retail pharmacy and a charity shop (both within Class A1) and is currently occupied by a business selling fabric remnants and other household goods. The building is three storeys high, and the retail frontage is double width, with a large shop window in the left hand unit and a smaller shop window and double doors in the right hand unit.

At the rear, the site lies adjacent to a narrow service passage leading behind the shopping frontage and separating the yards and rear elevations from the rear gardens of dwellings fronting Raleigh Road. A residential development to provide a block of flats is currently under construction at Nos. 2 - 4 Raleigh Road and it is this block that is most closely related to the application site.

The rear elevation of the shopping frontage is irregular in terms of the built form of the individual properties, with some of the units having substantial brick built two and three storey rear extensions, interspersed with flat roofed single and first floor elements. The application site itself has part one/two/three storey rear elements. The flat roofed two storey elements lie towards either boundary and are linked by a metal walkway below which is a shallow pitched roof between and adjacent to the two storey projections, upon which the first floor terrace would be constructed.

Consultations

A large number of letters have been received relating to the proposals.

Where objections have been raised, the concerns do not relate to the principle of the change of use, but can be summarised:

- The roof terrace will overlook gardens and windows of Raleigh Road. Smoking and noise associated with the use of the terrace and possible anti-social behaviour would have an adverse impact on the residential dwellings nearby.
- Noise would echo from the terrace
- Loss of privacy

A substantial number of letters supporting the proposals have been received, stating:

- There is a lack of places open in the evening and the proposed use would complement the existing provision
- The provision of outside space is good, but the design needs to give thought to nearby residents
- The proposal would meet a huge demand for a quality café and eat-in restaurant
- The applicants have made a success of the Goldsmith's Arms
- Would be a community asset
- Would act as a catalyst for improvement along the High Street
- A destination coffee shop would be popular during the day time.

From a technical highways perspective, the application is considered to be satisfactory on the basis of the high PTAL level and the submission of a satisfactory Delivery and Servicing Plan.

Environmental Health comments with regards to the superseded submission raised concerns regarding the lack of a kitchen extraction system and there being no details of the ventilation and air conditioning system acoustic assessment. The proposed external terraces would have the potential to lead to a loss of amenity for surrounding residents owing to noise from the use of these areas, and if there are directly adjoining residential uses at first floor or above, a sound insulation assessment would be necessary.

The application was subsequently revised to delete the second floor terraces adjacent to the proposed function room. Plans were submitted showing the kitchen extraction system and an Acoustic and Noise Assessment was submitted. The first floor terrace would be surrounded by wooden fences with plants and vines

Further comments from the Environmental Health Officer are summarised:

- In principle the kitchen extraction issue can be overcome, although elevational drawings should be submitted showing the system on the ground floor as well as the first floor kitchen. The specification is unacceptable as no odour abatement plant is detailed. It may be that this aspect could be dealt with by way of planning condition.
- The noise issues have not been adequately addressed and it would not be appropriate to condition the submission of a noise-report as a pre-commencement issue as this is critical to whether the proposal is acceptable at all. An acoustic report should be submitted which would cover the worst-case assessment for the permitted A4 use for both environmental noise and internal sound transference. Details of precisely what information would be required are listed.

Subject to resolving these issues there are no objections to the proposals from an environmental health perspective but it would not be appropriate to grant planning permission in advance of their resolution.

No objections are raised in respect of the water or sewerage infrastructure capacities.

Planning Considerations

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

- BE1 Design of new development
- S1 Primary frontages
- S9 Food and drink premises
- T18 Road safety

Policies in the London Plan and the NPPF are also material to the determination of the application.

Planning History

There is no relevant planning history to report.

Conclusions

The main issues in the determination of this application are the impact that the proposed change of use would have on the vitality and viability of the shopping centre and the impact that the proposal would have on the residential amenities of neighbouring residents.

The proposal would result in the loss of a double retail unit in a primary frontage. As such it is necessary to carefully consider whether the proposal would comply with the requirements of Policy S1 which states that in order to be permitted, proposals should not harm the retail character of the shopping frontage, should generate pedestrian foot-fall, should complement the shopping function of the area, should not create a concentration of similar uses and should not have an adverse impact on residential amenity.

In the immediate stretch of frontage premises, the use of the premises is predominantly as retail shops, with 2 Class A2 banks/building societies. It is not considered that the proposed change of use would undermine the retail function of the frontage or result in an over-concentration of similar uses, and in providing a day-time opening as a restaurant/coffee shop the proposal would generate a pedestrian foot-fall and a use that would complement the shopping function of the area.

However, while the proposed change of use is generally acceptable in principle, the impact on residential amenity falls to be considered with reference to Policies BE1 and S1. Serious reservations remain regarding the proposals from a technical Environmental Health perspective. In planning terms, Policy S1 states that changes of use within primary retail frontages will not be acceptable if there would be an adverse impact on residential amenity.

It is evident that there are some residential flats in the upper floors of the retail frontage close to the application site, and it was noted at the site visit how close the proposed terraces would be to the new flats currently under construction at Nos. 2-

4 Raleigh Road. The rear of the application site relates directly to the rear of 2 - 4 Raleigh Road since they are directly opposite each other on either side of the narrow access way. The rear elevation of the flats immediately abut the boundary and the approved plans for application ref. 13/03506 indicate that the first floor and second floor rear facing windows and balconies will serve habitable rooms including bedrooms and the third floor rear flat will incorporate a terrace wrapping around the living/kitchen/dining room at the rear.

The proposed terrace at the application site would be located approx. 5m from the rear elevation of the new flats. The proximity of the terrace to the adjacent residential flats and those currently under construction is considered unacceptable. While the terrace would be screened with a wooden fence and limited planting, the position of the terrace in relation to adjacent vertical elevations on all sides is considered likely to result any noise being bounced off neighbouring walls and being concentrated within an enclosed space, and likely to be appreciable to neighbouring residents.

It is appreciated that the hours of use of the terrace could be controlled by way of a condition, and the applicant has stated that the terrace would not be used other than in an emergency escape situation after 9pm. The application forms did not specify hours of operation, although given the nature of the use proposed it would not be unreasonable to expect weekend and evening opening. Notwithstanding the serious concerns raised by the Environmental Health Officer regarding the internal transference of noise between the property and neighbouring flats, it is considered that the use of the terrace would have a seriously detrimental impact on the amenities of existing and prospective residents by way of noise and disturbance.

In respect of the impact on privacy, it is considered that the views from the terrace towards the existing dwellings in Raleigh Road would be limited as a result of the built form of the terrace and the siting of the new flats at Nos. 2-4. It is unlikely that the proposal would lead to a significant impact on the privacy of these dwellings. The proposed screening would be approx. 2.2m high and as such the potential for direct mutual overlooking to the similar level flat at Nos. 2 - 4 would be limited, although the proposed terrace would be clearly visible from upper storeys and it is considered that the noise associated with the use of the terrace would be appreciable from adjacent properties, including flats and a terrace associated with the residential use of the upper floors of the frontage buildings. This would increase the sense of a loss of privacy associated with the uncomfortable proximity of the terrace to residential units.

With regards to the elevational alterations to the rear of the premises, these alterations would have a limited impact on visual amenity as a consequence of the small scale of the alterations, and the proposal would therefore be compliant with Policy BE1 in this respect.

On balance, while in most respects the proposed change of use would comply with the provisions of Policies S1 and BE1, the impact of the proposal on the residential amenities of neighbouring dwellings would be unacceptable.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposed first floor terrace would have a seriously detrimental impact on the residential amenities of neighbouring properties resulting in noise, disturbance and loss of privacy thereby contrary to Policies S1 and BE1 of the Unitary Development Plan and insufficient evidence has been submitted to demonstrate that the impact of the proposals on adjacent properties could be mitigated to a satisfactory extent.**

Application:15/01951/FULL3

Address: 167 - 169 High Street Penge London SE20 7DS

Proposal: Change of use of ground, first and second floors from Class A1 retail shop with ancillary office and commercial use on the second floor to mixed A3/A4 use as a cafe/restaurant/bar with function room with first floor terrace and external elevational alterations at the rear.



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

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SECTION '2' – Applications meriting special consideration

Application No : 15/02045/FULL1

Ward:
Kelsey And Eden Park

Address : 107 South Eden Park Road Beckenham
BR3 3AX

OS Grid Ref: E: 537554 N: 167646

Applicant : Mr Joseph Neil Pickering

Objections : YES

Description of Development:

Internal and external alterations to Oakfield House and Coach House to provide 10 en-suite rooms with ancillary D1 use, including a new lift and a staircase extension to provide step-free access to all rooms and a covered link between the Coach House and the main House.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Local Distributor Roads
Smoke Control SCA 18

Proposal

Oakfield House was originally built as a mansion and was converted and sub-divided into 8 self-contained residential units during the first half of the 20th century. These units are currently used as short term lets.

Planning permission is sought to change the use of the house to permanent residential accommodation (C3 use) with ancillary educational facilities (D1 use). A new lift and staircase extension is proposed to the eastern elevation.

The applicant Netherhall Educational Association (NEA) is a long established charity devoted to helping people of all ages, especially the young to seek personal development within the Christian ideal. The charity has restored other properties in Wandsworth, Oxford & Manchester. In the case of Oakfield House the charity chose the building because of its location close to a secondary school called The Cedars which was set up two years ago in Croydon by a sister charity. The NEA's policy is to have a house near to its activities where some teachers, plus a chaplain, can live as their permanent accommodation. In addition to providing permanent accommodation and as part of NEA's educational objective, the idea is for the residents to be able to offer assistance in a voluntary capacity to any pupils who wish to benefit from extra academic and formational activities at this location. The

design of the house includes a floor of the house where private tutoring and other educational activities can take place.

The rooms will be used by residents and children for educational activities. As well as 10 bedrooms each with ensuite there will also be a prayer room, library, study, lounge and reception room on the ground floor. The basement will comprise of a kitchen, laundry room, severy and dining room.

It is proposed to build an underground link to connect the main house to the Coach House, which sits just in front of Oakfield House. The link will run from the basement at the north-east corner of the main house to the ground level at the north west corner of the Coach House.

Location

The site is located on the western side of South Eden Park Road, Beckenham and comprises a Victorian Gothic building complete with a Coach House. The Gate House to the front of Oakfield House falls outside of the red line boundary plan submitted.

Whilst the site has no designation in the adopted Unitary Development Plan it is bounded by Metropolitan Open Land (MOL) to the north and to the River Beck to the east. The site falls outside of a Flood Risk Area and the rear of the site is covered by several Tree Preservation Orders (TPOs).

The main access to the site is from South Eden Park Road as well as a rear access from Oakfield Gardens which leads to Eden Park train station.

Consultations

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

Comments from Consultees

Conservation & Listed Building Officer - the changes are relatively minor and the link structure would have a minimal impact on the setting. I would recommend that if you are minded to permit the application then condition C02 could ensure matching brickwork

APCA - no comments received

Environmental Health - Housing - no objections.

Environmental Health - Pollution

Waste - no comments received

Trees - no comments received

Planning Considerations

BE1 Design of New Development
BE2 Mixed Use Developments
BE7 Railings, Boundary Walls and Other Means of Enclosure
BE10 Locally Listed Buildings
C7 Educational & Pre-School Facilities
H1 Housing Supply
H7 Housing Density and Design
H8 Residential Extensions
ER4 Sustainable & Energy Efficient Development
NE7 Development and Trees
T3 Parking
T7 Cyclists
T9 Public Transport
T18 Road Safety

In strategic terms the most relevant London Plan 2015 policies are:

3.3 Increasing Housing Supply
3.5 Quality and Design of Housing Development
3.6 Children and Young People's Play and Informal Recreation
3.8 Housing Choice
6.3 Assessing Effects of Development on Transport Capacity
6.9 Cycling
7.3 Designing out Crime
7.4 Local Character

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

The Council's adopted Supplementary Planning Guidance (SPG) documents are also a consideration in the determination of planning applications. These are:

SPG No.1 - General Design Principles
SPG No.2 - Residential Design Guidance

Planning History

There is no planning history associated with the site.

Conclusions

Principle of development

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 there being a mixed use at the property. The proposal would provide additional housing and take on an educational purpose as well.

Members should consider this proposal on the basis of whether the principle of the changes to the external configuration of the house are acceptable. Matters relating to internal configuration, layout, basement are subject to separate legislation and control falling under the remit of building control regulations.

Design

Oakfield House was built as a large detached Victorian villa in 1870. The site also comprises a Coach House that was built around the same time. The house is arranged over basement, ground, first and second floors. The external walls are formed of light-coloured facing brick with stone detailing to window surrounds, string courses, cornices and balustrades to balconies. There is a portico leading to the main entrance to the house and a tower at the head of the main staircase. The roof is pitched with concrete interlocking tiles.

The main external changes to Oakfield House are to the front (eastern elevation) which includes the introduction of new staircases and a lift in order to comply with Disability Discrimination Legislation. The new lift enclosure will alter the roof and elevational changes will be needed to accommodate this. The front façade will incorporate matching brick bonding and the design and details of the new windows will match those of the existing windows. The new roof would have a turret to accommodate the proposed lift. The proposed extension is considered to be in compliance with Policies BE1 and H7 of the UDP.

The proposed extensions will be built in matching brickwork with matching brick bond and the new windows will match the existing ones in size, design and materials. The proposal seeks to be sympathetic to the character, appearance and locally listed designation as set out in Policy BE10 of the Bromley UDP.

A full structural survey was completed on 24th April 2015 and a copy of the report is enclosed as part of the application. The main house already has an existing basement which extends for most of the house, except to the south end of the house. Underground works are proposed to link the main house to the Coach House to allow goods to be delivered and transported straight down the link tunnel to the basement of the main house. As the link won't be seen above ground no objection is raised from a planning perspective.

Standard of accommodation

Ten bedrooms are proposed with ancillary rooms being provided in the Coach House.

Policy 3.5 of the London Plan (Optimising Housing Potential) sets out minimum space standards in table 3.3 according to which 3 storey house with 4 bedrooms and 5 bedspaces should have a minimum GIA of 106m². When designing homes for more than six persons developers should allow approximately 10m² per extra bed space. In this case the proposed development would comprise 10 en-suite rooms, but the total GIA (1,030m²) is well above the minimum required for a house with 10 bedrooms (156m²).

The proposal will meet the requirements of Policy 3.8 (Housing Choice) in so far as it would provide permanent residential accommodation for 10 people in en-suite rooms that would meet Lifetime Homes Standards and all rooms have step free access.

The Environmental Health Officer raised concern regarding Bedrooms 4 and 5 which are accessed via a study area. This was considered an unsatisfactory layout with regard to fire safety unless the bedrooms were provided with a secondary means of escape, such as an escape window. The agent has provided amended plans to mitigate against this potential fire hazard.

Amenity

The property has a large rear garden which can be used for amenity space for teachers staying at the property. The site also lies a couple of minutes away from sport and recreation facilities.

Impact to the neighbours

There will be little if any impact to neighbours other than the noise and disturbance of the building works as the site is detached and the nearest properties are those located on Oakfield Gardens on the western elevation.

Highways

The development is located in an area with a PTAL rating of 2 (on a scale of 1-6, where 6 is the most accessible) and lies close to Eden Park train station and South Eden Park Road as a bus stop which connects the site to Bromley and Beckenham.

There will be no generation of traffic to the house as the cars for people living at the house are pooled. It is considered that may be two or three pool cars at the site. A bicycle store will be provided for 10 bicycles within the garden to the north of the main house.

Summary

The proposed scheme has been designed with due regard to the buildings listed building status. The main external changes are limited to the north-west corner of the main building and the internal changes are considered acceptable subject to appropriate conditions.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 15/02045 set out in the Planning History section above, excluding exempt information.

as amended by documents received on 16.07.2015

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 Reason: Section 91, Town and Country Planning Act 1990.**

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

- 2 The boundary enclosures indicated on the approved drawings shall be completed before any part of the development hereby permitted is first occupied and shall be permanently retained thereafter.**

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

- 3 Sample panels of facing brickwork showing the proposed colour, texture, facebond and pointing shall be provided on site and approved in writing by the Local Planning Authority before any work is commenced and the sample panels shall be retained on site until the work is completed. The facing brickwork of the development hereby permitted shall be carried out in accordance with the details of the approved sample panels.**

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 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

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.

- 5 Details of the mix, colour and pointing of the mortar to the brickwork shall be submitted to and approved in writing by the Local Planning Authority.**

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

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

- 7 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to 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.

- 8 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.**

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

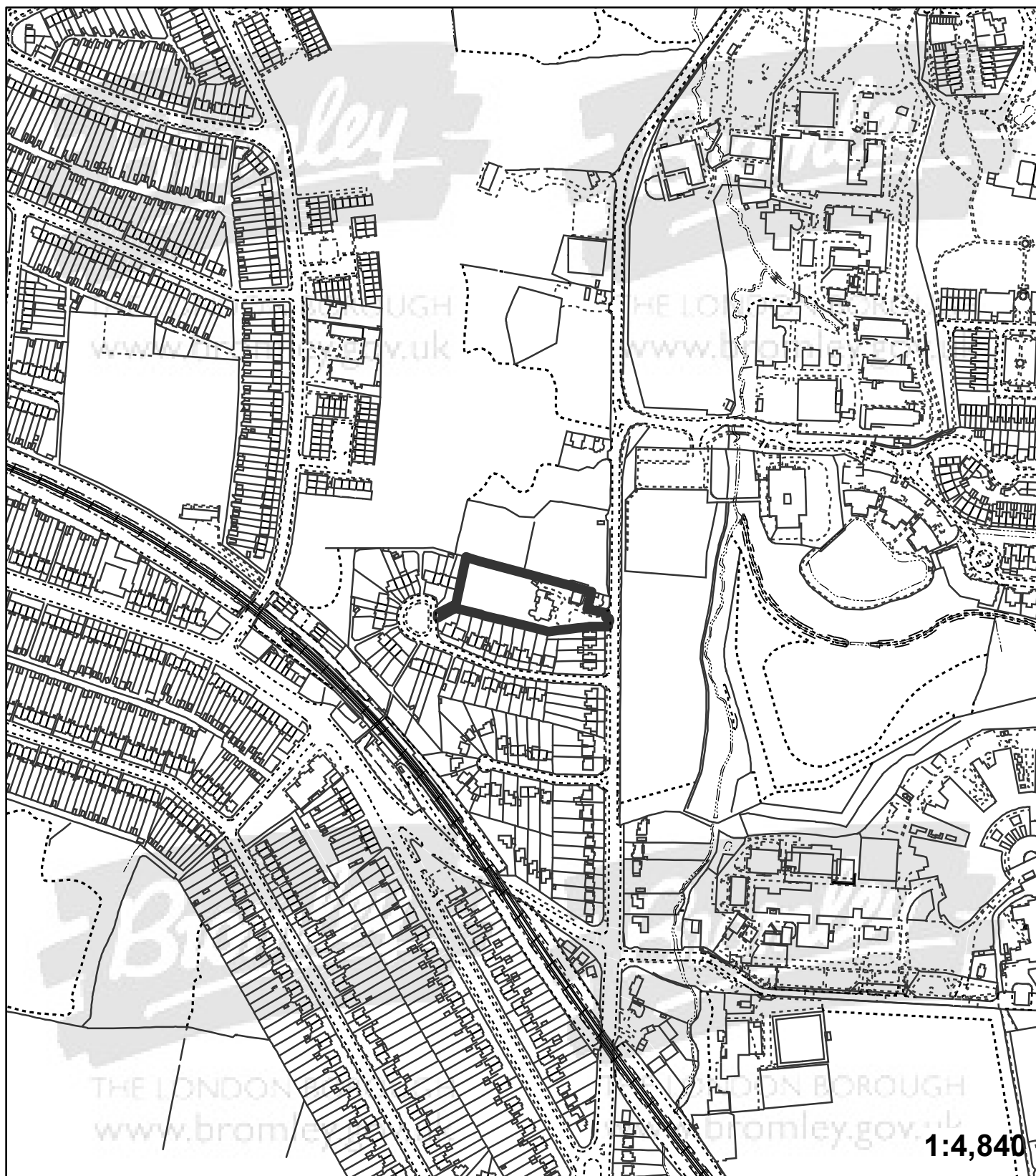
- 9 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

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

Application:15/02045/FULL1

Address: 107 South Eden Park Road Beckenham BR3 3AX

Proposal: Internal and external alterations to Oakfield House and Coach House to provide 10 en-suite rooms with ancillary D1 use, including a new lift and a staircase extension to provide step-free access to all rooms and a covered link between the Coach House and the main House.



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

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

Application No : 15/01312/FULL1

Ward:
Petts Wood And Knoll

Address : 6 Ladywood Avenue Petts Wood
Orpington BR5 1QJ

OS Grid Ref: E: 545361 N: 167699

Applicant : Mr Simon Rockall

Objections : YES

Description of Development:

Demolition of 6 Ladywood Avenue (former Friends Meeting House) and construction of 2 no. two storey detached five bedroom dwellings with new vehicular access and associated parking and landscaping

Key designations:

Area of Special Residential Character
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 4

The application was deferred by Members without prejudice on 2nd July 2015 in order to seek a reduction in the proposal to one dwellinghouse.

The applicant confirmed that they do not intend to change the scheme and offered the following information in response:

Whilst the existing and historic use of the property had wound down over a period of years, it was a non-conforming use and one that could potentially give significant rise to traffic and parking issues as there are no controls over the current use. In contrast, two, detached family houses would be entirely compatible and in keeping with neighbouring dwellings and the Area of Special Residential Character.

The suggestion that the scheme can be reduced from two houses to one would be both commercially unviable and in our view, unnecessary given the high quality design and clear benefits of the scheme. It is also pointed out that originally when the area was developed in the late 1920s/early 1930s, the site was actually designed as two separate plots in the same manner now being proposed.

The remainder of the report remains as previously presented to Members on 2nd July 2015.

Proposal

- The application seeks permission for the demolition of 6 Ladywood Avenue (former Friends Meeting House) and the construction of 2 no. two storey detached five bedroom dwellings with new vehicular access and associated parking and landscaping.
- One new detached garage is proposed to the north-west corner of the site which would be accessed via Greencourt Road. The existing vehicular access along Greencourt Road would also still be utilised.
- The building is currently vacant but prior to this it was used as a friends meeting house of the Religious Society of Friends (Quakers). This use ceased on 6th April 2014 and the building has been vacant since this date.
- There are two trees located close to the northern property boundaries that are subject to a Tree Preservation Order (TPO); one ash and one sycamore.

Location

The application site is located on the corner of Ladywood Avenue and Greencourt Road, set within the Petts Wood Area of Special Residential Character. At present the site comprises a large two storey property that fronts Ladywood Avenue and the area is residential in nature.

Consultations

Comments from Local Residents

Nearby owners/occupiers were notified of the application and their comments can be summarised as follows:

- o In general are supportive of the scheme but do have concerns regarding change to outlook;
- o Existing outlook is over the plot of the garden and grounds, with no view of existing building;
- o Part of the proposed development will encroach on this outlook, but also that any further permitted development would be of greater detriment;
- o Note that double yellow line parking restrictions are planned to remain which are supported and should remain in force;
- o Note that the plot was originally planned for 2 dwellings (mentioned by the developer) but this surely would have been for semi-detached dwellings and not 2 detached dwellings?
- o Appendix 1 of the UDP refers to the predominant character and appearance of the Petts Wood ASRC;
- o The existing site comprises one detached property with generous spacing and mature trees along Greencourt Road;
- o Accept that the existing building on the plot stands out as an anomaly compared with predominant pattern of development within this ASRC, and

- that originally the design was for two plots, this does not itself contribute a reason for approving the application;
- o The original design was more than likely for 2 modest semi-detached houses, not for two very large, over-dominant detached houses;
 - o Proposed buildings almost 3 times the size of neighbouring dwellings with gardens a fraction of the size;
 - o Approval of scheme would constitute overdevelopment of the ASRC and contrary to UPD policies;
 - o Agree more housing is needed in the UK, but the demand is not for £1m plus properties and is therefore not a valid consideration;
 - o The site does currently positively contribute to the verdant and open streetscene in this part of the ASRC;
 - o Object to landscaping to the front of the site, will be to the detriment to the ASRC;
 - o Existing trees along Greencourt Road boundary positively contribute to the streetscene and if removed, they should be replaced with similar examples;
 - o Level of hard landscaping is inappropriate in the ASRC;
 - o Second property is to be built three stories high with a large window at the top of the dwelling which will overlook property on Greencourt Road;
 - o Inappropriate to have a detached garage to the property nearest Greencourt Road;
 - o No similar examples on corner plots within the ASRC, and the garage should be made integral to the host dwelling;
 - o Acknowledge that the existing building is in need of repair and positively support the conversion of the existing building to solely residential use;
 - o However close attention should be paid to the likely impact of the proposal on the character and appearance of the surrounding area, the amenities of neighbouring residential properties, having particular regard to indicative layout and design of the proposed scheme, and the impact upon the Petts Wood ASRC.

Comments from Consultees

The Council's Highways Engineer raised no objection to the proposal. It was stated that Plot 1 has a new crossover with parking on the frontage for 3 cars, and will also utilise the existing crossover on Greencourt Road with a garage and another parking space. Plot 2 will have a new crossover leading to a good sized garage and other parking on the frontage.

The Council's Drainage Engineer stated that they accept the proposed initial drainage strategy to include two soakaways for each property, one at the front and one at the back of the property to attenuate for surface water run-off. It is accepted that the details design will be submitted at a later stage. It was also considered that the 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.

Environmental Health (Housing) 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.

Thames Water raised no objection to the proposal.

Planning Considerations

The proposal falls to be considered primarily with regard to the following policies of the Unitary Development Plan (UDP):

H1 Housing Supply
H7 Housing Density and Design
H9 Side Space
H10 Areas of Special Residential Character
T3 Parking
T11 New Accesses
T18 Road Safety
BE1 Design of New Development
NE7 Development and Trees
C1 Community Facilities

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

London Plan policies:

3.3 Increasing Housing Supply
3.4 Optimising Housing Potential
3.5 Design and Quality of Housing Developments
3.8 Housing Choice
5.1 Climate Change
5.2 Minimising Carbon Dioxide Emissions
5.3 Sustainable Design and Construction
6.9 Cycling
6.13 Parking

National Planning Policy Framework

All new housing should also be designed to meet the changing needs of Londoners over their lifetimes and 10% of new housing should be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. The application does include the 16 point checklist to demonstrate that all dwellings will comply with the Lifetime Homes Standard, within a Lifetime Homes/Wheelchair Housing Statement.

Planning History

No relevant planning history at the site.

Conclusions

All new development should seek to optimise the potential of a site, and such development should, amongst other things, be attractive and respect local context, character and built heritage in accordance with the policies quoted above. The application site is located within the Petts Wood Area of Special Residential Character (ASRC) and as such, it is even more important that any development proposals within the ASRC should respect and complement the established and individual qualities of the individual areas. The original plans for the Petts Wood ASRC date from the late 1920s and early 1930s, and whilst the houses were built over a number of years, the road layout and plot sizes were established in an overall pattern and the layout remains largely intact today. Therefore any development proposal on this plot should respect this existing character within the wider area.

In terms of the principle of the redevelopment of the site for residential use, it is considered that is acceptable. The existing building is not considered to be of any particular architectural merit and whilst the area is characterised by large detached dwellings, there is no particular uniformity in terms of the design of the properties. The use of the existing building was for a Friends Meeting House of the Religious Society of Friends (Quakers), where meeting worship was held, with the upper floor being used as ancillary residential accommodation for the full-time resident caretaker.

The South East London Meeting agreed to close the Petts Wood facility on 16th March 2014 and relocate to a new Orpington Quaker Meeting place, with the last Petts Wood meeting being held on 6th April 2014, with the building being vacant since this time.

The property was marketed by an estate agent who released the property on internet portals (Rightmove, Prime Location etc) and their own website, hosted an open day, and advertised the property in the local newspaper. A copy of the marketing brochure was provided in Appendix B of the Design and Access Statement submitted as part of the planning application.

The feedback from the marketing resulted in 37 viewings, some taking second viewings. 85% of the viewings were reported to be by parties looking to redevelop the site rather than owner occupiers, and no interest was shown by any party proposing to use the property as a community facility. This highlighted that the premises is not considered to be attractive to local community groups.

Policy C1 of the Unitary Development Plan states in effect that permission will not be granted for proposals that would lead to the loss of community facilities unless it can be demonstrated that there is no longer a need for them or alternative provision is to be made in an equally accessible location.

As can be seen from the marketing evidence submitted, attempts were made at advertising the property as a community facility but it was clear from the people viewing the property and the feedback received that there was no local need for a community facility in this location. The previous group that used the property relocated to an alternative premises in Orpington, and the premises has been

vacant ever since. On this basis, it is considered that the need for the existing community building has ceased and despite appropriate marketing, no other community groups have been attracted to the premises, In addition notwithstanding this, there are numerous alternative facilities located within Petts Wood which are better located closer to transport links and which have a much broader community application already. As such, it is considered that the requirements on policy C1 have been met and on balance, the demolition of the property is not resisted.

The proposed new dwelling on plot 1 would have a minimum separation to the southern property boundary (shared with No.8) of approximately 1.3 metres at the closest part increasing to approximately 1.8 metres, and a separation to the northern property boundary (shared with proposed plot 2) of approximately 1.5 metres.

The proposed new dwelling on plot 2 would have a minimum separation to the southern property boundary (shared with proposed plot 1) of approximately 1.5 metres, and a minimum separation to the northern property boundary (shared with the corner of Greencourt Road) of approximately 3.3 metres, increasing at various points to a maximum separation of approximately 5.3 metres. The greatest level of separation at this plot would be towards the front of the proposed new dwelling.

These proposed levels of spatial standards between the proposed new dwellings and the neighbouring property boundaries are considered to be in keeping with the prevailing character of the area, and the larger separation to the corner with Greencourt Road is considered suitable in order to prevent a cramped form of development on this corner location and undue harm to the character of the ASRC.

The front elevation of the proposed dwellings would be built roughly in line with the front elevation of No.8 Ladywood Avenue and the properties further along this section of the road, with the two storey element of the proposed property on Plot 1 largely in line with the rear elevation of No.8, with a single storey element projecting beyond this. There is a significant degree of separation between the single storey rear element the proposed dwelling at Plot 1 and No.8 Ladywood Avenue, and it is considered that this, along with the orientation of the properties, helps to prevent detrimental harm to the visual and residential amenities and levels of natural light afforded to No.8 Ladywood Avenue.

There is a general design form of properties along Ladywood Road. The current proposal includes details of the materials that would be used for the proposed dwellings, and these along with the design are considered to match the existing design features within the streetscene, which will enhance the character of the streetscene and ASRC in general. A street scene plan has also been submitted which is considered to help in terms of the context along the road and how the proposed dwellings would fit into the streetscene. This indicates that the maximum height of the proposed dwellings would match the height of Nos. 8, 10, 12 and 14 Ladywood Avenue, which is considered important in terms of the impact upon the visual amenities of the ASRC and the residential amenities of the occupiers of no.8 Ladywood Road and properties on the opposite side of Ladywood Road in particular.

The proposed dwellings would meet London Plan minimum sizes and would provide a good standard of accommodation for future occupiers. In addition, all new housing should also be designed to meet the changing needs of Londoners over their lifetimes and 10% of new housing should be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. The application does include the 16 point checklist to demonstrate that all dwellings will comply with the Lifetime Homes Standard, within a Lifetime Homes/Wheelchair Housing Statement.

The proposed development is likely to be liable for a charge under the Community Infrastructure Levy for Mayoral CIL as it involves the creation of new residential floor area, however this charge is not payable until after development begins.

On balance, it is considered that introducing 2 new residential dwellings at this site is in keeping with the prevailing character of the area and as such is considered acceptable.

The proposal is considered to comply with Chapter 3 of the London Plan (2011) and the Supplementary Planning Guidance 'Accessible London: Achieving an Inclusive Environment.' Furthermore, in relation to the current application the proposed residential accommodation would meet London Plan minimum sizes and would provide a good standard of accommodation for future occupiers, and no concerns were raised by Environmental Health notwithstanding the need 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.

Members will note that key planning considerations must include impact on the amenities of neighbouring properties and the impact upon the Petts Wood Area of Special Residential Character, however on balance it is considered that the relationship to neighbouring buildings, and the possibility of overlooking, noise and disturbance by reason of the introduction of two new residential dwellings to this site will not have a detrimental impact on the residential and visual amenities of the neighbouring properties, nor will the proposal have a negative impact upon the character of the ASRC generally.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 15/01312, set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

Reason: Section 91, Town and Country Planning Act 1990.

- 2** The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

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

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

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

- 4** Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.

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

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

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

- 6** Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) shall be submitted to and approved in writing by the

Local Planning Authority before any work is commenced. The windows shall be installed 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.

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

Reason:To ensure satisfactory implementation of the surface water drainage proposals and to accord with Policy 4A.14 of the London Plan

- 8** No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority, and drainage works shall be carried out in accordance with the approved details prior to first use of any dwelling. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems set out in Annex F of PPS25, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;

ii) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and

iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented, maintained and managed in accordance with the approved details

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

- 9** Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason:In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 10** While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

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

- 11** Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

Reason:To ensure satisfactory means of surface water drainage and to accord with Policy 4A.14 of the London Plan and Planning Policy Statement 25.

- 12** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

In order to comply with Policies H7 and BE1 and to prevent overdevelopment of the site.

13 Before the development hereby permitted is first occupied, the proposed window(s) 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.

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

14 No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the elevation(s) of the **** hereby permitted, without the prior approval in writing of the Local Planning Authority.

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

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

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

You are further informed that :

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

2 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 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
- 4 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.
- 5 The applicant is advised that 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 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 6 The applicant is advised that 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:15/01312/FULL1

Address: 6 Ladywood Avenue Petts Wood Orpington BR5 1QJ

Proposal: Demolition of 6 Ladywood Avenue (former Friends Meeting House) and construction of 2 no. two storey detached five bedroom dwellings with new vehicular access and associated parking and landscaping



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

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

Application No : 15/01547/FULL6

Ward:
Bromley Common And
Keston

Address : 81 Crown Lane Bromley BR2 9PJ

OS Grid Ref: E: 541985 N: 167545

Applicant : Mr Tim Baskett

Objections : YES

Description of Development:

Two storey rear extension

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Local Distributor Roads
Open Space Deficiency
Smoke Control SCA 19

Proposal

- The proposal seeks permission for a two storey rear extension which would replace an existing two storey rear extension and conservatory.
- The ground floor extension would extend for the full width of the rear elevation of the original dwelling (6.1m wide) with a depth of rear projection of 5m and would extend to the eastern flank boundary of the site.
- At first floor level, the extension is inset from the eastern boundary by 2.1m and would have a width of 4m and a depth of 4.2m.
- The two storey extension would have a pitched roof which would measure 7.6m in height which would be lower than the ridge line of the roof of the original dwelling and would be hipped to match the original roof shape. The single storey part would have a glazed single pitch roof and at its highest point would measure 3.6m in height.

Location

The application site consists of a two storey detached dwelling on the north side of Crown Lane which is built up to the east side boundary. The area is characterised by predominantly detached and semi-detached two storey dwellings which have existing rear projections of a similar size to the proposal.

There is a detached garage on site to the rear of the property which is to remain in place and is situated 3.3m from the rear elevation of the existing house.

Consultations

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

- o The proposal would close off so much light from the neighbouring property
- o The outlook would be completely shut off
- o 12 years ago a similar plan was put forward and refused for these reasons
- o It would cause undue harm and overdominance
- o An obstruction of light
- o No. 81 has 6 of their 8 windows to the rear of the property, 4 facing the site
- o At ground floor, the height of the masonry wall significantly increases to 2.5m from 1.9m and is considered overbearing

Comments from Consultees

No comments received

Planning Considerations

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

BE1 Design of New Development
H8 Residential Extensions
H9 Side Space

SPG1 General Design Principles
SPG2 Residential Design Guidance

The National Planning Policy Framework

Planning History

Planning permission was refused under ref. 01/01940 for a two storey side extension. The refusal grounds were as follows:

'The proposed roof treatment of the two storey side extension would be visually unrelated to the existing building and would be detrimental to the appearance of the street scene in general, thereby contrary to Policy H3 in the Unitary Development Plan and Policy H8 in the first deposit draft Unitary Development Plan.

The proposed extension would be seriously detrimental to the prospect and amenities enjoyed by the occupants of No. 77 Crown Lane, by reason of over-shadowing, loss of light and visual impact, thereby contrary to Policy H.3 in the Unitary Development Plan and Policy H8 in the first deposit draft Unitary Development Plan.'

Conclusions

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

The existing house has a staggered rear elevation which appears to have been built at a similar time to the host dwelling. It is proposed that the existing rear two storey projection and conservatory would be demolished and replaced by a part two storey extension (4.2 in depth) and part single storey rear extension which would have a depth of 5m. The additional depth of rear projection would erode an additional portion of the rear amenity space and as there is a substantial garage situated in the rear garden, this impact must be carefully considered. However the rear garden has a substantial depth sufficient to serve the current and future occupiers of the dwelling; therefore, on balance it is considered that the proposal would not overdevelop the site or result in an inappropriate provision of amenity space for this size of dwelling.

The rear extension would not be clearly visible from the front of the property and therefore would not result in a detrimental impact on the character of the area.

The two storey rear extension would have an overall depth of rear projection of 5m and a height of 7.6m. The 5m depth includes part of the demolished existing footprint, however the overall depth and height proposed, including the replaced existing extensions, is still considered significant. The adjoining neighbours at No. 77 and No. 85 have raised concerns regarding the loss of the light and outlook to their properties. The proposed extension would be slightly less than 3m to the side boundary with No. 77 and it is proposed that the extension would have 4 windows to this side elevation, one existing window will be removed. No. 77 has a window in the ground floor flank elevation directly facing the proposed extension which serves kitchen for this property and is a primary window for this room. An amended plan was received which proposed to reduce the size of the first floor extension from 5m to 4.2m. On balance, Members may consider that the proposal would have some visual impact on the adjoining neighbours, however the proposed extension would increase the depth of the existing by around 1.4m at first floor level and therefore, the additional bulk would be minimal and would not result in a significant loss of amenity for the neighbouring dwellings to warrant a refusal of the application.

There is an existing garage at the rear of the property on the site which is large in terms of height. There is a window in the flank elevation of No. 77 which serves the kitchen (confirmed at the site visit) and is currently positioned in a manner where it currently benefits from receiving light through a separation between the rear elevation of the site and the garage. It is considered that the reduction in depth by 0.8m from the original drawings received on the 14th April 2015 is suitable to allow a sufficient level of light and reasonable outlook for this property as a separation of 2.5m would be retained at first floor level.

To the east, the extension would be stepped away by 2.1m at first floor level from this side boundary, however the single storey would extend up to the boundary and

would have a height of 3m. There is currently a rear conservatory which is constructed up to this side boundary, although the depth is only around 2.7m and it is proposed to be extended this by a further 2.3m with an increase in height. The boundary at this point is well screened by a timber fence and tall vegetation, as a result the proposal would not significantly alter or additionally obscure the view from the ground windows of No. 85.

No. 85 has a staggered rear elevation with 6 windows to the side and rear elevation which look onto the site. It is considered that the depth of rear projection of the first floor extension of 4.2m and separation between the rear projections of the site and No. 85 by around 5m at first floor level, the proposed extension would have a degree of visual impact on this neighbour's outlook, however the extension would be viewed obliquely from the windows in inset rear elevation and there are primary windows towards the rear of the projection elevation of No. 85 which would not be affected by the proposal due to their orientation to the north. Members may therefore be considered that No. 85 would retain a satisfactory outlook and prospect and that the proposal would not lead to any significant loss of light or a seriously harmful impact on this neighbour's residential amenities. Furthermore, the proposal would have a rear depth of projection which would be less than No. 85 by around 0.7m at ground level and 1.5m at first floor and there are a number of similar rear projections, in terms of depth, of two storeys in height in the surrounding area.

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not have a harmful impact on the character of the area nor would it result in a significant loss of amenity to local residents. It is therefore recommended that Members grant planning permission.

As amended by documents received on 15th July 2015

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

Reason: Section 91, Town and Country Planning Act 1990.

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

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

- 3** Before the development hereby permitted is first occupied, the proposed window(s) in the first floor western flank elevation 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.

Reason:In order to comply with Policy BE 1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 4** No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the first floor flank elevation(s) of the extension hereby permitted, without the prior approval in writing of the Local Planning Authority.

Reason:In order to comply with Policy BE 1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 5** The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

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

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Application: 15/01547/FULL6

Address: 81 Crown Lane Bromley BR2 9PJ

Proposal: 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 : 15/02282/FULL1

Ward:
Chislehurst

Address : 20 Camden Park Road Chislehurst BR7
5HG

OS Grid Ref: E: 542819 N: 170286

Applicant : Mr Michael And Mrs Joanne Turner

Objections : YES

Description of Development:

Proposed demolition of existing dwelling and construction of a new five bedroom dwelling

Key designations:

Conservation Area: Chislehurst
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Open Space Deficiency
Smoke Control SCA 16

Proposal

This site measures 0.1915 ha and is occupied by a detached two storey dwelling of a hipped roof construction with a catslide roof feature to the eastern elevation. The site has a duo-access in-out driveway with off street parking for up to six vehicles. The topography of the site is predominantly flat with the rear amenity space sloping significantly upwards from the rear elevation to the southern most point of the site.

It is proposed to demolish the existing dwellinghouse and erect a five bedroom dwelling house that appears as two storeys in height with habitable accommodation within the roof space and basement levels. The dwelling is proposed with a hipped roof profile with a two storey gable feature to the front elevation. A dormer window is proposed within the eastern side elevation and rear elevation. A balcony is also proposed within a centralised position upon the rear elevation.

The dwelling would maintain separations of 1m along the eastern flank boundary with number 22 Camden Park Road, and 1.8m-1.6m from the side western flank elevation with number 18 Camden Park Road. The height of the dwellinghouse will not exceed the height of the neighbouring properties.

Consultations

Nearby owners/occupiers were notified of the application, comments can be summarised as follows:

-There will be a loss of light to the ground floors of the neighbouring dwelling due to the alterations to the roof from a catslide design to a hipped roof profile and also the increased height and depth of the dwelling. The neighbouring dwelling has 7 windows within the side elevation which face directly on to the host property.

- There will be a loss of outlook from the west facing windows within the neighbouring house

- There will be a loss of privacy due to the windows proposed within the eastern elevation of the new dwelling looking directly onto the neighbouring house and rear amenity area

- The east facing dormer window would overlook both the first floor side facing windows and the rear garden

- The property is excessively bulky within a narrow plot allowing for a cramped street scene and a loss of the feeling of space which is an important feature with regards to the properties along the road

-Bats may be present within the roofspace, as such careful consideration will need to be taken when demolishing the property. Bat bricks should be considered.

-The siting of the dormer window on the rear would allow for significant overlooking to the neighbouring property, number 18. The windows are sited higher upon the roof slope than that of the neighbouring property and would cause a significant amount of overlooking.

-The two storey rear projecting gable protrudes further than the rear elevation of number 18, allowing for overlooking

- The hedge between number 19 and 20 should be retained to prevent overlooking

- The overall depth and height of the proposed property in relation to the width is out of keeping with any property in the lower part of Camden Park Road and the building is considered oversized.

- There is no other property on Camden Park Road that is so overbearing in scale

- The two storey front gable projects 2m in front of the front building line.

Comments from Consultees

Highways - No comments were forthcoming within this application however the Highways Officer commented on the previous application and the highways issues have not materially altered from the current submission. The comments are still pertinent to this application and state: ' The proposal includes a good size garage and there is also other parking on the frontage.

Camden Park Road has no public highway rights but there is a public right of way on foot that runs along the frontage of the property. It is outside of the site and should not be affected by the granting of planning permission. However, due to its close proximity to the development, the applicant should be made aware, by means of an informative attached to any permission, of the need to safeguard pedestrians using the route, and that it must not be damaged or obstructed either during, or as result of, the development.'

Environmental Health (Housing) - No objection

Drainage - No objections were received from the highways officer subject to conditions.

Thames Water - No Objection

Conservation Officer - No objections subject to materials being satisfactory.

Planning Considerations

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

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

SPG1
SPG2
Chislehurst Conservation Area SPG

London Plan Policies:

3.3 Increasing Housing Supply
3.4 Optimising Housing Potential
3.5 Design and Quality of Housing Developments
3.8 Housing Choice
5.1 Climate Change
5.2 Minimising Carbon Dioxide Emissions
5.3 Sustainable Design and Construction
6.9 Cycling
6.13 Parking
7.2 An inclusive environment
7.3 Designing out crime
7.4 Local character
7.6 Architecture

7.15 Noise

8.3 Community infrastructure levy

National Planning Policy Framework

Planning History

09/00020/FULL6 - Single storey front and part one/two storey rear extensions with roof alterations to incorporate rear dormers and elevational alterations. - approved

15/00888/FULL1 - Proposed demolition of existing dwelling and development of new single dwelling - withdrawn

Conclusions

The main issues to be considered in respect of this application are:

- o Design
- o Standard of Residential Accommodation
- Impact upon the Conservation Area
- o Highways and Traffic Issues
- o Impact on Adjoining Properties

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

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

There is a history of replacement dwellings along Camden Park Road (numbers: 46, 72 etc). Due to the property being sited within a residential area where the prominent housing type is large detached properties within substantial plots, it could be considered that the principle of demolishing the existing property and replacing it could be found to be acceptable. There are a variety of architectural types within the locality, and as such the new dwelling is not considered out of character with the surrounding street scene nor the wider conservation area . Whilst concern has been raised with regards to the side dormer window which is visible from the front elevation, this feature replicates a side dormer window as found upon the existing dwelling and Members may consider this acceptable. Materials will be conditioned to be submitted for approval is permission was to be forthcoming.

In terms of design of the new dwelling, the Conservation Officer has not highlighted any concerns with regards to the replacement property and considers it of a good standard of design, replacing a dwelling of only moderate architectural quality that

has undergone modernisation. Subject to the materials, the Officer has no objections.

In terms of the size and scale of the new dwelling, the ridge height will sit 500mm below the ridge of number 22 Camden Park Road and 800mm below the ridge of 18 Camden Park Road which is considered acceptable. The massing of the new property is considered substantial in relation to the existing footprint of the house which sees the proposed dwelling more than double in size, however this is broadly commensurate with the neighbouring dwelling houses. The separation distances to the flank common side boundaries are considered compliant with policy H9 of the Unitary Development Plan that requires a separation distance of 1m to be retained.

It is appreciated that the front building line of the properties within Camden Park Road is relatively regimental with few small front projecting extensions at ground floor level. It is noted that the two storey front gable feature of the dwelling projects 1m in front of the front elevation of number 18 Camden Park Road and 0.6m in front of number 22. The minor encroachment of the building in front of the building line is mitigated by the extent of the set back from the highway and the size of the front amenity space and Members may consider this to negate any potential obtrusive or over dominant views on approach. The siting of the dwelling is considered acceptable.

The proposed new property allows for an increase in depth to the rear by 3m along the common side boundary with number 22, projecting 3m past the neighbouring rear elevation, and 11m along the boundary with number 18 as so the rear elevations lie flush. Due to the large amount of rear amenity space it could be considered that the substantial increase in depth would not unduly overshadow nor dominate the neighbouring rear amenity space. Members may find that the increase in massing to the rear could be considered acceptable and will be further mitigated by the mature planting along the boundaries, which whilst is proposed to be removed to facilitate the building work, will be conditioned to be reinstated post development.

In terms of impact on neighbouring amenity, the proposed new dwelling projects 600mm past the first floor level of number 18 at two stories in height, with the ground floor lying flush with the rear elevation. The two storey front projecting gable projects 2.5m further than the first floor level however this is set approximately 7.6m off the common side boundary with number 18 and is not considered harmful. With regard to number 22, the new dwelling projects 3m past the rear elevation of the neighbouring property, however this is set in by 1.5m at the rear with a mature high level hedge as the boundary treatment, which as previously stated, will be replaced post development. It is not considered that the new dwelling harms neighbouring residential amenity which is further evidenced by the 45 degree light line not being breached from the habitable rooms closest to the common side boundary with the new property. The new dwelling is not considered to overshadow any habitable rooms nor private residential amenity space. All first and second floor flank elevation windows serve non-habitable rooms and are proposed to be obscurely glazed to prevent actual or perceived overlooking, this can also be controlled by way of a condition.

Concern was raised over the prominence of the dormer window upon the rear elevation that may allow for actual or perceived overlooking of the neighbouring property. It is considered that whilst the dormer window is sited within a high position on the rear roof slope, the overlooking is not considered over and above what might be expected within a residential area such as Camden Park Road and is considered acceptable.

Number 22 also expressed concerns with regards to the windows within the western elevation of their property. Whilst it is noted that the windows will be effected by the development, these serve non-habitable rooms wherein the natural light afforded to the apertures is not a material consideration within the decision making process. All windows within the eastern elevation of the dwelling will be obscurely glazed and non opening below a height of 1.7m above floor level which will mitigate concerns with regards to overlooking. Furthermore, amended plans were submitted in order to amend the layout of the rooms within the roof space, so the side facing dormer now serves a non-habitable room and the window can be obscurely glazed to prevent overlooking.

Standard of Residential Accommodation

Policy 3.3 of the London Plan (2011) Quality and Design of Housing Developments states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.

Policy BE1 in the Adopted UDP states that the development should respect the amenity of occupiers of future occupants.

The shape, room size and layout of the rooms in the proposed building are considered satisfactory. None of the rooms would have a particularly convoluted layout which would limit their use. All habitable rooms would have satisfactory levels of light and comply with the internal room space requirements within policy 3.3.

In terms of amenity space the rear garden is of sufficient depth and proportion to provide a usable space for the purposes of a five bedroom dwellinghouse.

An arboricultural tree assessment has been submitted along with the application that states that two cypress trees are proposed to be removed to facilitate the building works along with the hedges along the boundaries at the rear. The trees are category C trees and do not reflect the character of the area and their removal would not detract from the landscape. Two mature hedges are proposed to be removed within the rear amenity space, however if permission was to be forthcoming a condition will be added to ensure the replacement of the hedge with a type of equal maturity and size. The recommendations of the arboricultural assessment will be conditioned to be complied with if permission was to be forthcoming.

No objections are raised in terms of highways by virtue of the retention of sufficient parking within the front amenity area.

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

as amended by documents received on 16th July 2015

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

Reason: Section 91, Town and Country Planning Act 1990.

- 2 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.**

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

- 3 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.**

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

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

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

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

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

- 6** No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority, and drainage works shall be carried out in accordance with the approved details prior to first use of any dwelling. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems set out in Annex F of PPS25, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;

ii) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and

iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented, maintained and managed in accordance with the approved details

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

- 7** The arrangements for storage of refuse (which shall include provision for the storage and collection of recyclable materials) and the means of enclosure shall be submitted to the Local Planning

Authority for approval before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason:In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 8** Before the development hereby permitted is first occupied the proposed window(s) in the elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.

Reason: In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan

- 9** 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 above ground works are commenced. A schedule for applying the approved render shall be submitted including the type of render and manufacturer and the procedure for application. 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.

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

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

11 A replacement hedge shall be planted within the rear amenity area of sizes and species to be agreed in writing by the Local Planning Authority and shall be planted in such positions as shall be agreed by the Authority within 12 months of the removal of the existing hedges. Any replacement hedge which dies, is removed or becomes seriously damaged or diseased within 5 years of the date of this consent shall be replaced in the next planting season with another of similar size and species to that originally planted.

Reason: In order to comply with Policy NE8 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, alterations, walls or fences of any kind shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: In order to prevent overdevelopment of the site in future, to protect the amenities of future residents and nearby residents, and to comply with Policy BE1 of the Unitary Development Plan.

Application:15/02282/FULL1

Address: 20 Camden Park Road Chislehurst BR7 5HG

Proposal: Proposed demolition of existing dwelling and construction of a new five bedroom dwelling



"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 : 15/01673/FULL1

Ward:
Bromley Town

Address : Billingsford Elstree Hill Bromley BR1 4JE

OS Grid Ref: E: 539378 N: 170463

Applicant : Mr E Ozdemir

Objections : YES

Description of Development:

Demolition of existing dwelling and construction of part two/three storey block comprising 4 x two bedroom and 1 x one bedroom flats, parking, cycle storage, landscaping and refuse area

Key designations:

Biggin Hill Safeguarding Birds Aldersmead Road
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Smoke Control SCA 3

Proposal

The application proposes the demolition of the existing detached dwelling and the erection of a replacement building which would be 4 storeys high, including a basement level. The building would provide 4 two bedroom flats and 1 one bedroom flat.

The proposed flatted block would be sited in roughly the same position as the existing dwelling and would occupy a similar footprint to the existing dwelling, including the existing single storey elements at the front, side and rear, although it would be sited approx. 0.5m closer to the boundary with No. 27.

The block would be irregular in shape, incorporating a multi-pitched roof. The ridge would be of a similar height to the existing ridge, albeit longer. New retaining walls would be constructed to address the sloping site and accommodate the basement level, and five car parking spaces would be provided to the east of the proposed block arranged around an area of hardstanding.

Location

The application site lies in an elevation position in a prominent corner plot at the junction of Elstree Hill with Kirkstone Way.

The area is characterised by a variety of predominantly detached dwellings ranging from modest single storey dwellings to larger detached houses. The plots vary in size and shape and the topography of the land falls from north to south-west resulting in an interesting and varied street scene.

The road is unmade and the properties in the street lie within an attractive suburban woodland setting. The site measures approx. 0.09 hectares and is bounded to the north by 'Yew Tree Lodge' which is a two storey dwelling. A narrow vehicular access way (Kirkstone Way) separates the two sites. To the west 'The Chalet' is a modest bungalow which falls within 2.5m of the shared boundary. No. 27 Elstree Hill is a two storey dwelling which is located to the south-western boundary of the application site and sits within one of the smaller plots with a rear garden with a depth of approx. 7m. This garden and the dwelling are set at a significantly lower level than the existing application dwelling.

The application site is irregular in shape and comprises a higher section which hosts the main building/hardstanding area and the lower garden section accessed via steps down from the main dwelling.

Consultations

A number of local objections were received in response to the local notification process. The concerns raised may be summarised as follows:

- Overdevelopment of the site
- The building would not be imaginative or attractive to look at
- The building would be out of scale with neighbouring buildings
- The development would be clearly visible from Elstree Hill for much of the year
- There is no provision for visitor parking which would result in an overflow onto Elstree Hill
- Elstree Hill is part of the Green Chain Walk and the road has a pleasant feel
- The amount of garden space would be inadequate for the development as so much of the plot would be covered by buildings and hard surfaces
- The increased height, width and bulk of the block of flats would result in a loss of privacy and outlook to neighbouring dwellings
- Would result in overshadowing, loss of daylight, sunlight and sky views
- The proximity of the refuse and cycle storage areas to the boundaries of the site would result in noise and disturbance
- There would be a proliferation in satellite dishes associated with a flatted use rather than the existing dwelling
- The development of flats would be out of character with the surrounding area
- The proposal would have an adverse impact on the protected lime tree which screens the site from neighbouring dwellings
- The proposal includes the removal of trees which would expose the development to Elstree Hill
- Planning permission was previously refused for a single storey side and rear extension because of the impact on neighbouring property so the erection of a 4 storey block would be unacceptable

- Planning permission was previously refused for the retention of boundary wall/fence/gates/piers on the grounds that the proposal would be detrimental to the visual amenity of the street scene
- The development would be clearly visible from the surrounding area and would be out of character
- Removal of existing shrubs and trees would be detrimental to the semi-rural appearance of Elstree Hill
- Impact on pedestrian safety and right of way to other properties in Kirkstone Way
- The current proposal does not improve on the previously refused scheme
- Would set a precedent for future similar development

Highways

From a technical highways perspective, since no highways objections were raised in respect of the previous application, it is not possible to raise objections with regards to the current proposals. The site lies in an area with a low PTAL score of 1b. The level of 5 cycle parking spaces would not meet the standard set out in the London Plan of 2 spaces per 2 bed unit and 1 space per 1 bed unit. Revised plans should be submitted detailing the additional spaces unless this can be addressed by condition.

Pedestrian and vehicular access are both proposed along a private road, Kirkstone Way and it is not clear whether this is in the applicant's control. This is an important issue as any permission may not be capable of implementation if the applicant cannot demonstrate a right of access over the road or the owner of the road does not grant access rights. It is also relevant in terms of the road's appropriateness for pedestrian access given its nature and the lack of lighting. It is desirable from a highways perspective that Kirkstone Way be lit as far as the proposed pedestrian access and if the land.

Thames Water

There are no objections to the proposal with regards to the sewerage and water infrastructure capacities.

Environmental Health

There are no objections in principle to the development, although informatives are suggested.

Drainage

No objections were raised in respect of the previous proposal, subject to conditions. There is no public surface water sewer close to the site and surface water will therefore have to be drained to soakaways.

Trees

From a trees perspective, the comments received in respect of the previous application stated that the trees in that case, which followed a similar footprint, albeit with the exception of the lower ground floor currently proposed, would not have been directly affected by the proposal. Any additional comments received in relation to trees will be verbally updated.

Planning Considerations

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

BE1 Design of New Development
H7 Housing Density and Design
H9 Side space
NE7 Development and Trees
T18 Road Safety

SPG1 General Design Principles
SPG2 Residential Design Guidance

In addition, the NPPF is a material consideration in the determination of the proposals, as are London Plan Policies including but not exclusively Policy 3.5 and Policy 7.4.

Planning History

Under ref. 08/00065 retrospective planning permission was refused for a single storey side and rear extension. The application was refused for the following reason:

"The proposal would be over-dominant and would be detrimental to the amenities of the occupiers of No. 27 Elstree Hill and that which they might reasonably expect to be able to continue to enjoy by reason of visual impact, overlooking and loss of privacy in view of its size and depth of rearward projection on this elevated site; contrary to Policies BE1 and H8 of the Unitary Development Plan."

Under ref. 08/00879 planning permission was granted for the retention and modification of the boundary wall/fence and entrance gates and piers, with a time limit of approx. 2 months given for compliance imposed by planning condition. This time limit was not complied with and the permission expired.

Under ref. 08/04155 planning permission was sought for an amended proposal to that approved under ref. 08/00879, with a greater height overall. This was refused for the following reason:

"The boundary enclosure, by reason of its excessive height, represents an inappropriate form of enclosure, detrimental to the visual amenity of the streetscene and of the character of the area, thereby contrary to Policies BE1 and BE7 of the Unitary Development Plan."

Under planning ref. 08/00879 modification/ part retention of boundary wall fence and entrance gates was granted permission.

Planning permission was subsequently granted for Under planning ref. 09/03300 for a scheme similar to that granted permission under ref. 08/00879.

Under ref. 12/03024 outline planning permission was refused for the demolition of the existing dwelling and replacement with a block of 4 x 2 bed and 3 x 1 bed flats including provision of a new access. The reasons for refusal related to the scale and bulk of the development and the overintensive use of the site adversely impacting upon the character and pattern of development in Elstree Hill. The height and scale of the proposal was considered unacceptable in terms of the impact on the residential amenities of neighbouring residents.

A subsequent appeal against the refusal was dismissed under ref. APP/G5180/A/13/2198830. With regards to the impact of the proposal on the character and appearance of the area, the Inspector found that the disproportionate increase in the scale and bulk of the development would be apparent from public vantage points. The proposed two storey plus loft accommodation across the full width of the Elstree Hill elevation would have compared unfavourably with the existing elevation which incorporates single and two storey elements which break up the bulk of the building.

The ridge height was also considerably higher than the existing dwelling, and the south elevation of the building would have had a dominating effect on views along Elstree Hill and particularly with reference to No. 27. The proposed building was considered to be out of proportion with both Yew Tree Lodge and 27 Elstree Hill and would therefore have had a harmful effect on the character and appearance of the area.

The Inspector further considered that the appeal site could at best be described as suburban in the context of the density table of the London Plan, which would suggest a density range of 77.8 units per hectare.

With regards the impact of the proposal on the residential amenities of neighbouring dwellings, the Inspector found that the significantly harmful impact would be upon No. 27 Elstree Hill, stating:

"The rear garden, dining room and bedroom windows of 27 Elstree Hill face the appeal site. The outlook from the rear of this house is already constrained by the sizeable difference in levels between the two properties, as well as fencing and planting. This makes the outlook which is available particularly sensitive to change." The Inspector considered that compared with the existing building, the appeal proposal would have added significantly to the height and bulk of built development facing the neighbouring properties which would have had an oppressive impact and would have curtailed the occupiers' views to the sky.

Conclusions

From a technical highways, drainage and environmental health perspective, the proposal would appear to meet with the required standards. However, as with the previous application, while this gives an indication of the acceptability of specific aspects of the scheme, it does not automatically render the proposals acceptable.

In terms of ground floor footprint, the proposal would broadly share the footprint of the existing dwelling, although it is important to note that the flank elevation of the proposed building would be sited closer to the boundary with No. 27 Elstree Hill and that the existing building incorporates substantial single storey elements.

The proposed building would provide a more significant bulk above ground floor level and, for instance, the existing single storey study on the southern elevation would be replaced by a two storey element incorporating a lower ground floor. While the two storey element incorporates a reasonably deep pitched roof the bulk of the building would be significantly greater than existing, and closer to No. 27. This is of particular concern taking into account the Inspector's previous reasoning relating to the sensitive relationship between the site and the neighbouring property. The existing relationship between the dwellings results in No. 27 Elstree Hill having a constrained outlook. While the proposal represents a limited improvement over the previous application, it is not considered that it overcomes the previous concerns regarding residential amenity. The height and bulk of the proposed building would make an already delicately balance relationship between the dwellings worse.

With regards to the impact of the proposal on the character and appearance of the area, while the roof accommodation proposed under the previous application has been deleted, the actual ridgeline of the roof is only slightly lower than the previous proposal. The general bulk and width of the building when viewed from Elstree Hill remains uncharacteristic in the context of the surrounding area, and in terms of the front to rear depth of the building and its appearance viewed from the very narrow Kirkstone Way, the proposals are little changed.

It is acknowledged that the bulk of the previously proposed front gable has been replaced by a more modest hipped roof, although the multiple hips and staggered gables/single storey/catslide elements presents a quite complicated appearance of this corner plot, with the main bulk concentrated on the corner of Elstree Hill and the narrow roadway at Kirkstone Way.

The concerns raised by the Inspector in relation to the juxtaposition of the previously proposed building and the height of Yew Tree Lodge, in addition to the comparison between the existing building and that proposed remain relevant to the assessment of this proposal. Similarly, concerns raised in respect of the previous proposal in terms of the proportion of the site covered by the building and hardsurfaces, expressed in terms of the excessive scale and over-intensive use of the site have not been adequately overcome by the revised proposals.

On balance, the proposed development would have a detrimental impact on the residential amenities of the neighbouring property, appearing visually intrusive and overbearing, taking into account the already sensitive relationship between the dwellings. Furthermore, while the roof accommodation has been deleted and the

number of flats reduced from 7 to 5, the concern regarding the impact of the proposal on the visual amenities of the street scene and the residential character and distinctiveness of the area remains.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1** The proposal, by reason of its bulk and siting in relation to the neighbouring residential dwelling would have a seriously harmful impact on the residential amenities that the occupiers of that property might reasonably expect to continue to enjoy, resulting in an overbearing and unacceptable visual impact, thereby contrary to Policy BE1 of the Unitary Development Plan, Supplementary Planning Guidance, Policies 3.5 and 7.4 of the London Plan and the NPPF.

- 2** The proposal would, as a result of its excessive bulk and scale, result in a visually dominant and overbearing form of development which would be out of character with the prevailing form of development in Elstree Hill and harmful to the distinctive residential character of the area, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan, Supplementary Planning Guidance, Policies 3.5 and 7.4 of the London Plan and the NPPF.

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Application:15/01673/FULL1

Address: Billingsford Elstree Hill Bromley BR1 4JE

Proposal: Demolition of existing dwelling and construction of part two/three storey block comprising 4 x two bedroom and 1 x one bedroom flats, parking, cycle storage, landscaping and refuse 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"

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