



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333

CONTACT: Kevin Walter
kevin.walter@bromley.gov.uk

THE LONDON BOROUGH
www.bromley.gov.uk

DIRECT LINE: 020 8461 7588

FAX: 020 8290 0608

DATE: 4 October 2022

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

Councillor Alexa Michael (Chairman)
Councillor Charles Joel (Vice-Chairman)
Councillors Graeme Casey, Kira Gabbert, Christine Harris, Ruth McGregor,
Tony Owen, Shaun Slator and Mark Smith

A meeting of the Plans Sub-Committee No. 1 will be held at Bromley Civic Centre on
THURSDAY 13 OCTOBER 2022 AT 7.00 PM

TASNIM SHAWKAT
Director of Corporate Services & Governance

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 8461 7588

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 23 JUNE 2022
(Pages 1 - 2)

4 PLANNING APPLICATIONS

4.1	Bromley Common & Holwood	3 - 22	(21/01645/FULL1) - Farringleys, Westerham Road, Keston BR2 6HB
4.2	Bromley Common & Holwood	23 - 40	(21/01640/FULL1) - Farringleys, Westerham Road, Keston BR2 6HB
4.3	Bickley & Sundridge	41 - 68	(21/03541/FULL1) - 1 St Augustine's Avenue Bromley BR2 8AG.
4.4	Crystal Palace & Anerley Conservation Area	69 - 80	(22/03065/PLUD) Lightopia, Crystal Palace Park, Thicket Road, Anerley, SE20 8DT

5 CONTRAVENTIONS AND OTHER ISSUES

NO REPORTS

6 TREE PRESERVATION ORDERS

NO REPORTS

The Council's [Local Planning Protocol and Code of Conduct](#) sets out how planning applications are dealt with in Bromley.

PLANS SUB-COMMITTEE NO. 1

Minutes of the meeting held at 7.00 pm on 23 June 2022

Present:

Councillor Alexa Michael (Chairman)
Councillor Charles Joel (Vice-Chairman)
Councillors Graeme Casey, Kira Gabbert, Christine Harris,
Alisa Igoe, Tony Owen, Shaun Slator and Mark Smith

Also Present:

Councillor Dr Sunil Gupta FRCP FRCPATH

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Ruth McGregor, and Councillor Alisa Igoe attended as substitute.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 CONFIRMATION OF MINUTES OF MEETING HELD ON 31 MARCH 2022

The minutes of the meeting held on 31st March 2022 were agreed and signed as a correct record.

4 PLANNING APPLICATIONS

4.1 BECKENHAM TOWN AND COPERS COPE CONSERVATION AREA

(21/05151/ADV) - Slug and Lettuce, 150-156 High St, Beckenham, BR3 1EA

Retrospective installation of replacement signage to include 1 x fascia sign, 1 x menu case, 7 x internally applied window graphics, 2 x lanterns, two new replacement awnings, 1 x brass plaque, spotlights and external signwriting to planter boxes.

The application was amended by documents received on 27 April 2022.

Members having considered the report, objections and representations **RESOLVED that ADVERTISEMENT CONSENT BE GRANTED** as recommended, subject to the conditions set out in the report.

**4.2
KELSEY AND EDEN PARK**

**(21/05240/FULL6) - 62 Kenwood Drive,
Beckenham, BR3 6QY**

Conversion of garage into habitable room, part one/two storey rear extension with Juliet balcony, enlargement of front roof incorporating a pitched roof to front extension and elevational alterations.

Members having considered the report, objections and representations **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report and the following informative to be added:

The Applicant is reminded of their requirements and responsibilities according to The Party Wall etc. Act 1996. Further details can be found at the following address:

<https://www.planningportal.co.uk/permission/responsibilities/other-permissions-you-may-require/party-walls>

**4.3
BROMLEY COMMON AND
HOLWOOD
CONSERVATION AREA**

(22/00781/FULL1) - 1 Beech Dell, Keston, BR2 6EP

Demolition of existing house and outbuildings and replacement with new detached house and garden pavilion.

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

(Councillor Christine Harris requested that her vote against the motion to refuse permission be recorded in the minutes.)

5

CONTRAVENTIONS AND OTHER ISSUES

NO REPORTS.

6

TREE PRESERVATION ORDERS

NO REPORTS.

The Meeting ended at 8.15 pm

Chairman

Agenda Item 4.1

Committee Date	13.10.2022	
Address	Farringleys Westerham Road Keston BR2 6HB	
Application Number	21/01645/FULL1	Officer – Joanna Wu
Ward	Bromley Common & Holwood	
Proposal	Construction of a single storey three bed dwelling house following demolition of existing outbuildings for use by the on-site proposed Reiki Centre proprietors – linked application to planning ref: 21/01640/FULL1)	
Applicant	Agent	
Ms Lauren Goldberg	Mr John Escott	
Farringleys South Park Keston BR2 6HB	Robinson Escott Planning Downe House 303 High Street Orpington BR6 0NN	
Reason for referral to committee	Call-In	Councillor call in Yes

RECOMMENDATION	Application Permitted
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<p>KEY DESIGNATIONS</p> <p>Areas of Archaeological Significance Site Interest Nature Conservation Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding Smoke Control</p>

Land use Details		
	Use Class or Use description	Floor space
Existing	Agricultural	96m2

Proposed	C3 Dwellinghouse	96m2
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Residential Use					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total/Payment in lieu
Market			1		
Total			1		

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	0	2	+2
Disabled car spaces	0	0	0
Cycle	0	0	0

Electric car charging points	0
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Representation summary	Neighbour notification letters sent 29.04.21 Newspaper advert published 17.05.21 Site notice displayed 21.06.21
Total number of responses	15
Number in support	0
Number of objections	15

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal is considered to represent a limited infilling of the existing developed land and is considered to be an appropriate development as defined in the Green Belt policies, i.e. Paragraph 149(g) of the NPPF;
- The proposal would not have a greater impact on the openness of the Green Belt than the existing development
- The proposal would not have any negative impact on the area of Site of Importance for Nature Conservation (SINC)

2. LOCATION

- 2.1 The application site is one of the residential dwellings fronting a private cul-de-sac, accessed from the road leading to the Mansion within the Holwood Estate.

Though the residential curtilage around the dwelling at Farringleys is relatively modest, the land in the ownership of the property includes extensive paddocks which are of nature conservation interest, including wetland, hedgerow, woodland and grassland habitats.

2.2 There were originally 10 barn or stable buildings within the curtilage of Farringleys. As part of the requirements of a condition attached to a previous planning permission (planning ref: 10/03675/FULL1) for a two storey side extension to the host dwelling at Farringleys, six outbuildings were demolished, leaving only four outbuildings on site.

2.3 The site is located in the Green Belt and is also affected by other designations as follows:-

- Area of Special Landscape Character
- Area of Archaeological Significance
- North part of the application site is within the Site of Importance for Nature Conservation (SINC)



Fig 1: Site plan and the Site of Importance for Nature Conservation (orange shaded area)

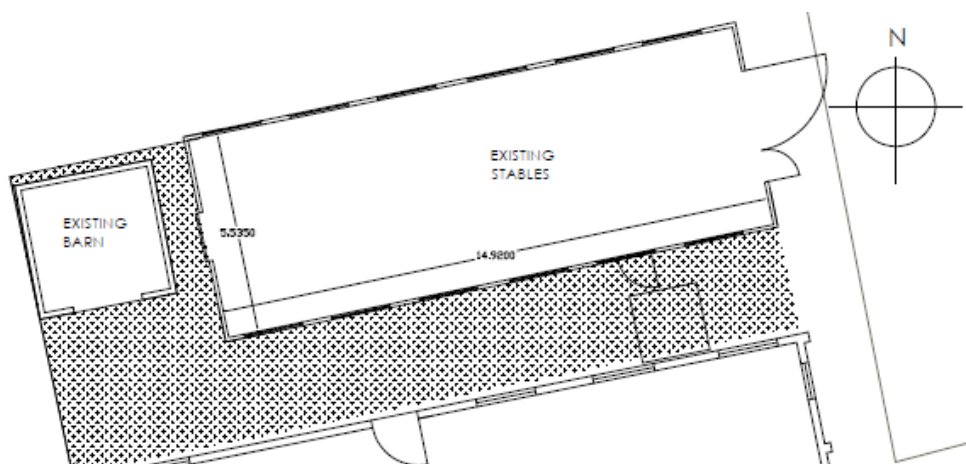


Fig 2. Floor plan of stable and the barn to be demolished



Fig 3. Elevations of demolished stable and the barn



Photo 1: The existing barn (to be demolished)



Photo 2: The existing stable (view from the south-east) to be demolished



Photo 3 The existing stable (view from the north) to be demolished

3. PROPOSAL

- 3.1 Planning permission is sought for “Construction of a single storey three bedroom dwelling house following demolition of existing stable and barn”. The house would have a total floorspace of 96m² and would provide three bedrooms (one of which would be a master bedroom), a dining/ kitchen area and a toilet. Two car parking spaces would be provided on site.
- 3.2 The application is supported by the following documents:
- Application form
 - Application drawings
 - Planning Statement/Design and Access Statement,
 - Preliminary Ecological appraisal (Submitted on 19.08.22)
 - Bat surveys
 - Structural Survey
- 3.3 It is noted that a separate planning application (planning ref: 21/01640/FULL1) for the change of use from F2 (c) Equestrian sports, to Reiki Centre together with elevational alterations and porch/canopy has been submitted alongside this application. This is covered in a separate planning sub-committee report.
- 3.4 In the supporting document, it states that these applications are linked applications. The proposed new house would be only for the proprietors of the proposed Reiki Centre currently under consideration. The applicants indicates that two applications are submitted separately as they would like the members to consider these applications on their own merits.
- 3.5 In the original scheme, the proposed floor area for the house represented a 10% increase on the existing floorspace of the barn and stable. However, a revised scheme was subsequently submitted which shows that the floorspace area of the new house would be the same as the existing barn and stable buildings.

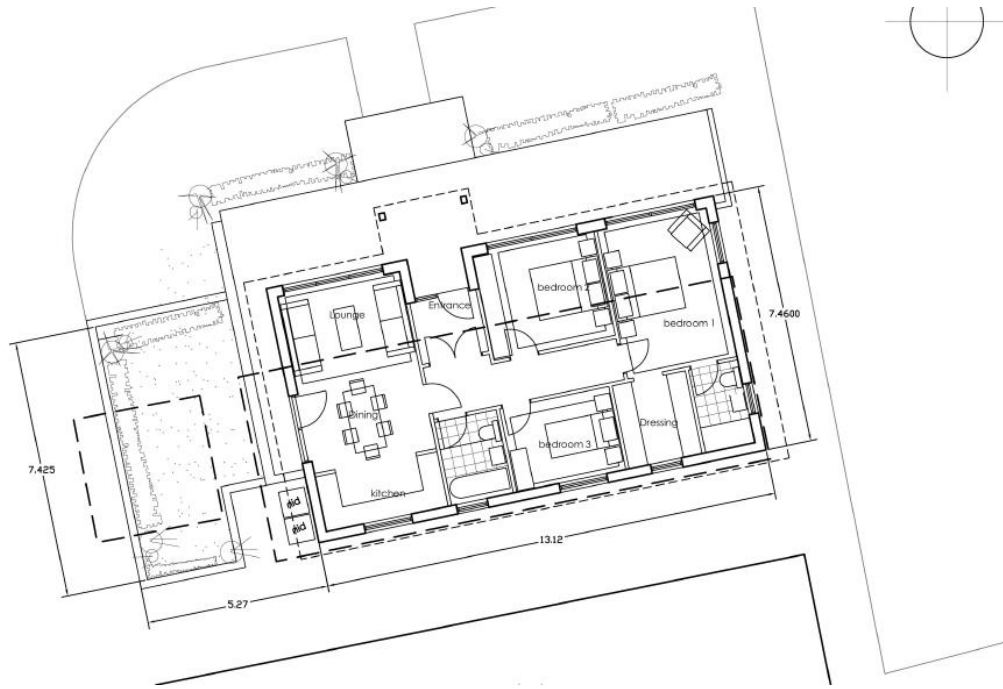


Fig 4. Proposed floor plans.

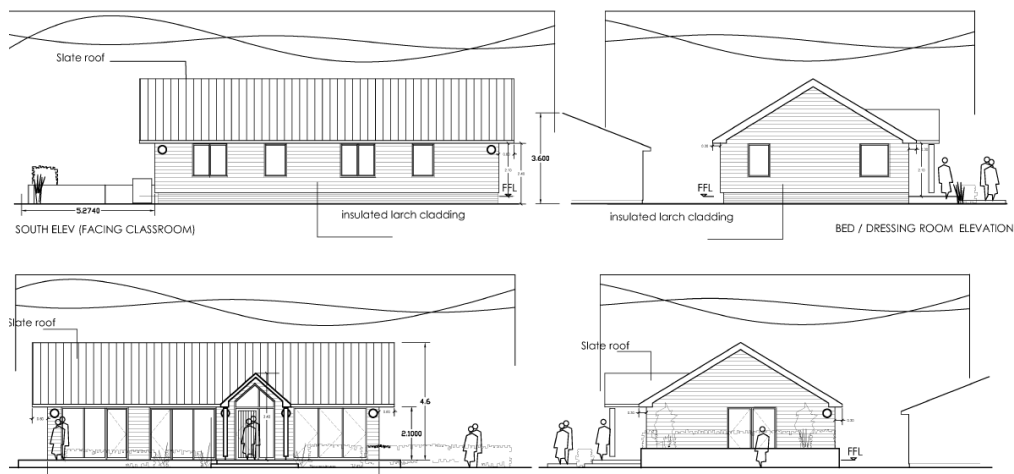


Fig 5. Proposed elevations.

4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 96/02691/FUL— Detached seven bedroom house and detached triple garage with one bedroom flat above – (Refused) 06.02.1997
- 4.3 97/00708/OUT – Detached house and detached garage outline – (Refused) 15.05.1997

- 4.4 97/01414/FUL – Detached five bedroom house and detached garage – (Refused) 10.07.1997
- 4.5 98/03321/FUL – Detached five bedroom house with indoor swimming pool and garage – (Refused) 04.03.1999
- 4.6 05/04022/FULL1 – Demolition of existing house and double garage and erection of two storey five bedroom replacement house and detached double garage – (Permitted) 27.02.2006
- 4.7 08/03480/FULL1 – Demolition of existing house and double garage and erection of two storey five bedroom replacement house and detached double garage – (Permitted) 08.12.2008
- 4.8 09/00556/FULL6 – Two storey side extension – (Refused) 24.09.2009
- 4.9 09/02704/FULL6 – Two storey side extension – (Permitted) 26.01.2010
- 4.10 10/01374/TPO – Lift lower canopies to give a clearance over the ground of no more than 4 metres and thin crowns by no more than 20% three oak trees at land at South Park, Westerham Road (to rear of 4 Forest Ridge) SUBJECT TO TPO 1 (BB and OUDC 1952) – (Received consent) 28.06.2010
- 4.11 10/01374/TPSPLD – Crown reduce by 30% three oak trees at land at South Park, Westerham Road (to rear of 4 Forest Ridge) SUBJECT TO TPO 1 (BB and OUDC 1952) – (Refused) 28.06.2010
- 4.12 10/02088/TPO – To reduce overhanging branch of 1 oak by 60% located adjacent to bridleway (at land rear of 10 Forest Ridge) SUBJECT TO TPO 1 – (received consent) 23.08.2010
- 4.13 10/03675/FULL6 – Two storey side extension – (Permitted) 01.03.2011
- 4.14 21/01640/FULL1 – Conversion of existing building into an education and wellbeing centre – to be discussed in PSC meeting

5. CONSULTATION SUMMARY

5.1 A) Statutory

- 5.1.1 Highway Department: No objection. Two parking spaces will be allocated near the location of the new dwelling.
- 5.1.2 Environmental Health: No objection. The occupancy of this house should be tied to the proposed Reiki Centre. This arrangement would overcome the issues of the proximity to the Reiki Centre and its lack of screening between these two buildings.

5.2 B) Local Group

5.2.1 Bromley Biodiversity Partnership: The proposal is within a Site of Importance for Nature Conservation (SINC). Any artificial lighting scheme as part of the development must take account of bats in the surrounding area. A landscaping plan for the application site should be submitted prior to the commencement of the development.

5.3 C) Adjoining Occupiers

5.3.1 Nearby owners/neighbours were notified of the proposal and the following representations were made:

- The proposed house is on green belt land and any development of this type would be detrimental to the area;
- The outbuildings should remain and other outbuilding were removed in 2021.
- The single storey private dwelling cannot be justified and there are no special circumstances, even if a Reiki centre were to be given planning permission as it is not necessary to live adjacent to it.
- Not sustainable – the surrounding pasture may fall into neglect and it would be under permanent threat from future inappropriate and harmful schemes damaging to Green Belt land;
- The proposed dwelling will stand very near the neighbouring boundary and it could increase the level of disturbance;
- Farringleys is located within the boundaries of the Holwood Estate and this is a place of historic importance and rich biodiversity. The sense of openness and tranquillity will rapidly disappear once planning permission of this kind becomes acceptable;
- The house at Farringleys is already a substantial residential property. Any additional residence could be a significant intensification of residential use and combined with the planned Reiki Centre should be regarded as totally inappropriate on this Green Belt land;
- The demolition of the existing barn and outbuilding and replacement with a new single-storey dwelling have different uses, i.e. non-agricultural use.
- Insufficient parking;
- A smaller stable block outside the Reiki Centre will remain and this building has not been referred to or clarified in the proposal;
- The access road is maintained by the residents at the Holwood Estate and it is a dangerous road;
- it is extremely difficult to monitor any overspill parking on the access road;
- The proposal has no value for the immediate and surrounding woodland environment
- Would affect the value of the neighbouring house;
- The proposed dwelling is not considered to be an “exceptional circumstance”.

6. POLICIES AND GUIDANCE

6.1 National Policy Framework 2021

6.2 NPPG

6.3 The London Plan 2021

D1 London's form and characteristics
D3 Optimising site capacity through the design-led approach
D4 Delivering Good Design
D5 Inclusive Design
D6 Housing Quality Standards
G2 London's Green Belt
H1 Increasing housing supply
H2 Small sites
T5 Cycling
T6.1 Residential Parking
G6 Biodiversity and access to nature
G7 Trees and woodlands
S12 Minimising greenhouse gas emissions

6.4 Bromley Local Plan 2019

4 Housing Design
30 Parking
31 Relieving Congestion
32 Road Safety
33 Access for All
37 General Design of Development
49 The Green Belt
69 Development and Nature conservation Sites
70 Wildlife Features
72 Protected species
73 Development and trees
116 Sustainable Urban Drainage System (SUDs)
119 Noise Pollution
122 Light Pollution
123 Sustainable Design and Construction

6.5 Other Guidance

Housing: Supplementary Planning Guidance. (March 2016)
Technical Housing Standards – Nationally Described Space Standard (March 2015)
Supplementary Planning Guidance 1 – General Design Principles
Supplementary Planning Guidance 2 – Residential

7. ASSESSMENT

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

- Green Belt
- Principle and housing need
- Standard of residential accommodation
- Design and landscaping
- Highways
- Neighbouring amenity
- Biodiversity and ecology impacts

7.2 Green Belt – Acceptable

7.2.1 The main issue in relation to the Green Belt is whether the proposal would represent inappropriate development.

7.2.2 Paragraphs 137 – 151 of the NPPF set out the Government's intention for the Green Belt. The NPPF states that 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.

7.2.3 The Green Belt is intended to serve five purposes:

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

7.2.4 Paragraphs 147 – 151 deal specifically with development proposals in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that:

“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 resulting from the proposal, is clearly outweighed by other considerations”.

7.2.5 Paragraph 149 further states that:

“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

(a) buildings for agriculture and forestry;

(b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial

grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

(c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

(d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

(e) limited infilling in villages;

(f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7.2.6 In this proposal, the most relevant section to assess this application is section (g) “limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use” and the development should not have a greater impact on the openness of the Green Belt than the existing development and it would not cause any substantial harm to the openness of the Green Belt compared to the existing buildings.

7.2.7 Openness is an essential characteristic of the Green Belt and it takes into account the effect of built form. Also, the impact on the openness of the Green Belt is inherent and exists whether or not the development can be seen from a view or vantage point.

7.2.8 The existing barn and stable (a total floorspace of 96m²) are stated to be in equestrian use and are located on the developed land. They would be demolished as part of the proposal and replaced with the new dwelling. The proposed house would have the same floorspace of 96m². The proposed house would be a single storey with a total height of 4.9m, which is some 1.3m higher than the existing stable (3.7m) but would have a narrower width when compared to the two buildings to be replaced. Given that the proposed new dwelling would be located in a similar location once the existing buildings have been demolished, it is considered that it would not cause any significant actual harm to and would not detract from the openness of the Green Belt.

- 7.2.9 It is noted that the proposed house would have a canopy at the front entrance. A condition will be imposed to make sure that this area would not be enclosed. It is considered that the proposed house, therefore, would not have any greater impact on the openness of the Green Belt than the existing development and it would re-use previously developed land.
- 7.2.10 It is noted that the proposal would not be in the same use as the existing buildings, which are used for equestrian purposes. The change of use will be assessed further in the following sections.

7.3 Principle and housing need – Acceptable

Principle

- 7.3.1 The National Planning Policy Framework (NPPF) states that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value. The NPPF defines "previously developed land" as: "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure".
- 7.3.2 Housing is a priority use for all London Boroughs. London Plan Policies H1, D3 and D4 generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.
- 7.3.3 Policy 4 of the Bromley Local Plan advises that new housing developments will be expected to meet particular standards in respect of; density; mix of housing types and sizes, provision of house types to address a local shortage; the site layout, buildings and space around buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

Housing need

- 7.3.4 London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.
- 7.3.5 The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 2 November 2021. The current position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units, or 3.99 years supply. This is acknowledged as a significant undersupply and

for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply.

- 7.3.6 The NPPF (2021) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.3.7 According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'. In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.3.8 The proposal would provide one house on the site and this would be a minor contribution and would not contribute significantly towards the supply of housing within the Borough. It has already been concluded that the policies that protect the areas or assets of particular importance (in this case relating to the Green Belt) would not provide a clear reason for refusal. Therefore the small contribution to housing supply will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.

7.4 Housing Matters – Acceptable

Optimising site capacity/Density:

- 7.4.1 The application site lies within a rural area and there are some residential properties in the area. The proposal would provide one new dwelling and it would still reflect the general low residential density of the area and would not overdevelop the site in this respect.

Standard of accommodation

- 7.4.2 Policy 4 of the Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. The Mayor's Housing

SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Government's National Technical Housing Standards.

- 7.4.3 Policy D6 of the London Plan and the Housing SPG (2016) Standard 24 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 should comply with Technical housing standards - nationally described housing standard (2015).
- 7.4.4 To be in accordance with the above standards Table 1 of the NDSS which provides minimum Gross Internal Floor Areas (GIA) needs to be complied with. The following standards are considered relevant:
- 3 bedroom/ 5 person (single storey) - 86m² with 2.5m² of built in storage.
 - One bedspace - a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide
 - Two bedspace – a double (or twin bedroom) has a floor area of at least 11.5m². One double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.
- 7.4.5 The total footprint of the new building would be 96m². The proposed bedrooms would comply with the two bedspace and one bedspace requirements. Therefore, the proposed house GIA standard would be met.
- 7.4.6 With regards to amenity space, the London Plan requires that a minimum of 8m² of private outside space should be provided for this 5-person house. The total application site area, as measured on the submitted drawing, would be 773m². It is considered that the proposal would provide sufficient amenity space.
- 7.4.7 With regards to the proposed layout of the house and the living conditions for future occupiers, it is noted that there are three windows facing the proposed Reiki centre and the house is very close to the proposed Reiki centre building (planning ref: 21/01640/FULL1). Also, there would be no screening between the proposed Reiki centre and this house. The applicants have confirmed that the occupation of the house will only be for the proprietors of the Reiki centre and it would not become a separate dwelling unit. The Environmental Health officer has been consulted and raised no objection to this arrangement.
- 7.4.8 After seeking advice from the Legal team, a condition will be imposed that the occupiers of this house should only be the proprietors of the Reiki Centre and it should not become a separate dwelling. Therefore, this proposal should be considered as a linked application to the other planning application (planning ref: 21/01640/FULL1) for the reuse and conversion of the existing barn as Reiki Centre and it would provide a reasonable level of residential amenity and quality of life for future occupiers.

7.5 Design – Layout, scale and landscaping – Acceptable

- 7.5.1 Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 7.5.2 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.5.3 The new house is a single storey structure. The proposed finishing materials would be larch cladding with slate roof. It is considered that the proposed design, materials and overall external appearance would not detract from the character and appearance of the site or its wider rural setting.

7.6 Highways and parking – Acceptable

- 7.6.1 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. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.6.2 The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 7.6.3 London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.
- 7.6.4 The application site lies in an area with a PTAL rating of 1b (on a scale where 0 has the least and 6b has the best access to public transport services) and it could be reliant on private transport such as the private car and bicycle. Two parking spaces would be allocated to the house. In the London Plan, it is noted that the maximum parking spaces for a 3-bedroom house in this area is 1.5 parking spaces. However, it also states that a higher level of provision could be considered acceptable for sites with a very low PTAL rating, as is the case here. The Highways officer has been consulted and raised no objections. A condition will be imposed for further details on cycle storage and refuse/recycling storage.

7.7 Neighbourhood Amenity – Acceptable

- 7.7.1 Policies 4 and 37 of the Bromley Local Plan 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.
- 7.7.2 The house would be located behind the existing stable which is proposed to be re-used as a Reiki Centre. Therefore, this proposal would not be clearly visible from the neighbouring properties. It is considered that the house would be relatively well removed from the neighbours and therefore, it would not have significantly harmful amenity impacts, such as overshadowing or being overbearing.
- 7.7.3 The neighbouring objections are noted and some of the objections have been discussed in the above sections. It is considered that the issue of house values for the neighbouring properties is not a planning consideration. With regards to the remaining outbuilding next to the proposed Reiki centre, this building is outside the application site boundary and the applicants have confirmed that this stable is currently vacant.

7.8 Biodiversity and ecology impacts – Acceptable

- 7.8.1 Policy 69 relate to the development within the Site of Importance for Nature Conservation (SINC). Developments should improve existing or create new habitats or use design to enhance biodiversity and provide for its on-going management. Development only will be permitted if any potential harm can be overcome by mitigating measures.
- 7.8.2 Policy 72 of the Bromley Local plan states that planning permission will not be granted for development or change of use of land that will have an adverse effect on protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitats.
- 7.8.3 The northern part of the application site lies in the Site of Importance for Nature Conservation (SINC) and a Preliminary Ecological Appraisals (PEA) and a bat roost inspection survey have been submitted.
- 7.8.4 Both reports conclude a negligible potential for the existing buildings to support bat roosts and therefore no further Phase 2 surveying is recommended (i.e. emergence/re-entry surveying). It is considered that the proposal would not have any adverse biodiversity impacts in the area.
- 7.8.5 The Bromley Biodiversity Partnership has been consulted and did not object to the submitted reports and the proposal. However, several conditions will be imposed such as the submission of details for a landscaping scheme, a scheme of biodiversity enhancements and a sensitive artificial lighting scheme, as well as the removal of permitted development rights to restrict development within the curtilage of the dwelling that could potentially impact on the SINC.

7.9 Trees – Acceptable

- 7.9.1 Policy 73 of the Bromley Local Plan requires that trees of environmental importance should be retained and protected. When considering development proposals, trees should be retained as much as possible
- 7.9.2 The application site is covered by Tree Preservation Orders (TPOs). Tree officers have been consulted and have raised no objections to the proposal.

8. CONCLUSION

- 8.1 Having had regard to the above it is considered that the development in the manner proposed would be acceptable as it would not result in inappropriate development within the Green Belt by definition, it would not have any significant actual harm to its openness and therefore would not have any detrimental impact on its openness, the character of the area and visual amenities of the Green Belt. No other adverse impacts are expected to arise as a result of the development that would weigh against the granting of planning permission, having regard to the presumption on favour of sustainable development. It is therefore recommended that planning permission is granted subject to the recommended conditions.
- 8.2 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

Recommendation:

PERMISSION BE GRANTED

Subject to the recommended conditions/informatives:

Occupancy of the proposal

Solely be occupied by a person who owns the business operating from the building immediately to the south together with any resident dependants

Standard

Standard Time Limit

Standard Compliance with Plans

Pre-occupation

Cycle parking details

Refuse/recycling storage details

Landscaping details

Lighting scheme

Arrangements for construction period

Integrated bat and bird bricks

Compliance

External materials

Permitted Development rights removed A, AA, B, C, D, E

Construction and Environmental Management Plan

Front Canopy – no enclosure

Informatives

Control of Pollution/Construction sites

Unsuspected contamination

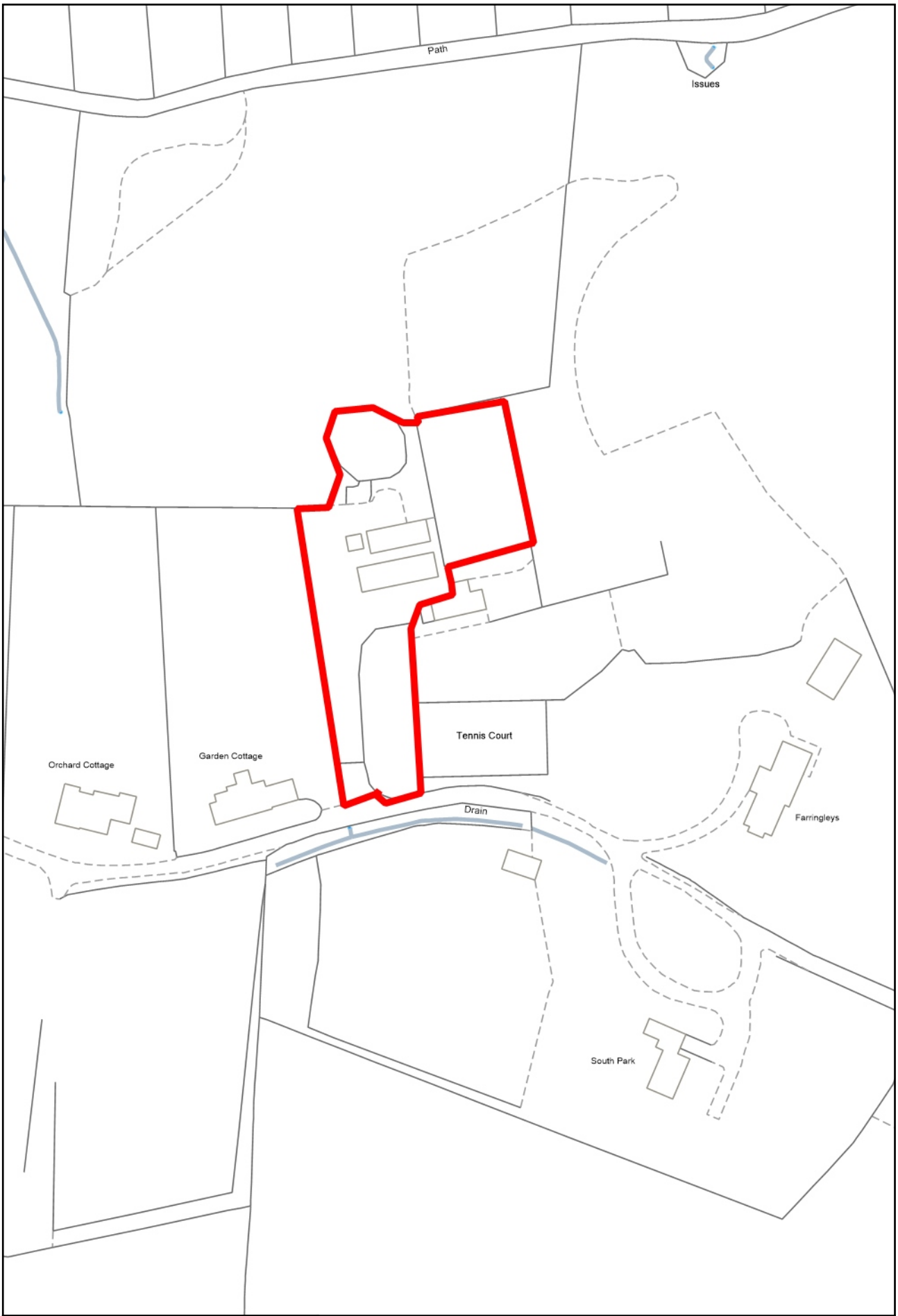
Street naming/numbering

No invasive non-native species to be included in the planting


Mixed native species hedgerows around the boundaries


CIL

Any other planning condition(s) considered necessary by the Assistant Director of Planning.



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21/01645/FULL1



05 October 2022

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Agenda Item 4.2

Committee Date	13.10.2022	
Address	Farringleys Westerham Road Keston BR2 6HB	
Application Number	21/01640/FULL1	Officer – Joanna Wu
Ward	Bromley Common & Holwood	
Proposal	Change of use from F2 (c) Equestrian sports, to Reiki Centre together with elevational alterations and porch/canopy	
Applicant	Agent	
Ms Lauren Goldberg	Mr John Escott	
Farringleys South Park Keston BR2 6HB	Robinson Escott Planning Downe House 303 High Street Orpington BR6 0NN	
Reason for referral to committee	Councillor call in	
	Call-In	Yes

RECOMMENDATION	Application Permitted
-----------------------	-----------------------

<p>KEY DESIGNATIONS</p> <p>Areas of Archaeological Significance Site Interest Nature Conservation Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding Smoke Control</p>

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Agricultural	117
Proposed	Reiki Centre (Class E(e))	117

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	15	17	+2
Disabled car spaces	-	-	-
Cycle	-	-	-

Electric car charging points	0
-------------------------------------	---

Representation summary	Neighbour notification letters sent 29.04.21 Newspaper advert published 17.05.21 Site notice displayed 21.06.21
Total number of responses	29
Number in support	0
Number of objections	29

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The existing building is proposed to be converted and re-used which would comply with the Green Belt policy, i.e. Paragraph 150(d) of the NPPF;
- The proposal would not have any detrimental adverse amenity impact on neighbouring properties;
- There would be sufficient parking for a total of 2 visitors during Monday to Friday and 15 visitors (maximum) during Saturday and Sunday.

2. LOCATION

- 2.1 The application site is located on the west part of Farringleys, one of the residential dwellings fronting a private cul-de-sac, accessed from the road leading to the Mansion within the Holwood Estate.
- 2.2 There were originally 10 barns or stables within the curtilage of Farringleys. As part of the requirements of a previous condition attached in the planning permission (planning ref: 10/03675/FULL1) for a two storey side extension to the host dwelling at Farringleys, six outbuildings were demolished and currently leaving only four outbuildings on site.
- 2.3 These four outbuildings (a barn and three stables) remain on site but they are not in use.
- 2.4 The site is located in the Green Belt and is also affected by other designations as follows:-
- Area of Special Landscape Character
 - Area of Archaeological Significance
 - North part of the application site is within a Site of Importance for Nature Conservation (SINC).

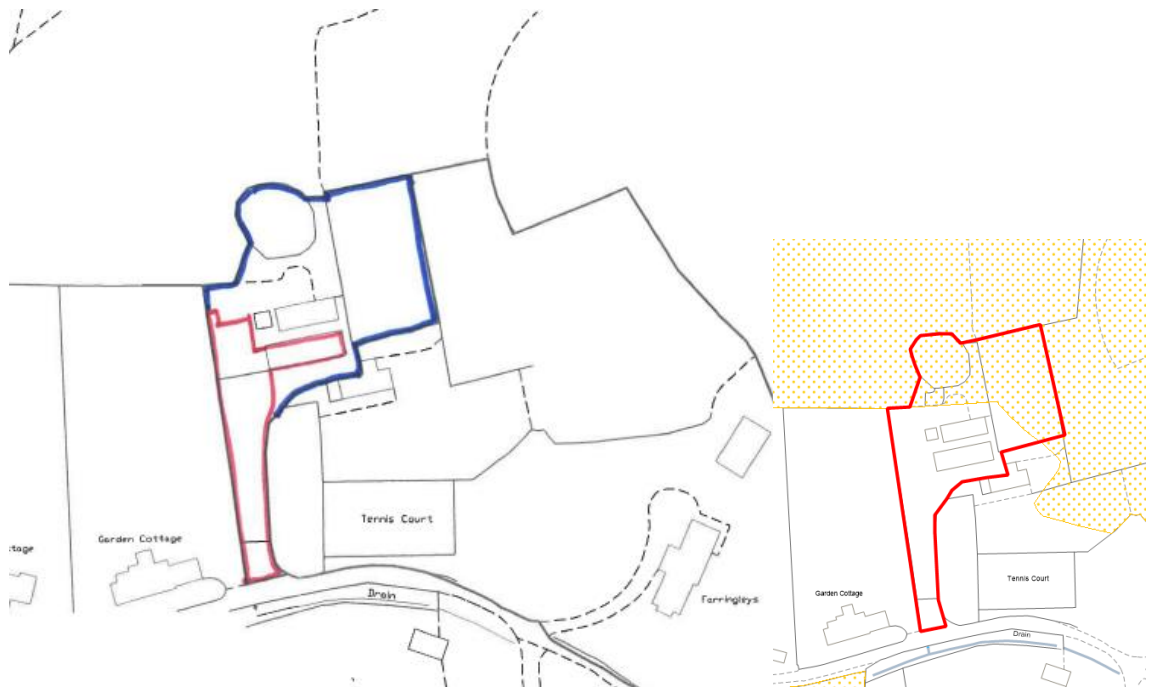


Fig 1. Site location plan and the Site of Importance for Nature Conservation (orange shaded area)

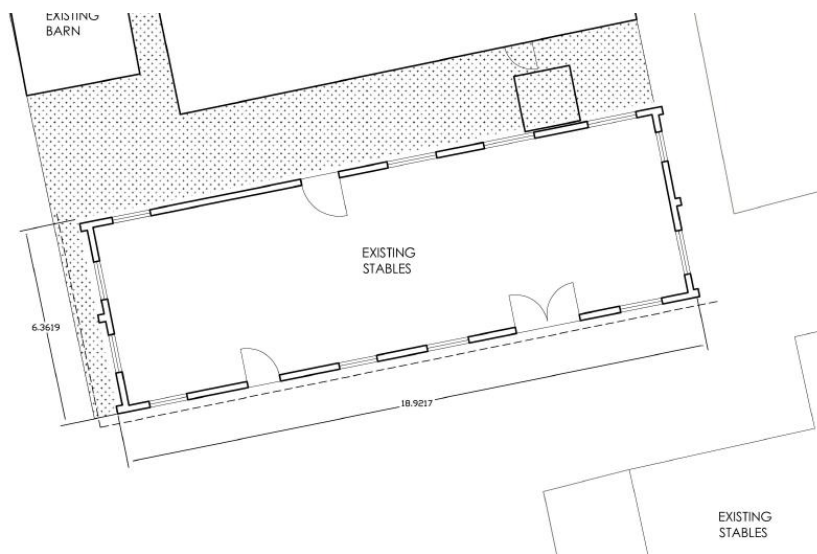


Fig 2. Floor plan of former building.

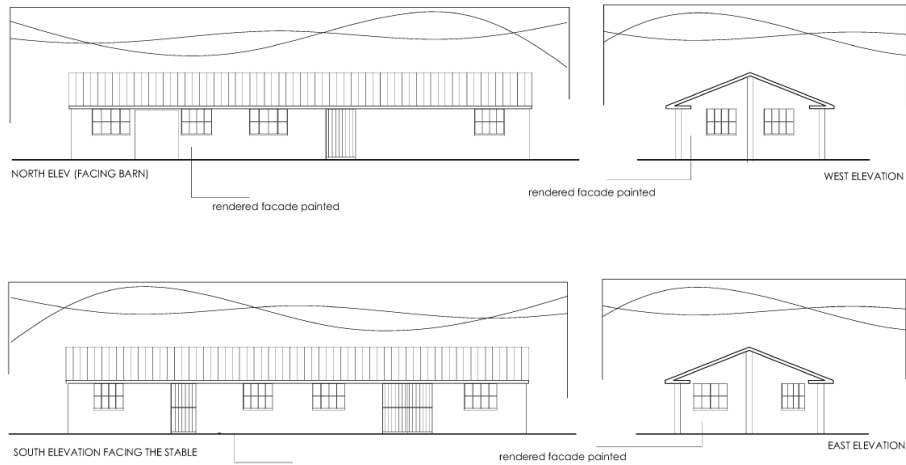


Fig 3. Elevations of former/demolished building.



Photo 1. Existing stable (Conversion and re-use) – South elevation.



Photo 2. Existing stable - East elevation



Photo 3. Existing parking area - view from the north

3. PROPOSAL

- 3.1 Planning permission is sought for “Change of use from F2 (c) Equestrian sports, to a Reiki Centre together with elevational alterations and porch/ canopy”. The proposal would be a Reiki Education and Wellbeing Centre. It would provide Reiki sessions and life coaching; meditation classes and Reiki courses. The total floorspace of the existing stable for the proposed Reiki Centre would be 117m². The submitted floorplan shows that a new there is a canopy area, measuring 3.7m wide, 3.6m long and 3m high is proposed. The Centre would provide a classroom, two treatment rooms, an office, a kitchen and a Reiki room.
- 3.2 There is an access driveway leading from South Park northwards to the existing stable and there is an existing hard surfaced parking area adjacent to the buildings. A total of 19 parking spaces would be provided on the site, 17 of which would be allocated for the Reiki Centre and 2 of which would be allocated to the proposed new house (planning ref: 21/01645/FULL1).
- 3.3 The proposed finishing materials for the renovation of the existing stable would be part render and part timber cladding with a slate roof.
- 3.4 The application is supported by the following documents:
- Application form
 - Application drawings
 - Planning Statement/Design and Access Statement,
 - Preliminary Ecological appraisal (Submitted on 19.08.22),
 - Bat surveys
 - Structural Survey
- 3.5 In the original submission, the proposed Reiki centre was shown to provide a small classroom for up to 30 people, two treatment rooms and a meditation room. There would also be a small kitchen, shower and toilets and an office. On weekdays

(Monday – Friday), there would be a maximum of two clients per day for 1-1 Reiki sessions and life coaching. On every Sunday, there would be a weekly Reiki Meditation class for 10 – 20 people. Occasionally, once a month, there would be a Reiki Level 1 retreat (class) for approx. 15 people and a Reiki Level 2 session for approx.10 people.

- 3.6 Following further clarifications from the applicants, they have now confirmed the following:
- 3.7 During Monday to Friday (Weekday), there would be a maximum of 2 visitors per day on site. At the weekends, there would be no more than 15 people at one time during Saturday and Sunday for the weekly meditation class (maximum 2 classes per day). One Sunday a month there would be a one-day Reiki Level 1 Retreat (all day course) and the usual Sunday weekly mediation class on this weekend would take place on the Saturday instead. This means the centre would be in use for both the Saturday and Sunday for 1 weekend per month.
- 3.8 The hours of use would be 9:00am to 17:00pm (Monday to Friday, Sundays and one Saturday per calendar month).
- 3.9 it is noted that a separate planning application (planning ref: 21/01645/FULL1) for Construction of a single storey three bed dwelling house following demolition of existing outbuildings for use by the on-site proposed Reiki Centre proprietors has been submitted and this proposal is covered in a separate planning sub-committee report.

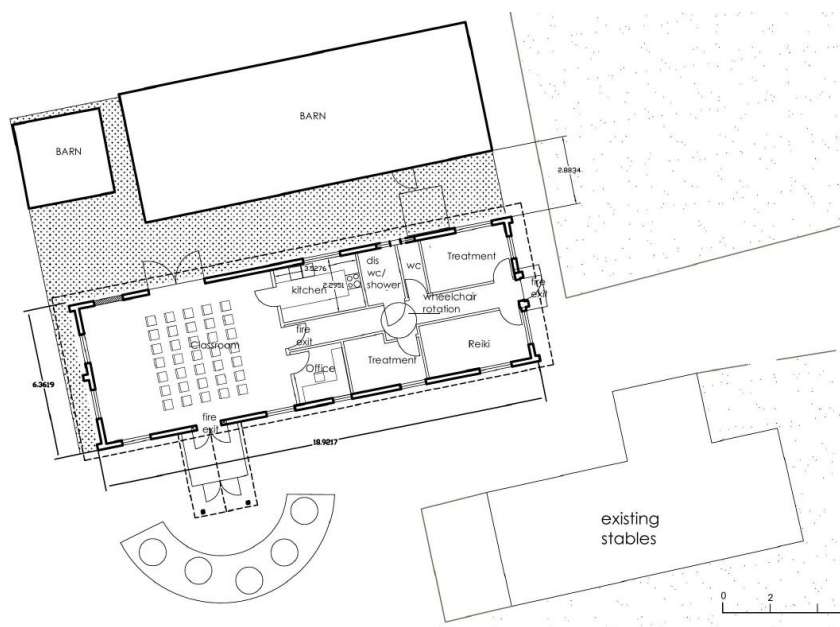


Fig 4. Proposed floor plans.

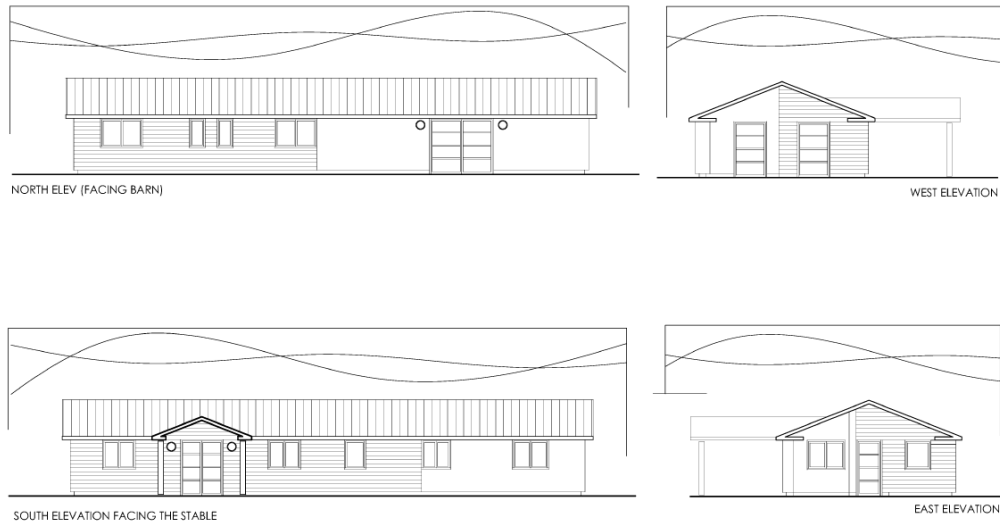


Fig 5. Proposed elevations.

4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 96/02691/FUL— Detached seven bedroom house and detached triple garage with one bedroom flat above – (Refused) 06.02.1997
- 4.3 97/00708/OUT – Detached house and detached garage outline – (Refused) 15.05.1997
- 4.4 97/01414/FUL – Detached five bedroom house and detached garage – (Refused) 10.07.1997
- 4.5 98/03321/FUL – Detached five bedroom house with indoor swimming pool and garage – (Refused) 04.03.1999
- 4.6 05/04022/FULL1 – Demolition of existing house and double garage and erection of two storey five bedroom replacement house and detached double garage – (Permitted) 27.02.2006
- 4.7 08/03480/FULL1 – Demolition of existing house and double garage and erection of two storey five bedroom replacement house and detached double garage – (Permitted) 08.12.2008
- 4.8 09/00556/FULL6 – Two storey side extension – (Refused) 24.09.2009
- 4.9 09/02704/FULL6 – Two storey side extension – (Permitted) 26.01.2010
- 4.10 10/01374/TPO – Lift lower canopies to give a clearance over the ground of no more than 4 metres and thin crowns by no more than 20% three oak trees at land at South Park, Westerham Road (to rear of 4 Forest Ridge) SUBJECT TO TPO 1 (BB and OUDC 1952) – (Received consent) 28.06.2010

- 4.11 10/01374/TPSPLD – Crown reduce by 30% three oak trees at land at South Park, Westerham Road (to rear of 4 Forest Ridge) SUBJECT TO TPO 1 (BB and OUDC 1952) – (Refused) 28.06.2010
- 4.12 10/02088/TPO – To reduce overhanging branch of 1 oak by 60% located adjacent to bridleway (at land rear of 10 Forest Ridge) SUBJECT TO TPO 1 – (received consent) 23.08.2010
- 4.13 10/03675/FULL6 – Two storey side extension – (Permitted) 01.03.2011
- 4.14 21/01645/FULL1 – Construction of a single storey three bed dwelling house following demolition of existing outbuildings– under a separate item in the PSC.

5. CONSULTATION SUMMARY

5.1 A) Statutory

- 5.1.1 Highway Department: No objection. The applicant has submitted a revised car parking plan which is satisfactory. However, the applicant must encourage people to share cars and also promote cycling. A travel plan should be submitted and approved in writing by the Council before the use of the building.
- 5.1.2 Tree Officer: No objection.
- 5.1.3 Environmental Health: No objection to this proposal. The construction aspect of the scheme should be guided by Bromley Council guidance and two informatives have been recommended.

5.2 B) Local Group

- 5.2.1 Bromley Biodiversity Partnership: The proposal is within the Site of Importance of Nature Conservation (SINC). Any artificial lighting scheme as part of the development must take account of bats in the surrounding area. A landscaping plan for the application site should be submitted prior to the commencement of the development.
- 5.2.2 Keston Resident's Road Safety Group: Objection. In the original submission, it is noted that the proposed centre would generate approximately 30 vehicles. This is far more than the current use of the house and its stables. It is understood that there is limited parking within the site and the proposed increase in parking provision will lead to additional spaces having to be provided. This will impact on the openness of the Green Belt.

5.3 C) Adjoining Occupiers

- 5.3.1 Nearby owners/neighbours were notified of the proposal and the following representations were made:

- The use is on green belt land and any development of this type would be detrimental to the area;
- Significant Increase in traffic noise, environmental and maintenance issues;
- The application states that there will be 19 parking spaces. With 30 clients per session, it is highly likely that cars will be parked on the lane and along the driveway, potentially causing obstruction. It should be noted that residents of Holwood are barred from parking anywhere on the Estate, apart from allocated parking spaces, by the terms of their Lease.
- A commercial enterprise, as proposed, is totally inappropriate in what is now a quiet, semi-rural residential area in the Green Belt. It is on a Site of Special Scientific Interest (SSSI), on the very border of a scheduled Ancient Monument, a Site of Importance for Nature Conservation and in an archaeological priority area and unspoiled nature of Darwin's 'Landscape Laboratory'.
- The access road is maintained by the residents at the Holwood Estate and it is a dangerous road;
- This will have a significant impact to neighbouring privacy and result in noise and light pollution. In the future, the centre will have lights which will impact the neighbouring view at night, and during the day there will be noise that will impact the quiet nature of the area.
- No commercial activities should be permitted and the existing site should not be expanded in any way, lastly no windows should be permitted which face the path at the back of the stables, as this will directly face the neighbouring property.
- Should this application be approved we request that an independent vehicle study is undertaken by Bromley Town Planning to establish the current vehicle movements to and from the stables and impose a cap, not to restrict expansion but to ensure any expansion is controlled enabling appropriate measures to be introduced in the future.
- Any approval for the Reiki and other self-healing/life coaching activities should not be permitted on the agricultural land adjacent to Orchard Cottage
- Object to the application as is, but would be prepared to support it, if more parking could be provided, or client numbers be limited appropriately.

6. POLICIES AND GUIDANCE

6.1 National Policy Framework 2021

6.2 NPPG

6.3 The London Plan 2021

D1 London's form and characteristics
 D4 Delivering Good Design
 D5 Inclusive Design
 G2 London's Green Belt
 T5 Cycling
 T6 Parking

6.4 Bromley Local Plan 2019

20 Community Facilities
21 Opportunities for Community Facilities
30 Parking
31 Relieving Congestion
32 Road Safety
33 Access for All
37 General Design of Development
49 The Green Belt
69 Development and Nature Conservation Sites
70 Wildlife Features
72 Protected Species
73 Development and Trees
119 Noise Pollution
122 Light Pollution

6.5 Other Guidance

Supplementary Planning Guidance 1 – General Design Principles

7. ASSESSMENT

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

- Principle
- Green Belt
- Design and landscaping
- Highways
- Neighbouring amenity
- Biodiversity and ecology impacts

7.2 Principle – Acceptable

7.2.1 Policy 20 of the Bromley Local Plan states that the Council promotes the quality of life and the health and wellbeing of those living and working in the Borough and will engage with providers and agencies to ensure the provision, enhancement and retention of a wide range of appropriate social infrastructure, including facilities for health and education; recreation, sports and play facilities. Policy 21 of the Bromley Local Plan further confirms that the Council will support opportunities for community facilities

7.2.2 This proposal includes a Reiki Centre with the elements of energy healing, meditation classes and Reiki Retreat course which would help to build healthier communities and promote healthy lifestyles. It is considered that the principle of this proposal is acceptable. Other issues, such as the potential amenity impacts and highway issues will be discussed below separately.

7.3 Green Belt – Acceptable

7.3.1 The main issue in relation to the Green Belt is whether the proposal would represent inappropriate development and if the proposed development is considered as an exception under Paragraph 149.

7.3.2 Paragraphs 137 – 151 of the NPPF sets out the Government's intention for Green Belt. The NPPF states that 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.

7.3.3 The Green Belt is intended to serve five purposes:

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

7.3.4 Paragraphs 147 – 151 deal specifically with development proposals in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that:

“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 resulting from the proposal, is clearly outweighed by other considerations.

7.3.5 Paragraph 150 further states that:

“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- (a) mineral extraction;
- (b) engineering operations;
- (c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- (d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- (e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- (f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.”

7.3.6 In this application, the most relevant section to assess this application is section (d) “the re-use of buildings provided that the buildings are of permanent and substantial construction”.

- 7.3.7 The proposal includes the conversion of the existing barn into a Reiki centre. The structure of the barn would be retained. A structural assessment report has been submitted which confirms that the building is sound and does not require any major reconstruction works. Therefore, the building conversion, in principle, would comply with the Green Belt policy.
- 7.3.8 A porch canopy is proposed in the south elevation. Whilst this would constitute an addition to the building it is not considered to be disproportionate in size and is shown to be open sided, reducing its visual impact. A condition will be imposed to make sure that this area would not be enclosed in future. It is considered that the barn conversion would preserve the openness of the Green Belt and does not conflict with the Green Belt policies.

7.4 Design – Layout, scale and landscaping – Acceptable

- 7.4.1 Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 7.4.2 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. London Plan Policy D4 requires developments to have regard to the form, function, and structure of an area. Policy 37 of the Bromley Local Plan states that all development proposals will be expected to be of a high standard of design and layout.
- 7.4.3 This proposal is for the conversion and re-use of the barn with a front entrance canopy. The proposed materials would be part timber cladding and part render with a slate roof. These materials are considered appropriate in the Green Belt and rural area and would not appear out of character within the surrounding area in general.
- 7.4.4 The barn is currently located on a hardstanding surface. Some soft landscaping works are proposed in front of the main entrance canopy. This is considered acceptable and a condition will be imposed for the submission of the soft landscaping details prior to the commencement of the works.

7.5 Highways and parking – Acceptable

- 7.5.1 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. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.5.2 The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should

be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

- 7.5.3 London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.
- 7.5.4 The application site lies within a rural area with a low 1b PTAL rating indicating that it would be reliant on private transport such as the private car and bicycle. The neighbouring comments are noted. The Highways officer has been consulted and the proposed numbers of parking spaces should be able to accommodate all the visitors within the application site. The maximum number of visitors and Reiki centre opening hours will be restricted so that the traffic impact on both weekdays and weekends would not be significantly adverse for the transport network. It is advised that the lighting scheme, cycle parking provision and a Travel Plan should be submitted and approved in writing by the Council before the use of the building. These will be covered by suitably worded conditions.

7.6 Neighbourhood Amenity – Acceptable

- 7.6.1 Policy 37 of the Bromley Local Plan 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.
- 7.6.2 The neighbouring objections are noted and some of the objections have been discussed in the above sections.
- 7.6.3 The building would not be clearly visible from neighbouring properties. With regards to Garden Cottage, the neighbouring property, the Reiki centre would be some 12m away from the well-screened shared boundary. It is noted that there are two west flank windows facing this neighbouring rear garden. Given that the building is only a single storey structure and there are existing west-facing windows, it is considered that these full-length windows would not result in any additional overlooking than already exists.
- 7.6.4 With regards to the potential noise and disturbance to the neighbouring amenity, the nature of this business is for mainly meditation and energy healing. It is noted that there are activities on both Saturday and Sunday but this is only on a monthly basis. On Sundays, the applicants confirm that there would be a maximum of 2 meditation classes, one in the morning and one in the afternoon. Also, a maximum number of 15 visitors will be capped at any time during weekends. A travel plan will be required which will promote use of sustainable modes of transport. The proposal is considered that it would not result in any significant detrimental impact on the neighbouring properties during the opening hours. A condition will be imposed to restrict any loud music or any noise disturbance during opening hours. Also, it will further restrict any outdoor activities related to the Reiki centre.

7.7 Biodiversity and ecology impacts – Acceptable

- 7.7.1 Policy 69 relate to the development within the Site of Importance for Nature Conservation (SINC). Developments should improve existing or create new habitats or use design to enhance biodiversity and provide for its on-going management. Development will only be permitted if any potential harm can be overcome by mitigating measures.
- 7.7.2 Policy 72 of the Bromley Local plan states that planning permission will not be granted for development or change of use of land that will have an adverse effect on protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitats.
- 7.7.3 The northern part of the application site lies in the Site of Importance for Nature Conservation (SINC) and a Preliminary Ecological Appraisals (PEA) and a bat roost inspection survey have been submitted.
- 7.7.4 Both reports conclude a negligible potential for the buildings to support bat roosts and therefore no further Phase 2 surveying is recommended (i.e. emergence/ re-entry surveying). The proposal would have a limited impact and the buildings and wider site have been assessed for their potential to support protected species.
- 7.7.5 The Bromley Biodiversity Partnership has been consulted and did not object to these reports and the proposal. However, several conditions will be imposed such as the submission details for a landscaping scheme, a scheme of biodiversity enhancements and a sensitive artificial lighting scheme.

7.8 Trees – Acceptable

- 7.8.1 Policy 73 of the Bromley Local Plan requires that trees of environmental importance should be retained and protected. When considering development proposals, trees should be retained as much as possible.
- 7.8.2 The application site is covered by Tree Preservation Orders (TPOs). Tree officers have been consulted and they have raised no objection to the proposal.

8. CONCLUSION

- 8.1 Having had regard to the above it is considered that the development in the manner proposed would be acceptable, subject to the imposition of suitable conditions, as it would not result in inappropriate development within the Green Belt by definition; it would not cause actual harm to its openness and would be in keeping with the character of the area and visual amenities of the Green Belt which are formed of its essential characteristics including its openness and its permanence.
- 8.2 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

Recommendation:

PERMISSION BE GRANTED

Subject to the recommended conditions/informatives:

Type of use

Hours in use –

9:00 to 17:00 (Monday to Friday, Sunday)

9:00 to 17:00 (One Saturday per calendar month)

Maximum visitor (Monday to Friday) – 2 visitors

Maximum visitor (Saturday and Sunday) – 15 visitors at one time

No loud music and outdoor activities associated with this proposal

Sunday meditation class: Maximum 2 classes per day

Saturday course – only 1 class per day

Standard

Standard Time Limit

Standard Compliance with Plans

Pre-occupation

Cycle parking details

Landscaping details

Travel Plan

Lighting scheme

Integrated bat and bird bricks

Compliance

External materials

Front Canopy – no enclosure

Informatives

Control of Pollution/Construction sites

Unsuspected contamination

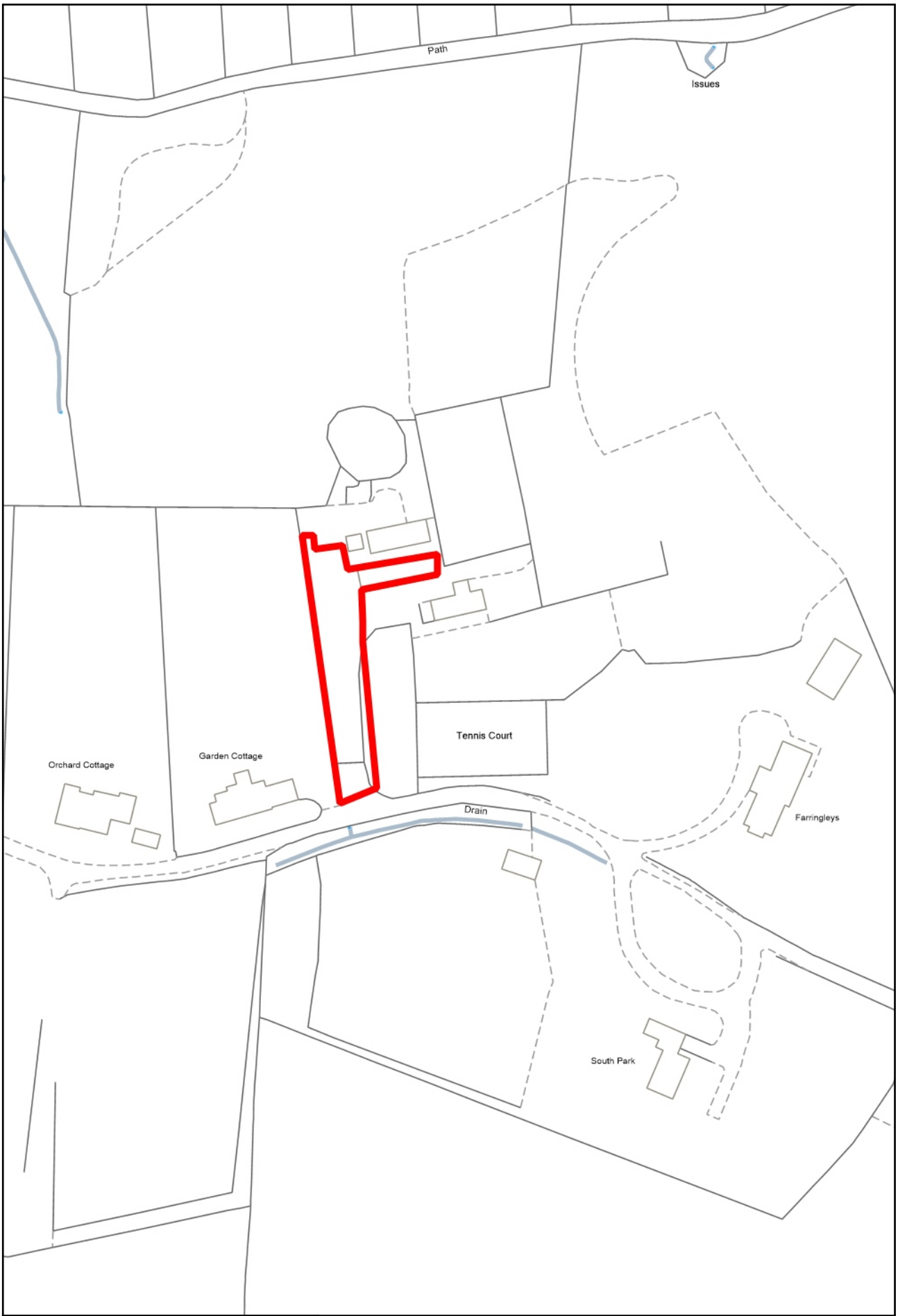
Street naming/numbering

No invasive non-native species to be included in the planting


Mixed native species hedgerows around the boundaries


Any other planning condition(s) considered necessary by the Assistant Director of Planning.

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21/01640/FULL1



05 October 2022

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Agenda Item 4.3

Committee Date	13/10/2022	
Address	1 St Augustine's Avenue Bickley Bromley BR2 8AG	
Application Number	21/03541/FULL1	Officer - Susanna Stevenson
Ward	Bickley	
Proposal	Proposed demolition of existing bungalow and the construction of two pairs of semi-detached houses (4 x 2 bed units), with off street parking and amenity space.	
Applicant	Agent	
Ms B Keeper and Ms D Sullivan	Ms Jo Tasker	
C/o Agent	Anniversary House 23 Abbott Road Bournemouth BH9 1EU	
Reason for referral to committee	Councillor call in	
Call-In	Yes	

RECOMMENDATION	PERMISSION
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Smoke Control SCA 13 Smoke Control SCA 12</p>

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)

Existing	Single storey residential dwelling (C3)	233 SQM
Proposed	4 No. 2 bedroom two storey dwellinghouses (C3)	355.6 SQM

Residential Use					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total / Payment in lieu
Market		4			
Affordable (shared ownership)					
Affordable (social rent)					
Total		4			

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	1	4	+3
Disabled car spaces	0	0	0
Cycle	0	4 no. cycle stores	+ 4 no. cycle stores

Electric car charging points	2/4
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Representation summary	The application was advertised by way of a site notice displayed on 19 th August 2021. Letters were sent to neighbouring residents on 17 th August 2021 and
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	again on 28 th April 2022 following the receipt of a revised drawing on 19 th April 2022.
Total number of responses	19
Number in support	0
Number of objections	19

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would provide 4 no. residential dwellings (3 additional to existing land use), making a minor contribution to housing supply in the Borough
- There would be no significant impact on residential amenities
- The proposed development would be of an acceptable design and would not harm the visual amenities of the street scene or the area in general
- The accommodation provided would be of a satisfactory standard
- Subject to conditions, the flood risk of the development is acceptable
- The proposal would result in the loss of one on-street parking bay – there are no technical highways objections to the proposals with regards to on-site parking provision and impact on road safety

2. LOCATION

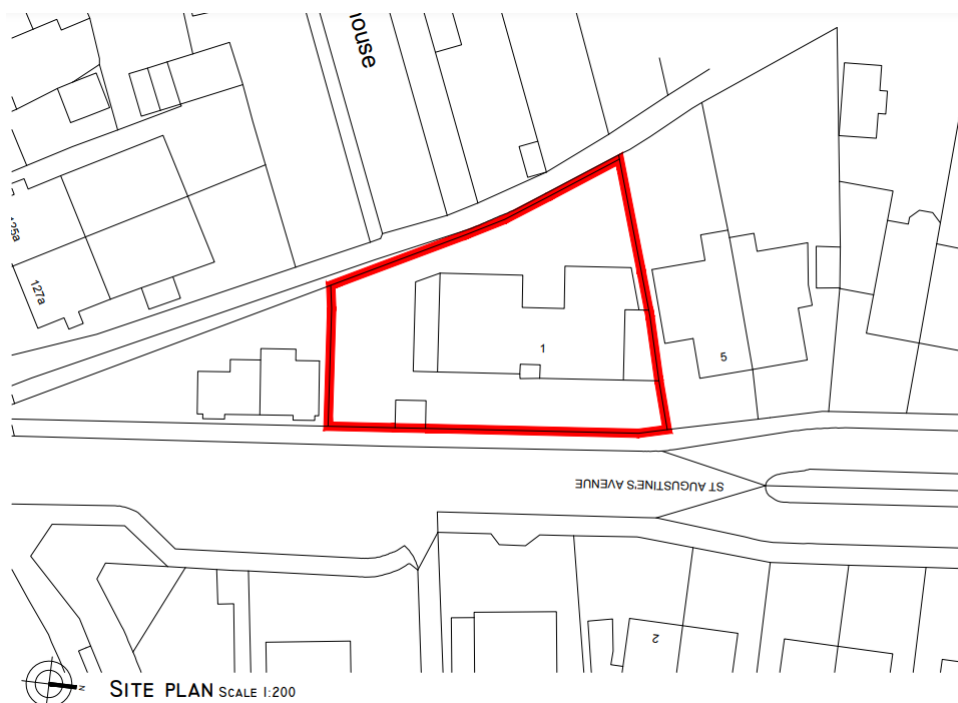


Figure 1 – site location plan

- 2.1 The site is located on the west side of St Augustine's Avenue and comprises an irregular-shaped plot that hosts a detached single storey dwelling. The site formerly

included the triangular shaped plot at which 2 dwellings (a semi-detached pair, Nos. 1A and 1B) have recently been constructed.

- 2.2 To the north of the site in St Augustine's Avenue there are semi-detached chalet style properties in a mock Tudor style. To the east of the site (on the other side of the road) is the library building and a dance studio. To the rear (west) of the site is a public pedestrian footpath beyond which are properties fronting Salisbury Road. The pedestrian access way also forms the culverted section of the River Ravensbourne (east branch).
- 2.2 The site is not in a conservation area nor is the building listed. The site is located in Flood Zones 2 and 3.



Figure 2 Front of site, with 5 St. Augustine's Avenue to the right



Figure 3 Front of site, with new dwellings at 1A and 1B to left

3. PROPOSAL

- 3.1 Planning permission is sought for the demolition of the existing single storey dwelling and the construction of 2 pairs of semi-detached two storey dwellings.



Figure 4 Proposed site plan

- 3.2 The proposed dwellings would be sited to either side of a proposed parking and turning area. The separation between the two pairs of dwellings would be approx. 9m. The southern dwelling would be sited approx. 2m to 3.2m from the southern boundary with the new dwellings at 1A and 1B St. Augustine's Avenue. The northern dwelling would retain a separation to the northern boundary with No. 5 St. Augustine's Avenue of approx. 3.4 – 3.9m.
- 3.3 The eaves height of the dwellings would be approx. 5.33m and the height to the ridge would be approx. 8.08m.
- 3.4 The site is not uniformly deep, as a consequence of the which front elevation of the proposed pair of dwellings to the southern side of the plot would be set slightly forward of the proposed pair of dwellings on the northern side of the site, so as to provide a reasonable rear garden depth for the units set within the shallower part of the site.
- 3.5 The proposed dwellings would each provide 2 no. double bedrooms at first floor level with a kitchen/diner and separate living room on the ground floor. The Gross Internal Area (GIA) of each 2 bedroom/4 person dwelling would be 82.6 sqm.

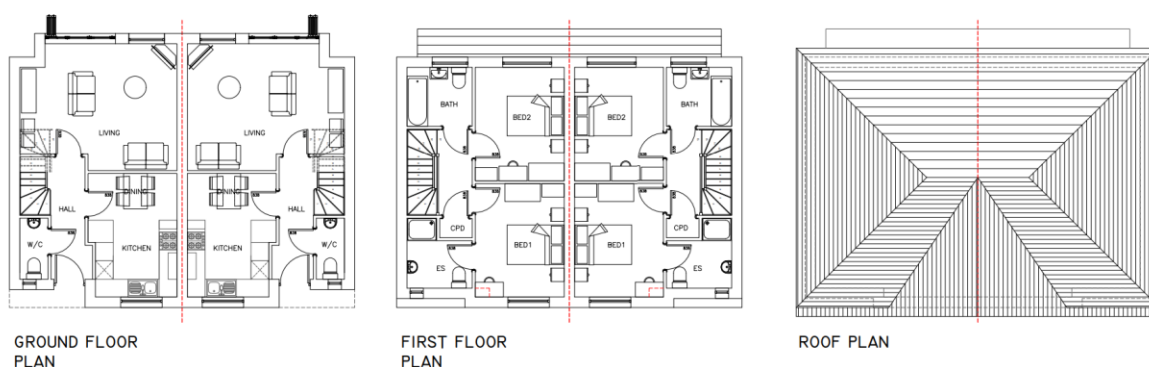


Figure 5 - Proposed floor plans

- 3.6 The dwellings are designed with a shared front gable feature roof with a hipped roof to each side and a set-back at first floor from the front elevation. The materials would comprise brick facing to the ground floor with rendered panels, with the first and gable elevations white rendered. The roofs would be of plain clay (dark red) roof tiles and windows would be dark grey aluminium framed.

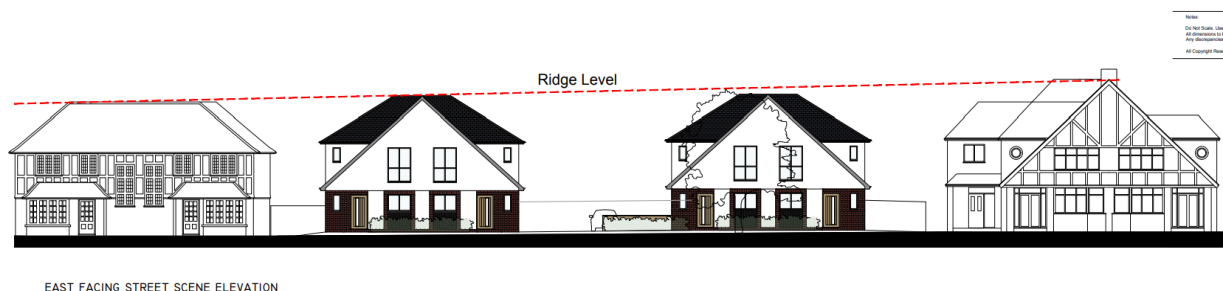


Figure 6 - Street scene elevation

4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history is summarised as follows:

83/00055/FUL: Attached car port. Approved 16.03.1983.

84/02977/FUL: Single storey side extension. Approved 19.12.1984

4.2 Severance part of original site – now 1A and 1B St. Augustine's Avenue

18/00007/FULL1: Erection of a pair of two bedroom semi-detached houses. Refused 27.04.2018. Subsequent appeal dismissed.

18/00009/FULL1: Erection of pair of two bedroom semi-detached houses. Refused 27.04.2018. Subsequent appeal allowed.

18/00009/AMD: Non-material amendment to approved scheme to reposition internal stairway and change to front window. APPROVED.

18/00009/AMD2: Non-material amendment to approved scheme to alter vehicular access. AMENDMENT REQUIRES PLANNING PERMISSION

18/00009/CONDIT: Discharge of conditions 3, 4, 5, 7, 8, and 9 of permission 18/00009/FULL1 (allowed on appeal) Conditions discharged.

18/00009/RECON: Minor material amendment under S73 to allow variation of permission 18/00009/FULL1 to reduce building footprint and amend the siting of the building. Approved.

4.3 These applications were assessed concurrently at appeal and were subject of a joint decision notice. The main issues in both appeals were considered to be the effect of the proposals on the character and appearance of the area, the impact of the proposal on local flood risk and implications for the access to and maintenance of the culverted watercourse and the effect of the proposals on highway safety.

4.4 With regards to character and appearance, the Inspector reasoned that the setting of the appeal site and significant distance from No. 1 resulted in the site being “effectively divorced from the characteristic residential style and development pattern beyond.” It was considered that that if developed as proposed in each case, the contextual setting would mean that there would be limited physical form to which the new dwellings could meaningfully relate. Standing alone, the proposed dwellings would not have an adverse impact on the character of the street scene and the loss of the long stretch of fencing and high coniferous hedgerow was not considered unacceptable.

- 4.5 Both designs (Appeal A having a hip-ended form and Appeal B, a gabled roof) were considered acceptable in terms of their design and impact on the street scene. The separation distance proposed was also considered acceptable.
- 4.6 As the site was considered by the Inspector to be “something of an anomaly” it was not considered likely that the proposals would have set an undesirable pattern for piecemeal unacceptable infilling in the area. Both proposals were considered to be an acceptable form of development in relation to their siting, design, scale and integration with the street scene.

5. CONSULTATION SUMMARY

A) Statutory

- **Environment Agency** **No objection**

No objection subject to conditions which are required in order to avoid the development of the site posing an unacceptable risk to the culverted river and to flood risk locally.

- **Highways** **No objection**

The new crossover will result in the loss of one on-street parking bay – while disappointing this is not a sustainable ground for refusal.

The 4 spaces proposed for the units accords with the Bromley Local Plan standards and slightly exceeds London Plan standards

The swept path shows that vehicles can turn on site although the manoeuvres are somewhat complicated, which may result in drivers preferring to reverse.

A Stage 1 Road Safety Audit was supplied which does not include a parking survey but is more concerned with the built aspects of the proposal – specifically the access, and no concerns or issues were raised.

Proposal should have no impact on registered footpath 141. An informative on any permission should highlight the need to safeguard pedestrians using the alley.

- **Drainage** **No objection**

Incorporation of water butts and raingarden planters is welcomed. Condition recommended to ensure implementation of the sustainable drainage proposals within the SUDS report.

B) Local Groups

No comments received.

C) Adjoining Occupiers

Impact on character/design (addressed at paragraph 7.2)

- The design of the proposed development would appear out of character with existing development in the street
- The area is characterised by uniform appearance and consistently large gardens, driveways and turning spaces within residential plots
- Proposal would appear cramped relative to the existing street scene
- Proposal would result in 6 dwellings (2 constructed and 4 proposed) on the original site of the bungalow at No. 1

Impact on residential amenity (addressed at paragraph 7.3)

- The proposal will result in loss of privacy to neighbouring properties at the rear (Salisbury Road) contrary to ECHR
- Loss of sunlight (Salisbury Road)
- Visual impact

Parking and highways (addressed at paragraph 7.5)

- Will result in traffic congestion associated with the narrowing of the road at location of the dance school which has classes from 9am until 8 and operates 7 days a week including parties
- Street parking already problem – associated with the existing dance studio and library as well as nearby retail food outlets
- Parents already double park near the dance school entrance or across white lines at No. 1, sometimes with engines idling
- St. Augustine's Avenue also used for commuter parking
- Proposal will remove 4 on street spaces as the new residents will use the existing on street spaces (assuming 2 cars per household)
- Loss of parking space for 2nd driveway
- 2 car parking spaces should be provided for each dwelling
- The development at 1A and 1B has impacted on parking availability, even with the dance studio operating at reduced capacity due to Covid 19
- Will result in parking obstructing residents' driveways, increase congestion and impact on road safety, along with deliveries and servicing resulting in congestion
- The turning area is impractical and may lead to residents waiting in the street to access the area and the on-site parking spaces unlikely to be used
- Reports submitted on traffic not representative in view of their timings. Road Safety Audit was undertaken during half term
- Will impact adversely on the business opposite (Studio 74)

Flooding and drainage (addressed at paragraph 7.8)

- Development is in high flood-risk area and the proposal will increase surface water/site coverage
- Impact on structure of culvert
- Impact on foul sewer system

Other matters

- Impact on property values
- Unlikely to be family housing
- There is a covenant limiting the number of dwellings on each plot
- Impact of period of construction – noise and dust and upon shift workers
- Preferable for there to be 2 three bedroom dwellings

6. POLICIES AND GUIDANCE

National Policy Framework 2021

NPPG

The London Plan (2021)

- D1 London's form and characteristics
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D13 Agent of change
- D14 Noise
- H1 Increasing Housing Supply
- H2 Small sites
- H5 Threshold Approach to application
- H8 Loss of existing housing and estate redevelopment
- H9 Ensuring the best use of stock
- H10 Housing Size Mix
- S4 Play and informal recreation
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI1 Improving air quality
- SI4 Managing heat risk
- SI5 Water infrastructure
- SI7 Reducing waste and supporting the circular economy
- SI12 Flood risk management
- SI13 Sustainable drainage
- T2 Healthy Streets

undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply.

7.1.2 According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'. In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.1.3 Policy H2 requires Boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size). Policy D3 requires all development to make the best use of land by following a design led approach.

7.1.4 This application includes the provision of 3 additional residential dwellings (above the existing 1 residential dwelling on the application site) and would represent a minor contribution to the supply of housing within the Borough. This will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.

7.1.5 The site is currently developed for a single unit of occupancy for residential use. A higher density residential infill development is not unacceptable in principle (and has indeed been established through the appeal-allowed development comprising the construction of 2 dwellings on the severance part of the site to the south of the current red line site. It is necessary however for the design of development to complement the character of surrounding developments, the design and layout to provide suitable residential accommodation, including satisfactory garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will also need to be addressed.

7.1.6 Policy D3 Optimising site capacity through the design-led approach (new London Plan) sets out in Clause A that:

A. All development must make the best use of land by following a design led approach that optimises the capacity of sites, including site allocations. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in

Policy D2 Infrastructure requirements for sustainable densities), and that best delivers the requirements set out in Part B.

7.1.7 The proposed development would provide 4 dwellings on a site with an area of 0.09ha. This is considered an acceptable amount of development at this location given the available site area notwithstanding the findings of a contextual analysis in terms of the design and impact of development detailed below.

7.2 Design Acceptable

7.2.1 Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

7.2.2 The NPPF (2021) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.2.3 Local Planning Authorities are required to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

7.2.4 New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7.2.5 London Plan and Bromley Local Plan further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

7.2.6 Policy D3 of the London Plan specifies that development must make the best use of land by following a design-led approach, providing optimised development that is of the most appropriate form and land use for the site, taking into account a site's capacity for growth in tandem with its context. Development proposals should deliver buildings that positively respond to local distinctiveness through their layout, scale, orientation, appearance and shape, having appropriate regard to existing and emerging building types, forms and proportions.

- 7.2.7 Policy 4 of the Local Plan details that all new housing developments will need to achieve a high standard of design and layout. The Council will expect all of the following requirements to be demonstrated: The site layout, buildings and space around buildings be designed to a high quality, recognising as well as complimenting the qualities of the surrounding areas; compliance to minimum internal space standards for dwellings; provision of sufficient external, private amenity space; provision of play space, provision of parking integrated within the overall design of the development; density that has regard to the London Plan density matrix whilst respecting local character; layout giving priority to pedestrians and cyclists over vehicles; safety and security measures included in the design and layout of buildings; be accessible and adaptable dwellings.
- 7.2.8 Policy 8 of the Local Plan details that when considering applications for new residential development, including extensions, the Council will normally require for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the building or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.
- 7.2.9 Policy 37 of the Local Plan details that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. To summarise developments will be expected to meet all of the following criteria where they are relevant; be imaginative and attractive to look at, of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas; positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features; create attractive settings; allow for adequate daylight and sunlight to penetrate in and between buildings; respect the amenity of occupiers of neighbouring buildings and those of future occupants; be of a sustainable design and construction; accessible to all; secure; include; suitable waste and refuse facilities and respect non designated heritage assets.
- 7.2.10 In terms of the context of the site, the Appeal decision and findings of the Planning Inspector relating to planning permission 18/00009/FULL1 carries some weight in the consideration of the development of the severed bungalow site and the allowed development of the recently constructed semi-detached houses in the garden of No1 St Augustine Avenue.
- 7.2.11 Importantly the Inspector made references to the significant separation of that site from the bungalow and that the site was effectively divorced from the characteristic residential style and development pattern beyond to the north. It was concluded that the site's particular contextual setting would mean that there would be little physical form which the new dwellings could meaningfully relate to.
- 7.2.12 The site of the bungalow, however, is different and closer to existing dwellings on St Augustine's Avenue to the north and therefore can be said to relate to that context. The design and external detailing of the dwellings visually bridges the external finish, scale and bulk of the new dwellings to the north and the established street scene to the south, formed of the semi-detached dwelling with their

prominent shared front gables with side extension at roof level of varying scales and detailing.

7.2.13 The design of the pairs of dwellings includes shared front gable features with set-back side hipped roof elements akin to the first floor extensions evident within some of the existing dwellings within St. Augustine's Avenue. To the left, the development would juxtapose with the new dwellings at 1A and 1B and to the right, with the dwelling at No. 5. It is considered that the design within this application responds to the appearance of dwellings on either side of the site, bridging in terms of design features the somewhat disparate appearance of the new-build dwellings at Nos. 1A and 1B and the original dwellings to the north.



Figure 7 - Proposed street scene elevation



Figure 8 - Nos. 1A and 1B to the south



Figure 9 No 5 St. Augustine's Avenue to the north

7.2.14 While the proposed parking area between the buildings would introduce a hard-surfaced gap in the street scene which would not immediately incorporate planting and landscaping of the verdant quality found within the existing street scene, the site plan includes small landscaped areas to either side of the access point which would provide adequate space for softening landscaping to successfully screen the full visual impact of the parking area in the middle of the site as viewed from the street. It is noted that the development allowed on appeal at Nos. 1A and 1B to the south of the site is more exposed and provided less space for frontage softening parking than is the case with the current proposal as a consequence of the more generous space to the front of the proposed buildings.



Figure 10 – Car parking arrangement allowed on appeal at Nos. 1A and 1B

7.2.15 Representations have been received stating that the proposed development would not be consistent with the existing character of St. Augustine's Avenue in terms of spaciousness and external appearance. However, taking into account the design of the dwellings, the juxtaposition with existing dwellings to either side and the space maintained between the buildings on the site, and to the neighbouring dwellings, it is not considered that the scope of the development would be significantly out of character with or detrimental to the visual amenities of the area.

7.3 Neighbourhood amenity Acceptable

7.3.1 Policy 37 of the Local Plan seeks to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.

7.3.2 Policy 4 of the Bromley Local Plan also 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.

7.3.3 In determining any application, a key consideration would be the impact of the development on the amenities of neighbouring properties.

- 7.3.4 In terms of outlook, the fenestration arrangement will provide front and rear outlook that will mainly overlook to the frontage areas east to the street scene and west to the rear over proposed garden curtilage. Significant space of approx. 40m space is retained between the rear elevations of the buildings and the rear elevation of the existing dwellings fronting Salisbury Road, with separation of approx. 11m to the rearmost part of the gardens of these properties.
- 7.3.5 With regards to the impact of the proposal on the amenities of the nearest neighbouring dwellings in St. Augustine's Avenue, the footprint of the proposed development would not project significantly to the front or rear of these properties, the flank elevation of the southern neighbouring dwelling is blank and the flank elevation of No. 5 to the south includes 2 no. obscure glazed windows at first floor level.
- 7.3.6 While there would be limited, oblique, views from the first floor rear facing windows of the dwellings towards the southern and northern neighbouring dwellings, there would not be a significant loss of privacy taking into account the field of vision and the suburban location of the site.
- 7.3.7 Representations have been received referring to the potential loss of privacy to properties at the rear, fronting Salisbury Road and stating that this would be contrary to Article 8 of the ECHR which relates to respect for private life, family life and privacy at home and in correspondence. It is not considered, in view of the suburban location of the development, the significant separation to the rear which includes the width of the public footpath over the culvert, with each boundary onto this public footpath being quite densely vegetated, that the proposal would result in an interference with the right to private life enshrined within the ECHR. Notwithstanding the assessment that the proposal would not significantly reduce the privacy or neighbouring sites through overlooking or other impacts, the right under Article 8 is qualified, and must be balanced with competing interests and rights, including the economic benefits of development along with the contribution that development can make to housing supply.



Figure 11 - Location plan showing development in relation to boundaries

7.3.8 Concern has also been expressed regarding the visual impact of the proposal on neighbouring amenity. It is noted that the development lies opposite the library and dance school, and that the front and rear elevations broadly align with and are reasonably separated from neighbouring dwellings to either side. This in tandem with the considerable separation to the rear, to the gardens of dwellings fronting Salisbury Road and the acceptability of the design of the development is considered to result in development that would not have an excessive or detrimental visual impact.

7.4 Standard of residential accommodation Acceptable

7.4.1 In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

7.4.2 Policy 4 of the Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. The

Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals.

- 7.4.3 Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.
- 7.4.4 The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. It is required that compliance with this standard should be demonstrated with any future submission by way of a separate Part M compliance statement.
- 7.4.5 The nationally described space standard requires various Gross Internal Areas in relation to number of bedrooms and person occupation. The proposed two bed four person houses require a minimum floorspace of 79m² over two levels as indicated. The stated GIA is 82.6m² which is compliant with the nationally described space standard.
- 7.4.6 From the information provided the shape and room size of the rooms are considered satisfactory. None of the rooms would have a particularly convoluted layout which would limit their use.
- 7.4.7 In terms of amenity space, the depth of the rear garden is of sufficient proportion to provide a usable space for the purposes of each two bedroom dwellinghouses.

7.5 Highways Acceptable

- 7.5.1 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. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.5.2 London Plan and Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Local Plan should be used as a basis for assessment.
- 7.5.3 The proposal would provide 3 car parking spaces (including 2 with electric vehicle charging points) between the pairs of dwellings, with a further space to the northern side of house 1 (1 space per proposed dwelling). Cycle storage is proposed to be

provided by way of detached cycle stores to the side of the outer dwellings, and within the rear gardens of units 2 and 3.

7.5.4 The application is supported by a Stage 1 Road Safety Audit and vehicle tracking diagrams. During the course of the application a revised proposed layout/site plan was received which corrected the plotting of existing on street parking bays.

7.5.5 As existing, it is noted that there are 5 full spaces and a short space in front of the site. The revised proposed drawings indicate that the proposal includes the removal of one parking space in front of the site so as to provide the centrally-positioned access to the parking area between the pairs of semi-detached dwellings.



Figure 12 - On-street parking in front of application site

7.5.6 It is acknowledged that a number of objections have been received expressing concern at the impact of the proposal on on-street parking capacity in the locality, along with on highways safety. Concern has also been expressed regarding the timing of the Road Safety Audit submitted with the application which was submitted in October 2021 in response to initial highways comments. Since the submission the application proposals have been reviewed by the highways officers again in November 2021 and in February 2022 when it was noted that the revised plan appeared to inaccurately indicate the existing parking bays on the street. A further revised plan was received on 28th February 2022 and subsequent (final) comments from the highways officer confirmed the loss of one on-street parking bay which, while disappointing was not considered to represent a sustainable ground for refusal.

7.5.7 While the proposal would result in the loss of one on-street car parking space, the proposal is considered to include sufficient on-site car parking provision to meet the needs of the proposed 2 bedroom dwellings. Four spaces will be provided for the 4

restoration and enhancement of the local landscape through the use of planning obligations and conditions.

- 7.6.3 The submitted site plan indicates that the rear gardens would be laid to lawn, with indicative planting beds to the front and sides and to either side of the centrally-positioned access. There are no protected trees within the application site, and while there is a street tree on the pavement in front of the existing dwelling, this is indicated to be retained. It would be appropriate to impose a condition requiring further detail on planting proposals/species/sizes as well as relating to the materials for the hard surfaces within the site should planning permission be forthcoming.

7.7 Sustainability Acceptable

- 7.7.1 The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

- 7.7.2 Local Plan Policy 123 states that all applications for development should demonstrate how the principles of sustainable design and construction have been taken into account.

- 7.7.3 The application has been submitted with a Renewable and Low Carbon Statement which sets out the ways in which the proposals would achieve the objectives within the NPPF, including with regards to thermal performance/efficiency, ventilation, and drainage. If planning permission is forthcoming it would be appropriate to impose a compliance condition referencing the statement above.

7.8 Flood Risk and drainage Acceptable

- 7.8.1 The National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but where development is necessary, making it safe without increasing flood risk elsewhere. The Technical Guidance published alongside the Framework details that for these purposes, areas at risk of flooding constitutes land within Flood Zones 2 and 3. The National Planning Policy Guidance also classifies the erection of a new dwelling as a more vulnerable use which requires the application of the Sequential Test, and if required the Exception Test.

- 7.8.2 The application was supported by a Flood Risk Assessment Report and comments from the Environment Agency raise no objections to the proposal subject to detailed conditions associated with mitigation measures and tying the development to the submitted Flood Risk Assessment.

- 7.8.3 The Council's drainage officer has raised no objections to the proposal, having regard to the Sustainable Drainage Report submitted with the application. A planning condition requiring implementation in accordance with this report is recommended should permission be forthcoming.

8. CONCLUSION

- 8.1 Having regard to the above, the proposals are not considered to result in an overdevelopment of the site, nor to have a detrimental impact on the character and appearance of the surrounding area. The development would not have a significant impact on light, outlook or privacy to neighbouring residential properties. Sufficient space is retained for suitable landscaping and the standard of residential accommodation would be acceptable.
- 8.2 While there is local concern regarding the parking and access arrangements and its impact on existing car parking on street in the light of commercial premises within the locality, and the proposal would result in the loss of 1 car parking space, it is not considered that this would be unacceptable in view of the scope of the development including the unit size. It is considered in view of the local context, including the acceptability of the layout of development and the relationship between the site and its surroundings, that the slight overprovision of on-site car parking relative to the London Plan maximum parking standards would not be harmful and would not outweigh the benefit associated with housing supply.
- 8.3 The proposals are considered acceptable with regards to flood risk and drainage matters.
- 8.4 The provision of 4 dwellings on the site where there is one existing residential property would make a minor contribution to meeting the Council's housing targets.
- 8.5 Conditions are recommended to secure an acceptable form of development with regards to technical drainage, flood risk and parking impacts as well as to secure an acceptable form of development which protects the amenities of neighbouring properties and the character/visual amenity of the area.

RECOMMENDATION: Application Permitted

Subject to the following conditions:

- 1. Time limit**
- 2. Approved plans**
- 3. Details of construction and environmental management plan**
- 4. Slab levels**
- 5. Construction method statement – culverted river**
- 6. Landscaping (hard and soft)**
- 7. Highways drainage**
- 8. Boundary details**
- 9. Cycle storage**
- 10. Refuse storage**
- 11. Car parking compliance (including EVCP)**
- 12. Materials as set out in application**
- 13. Compliance with FRA**

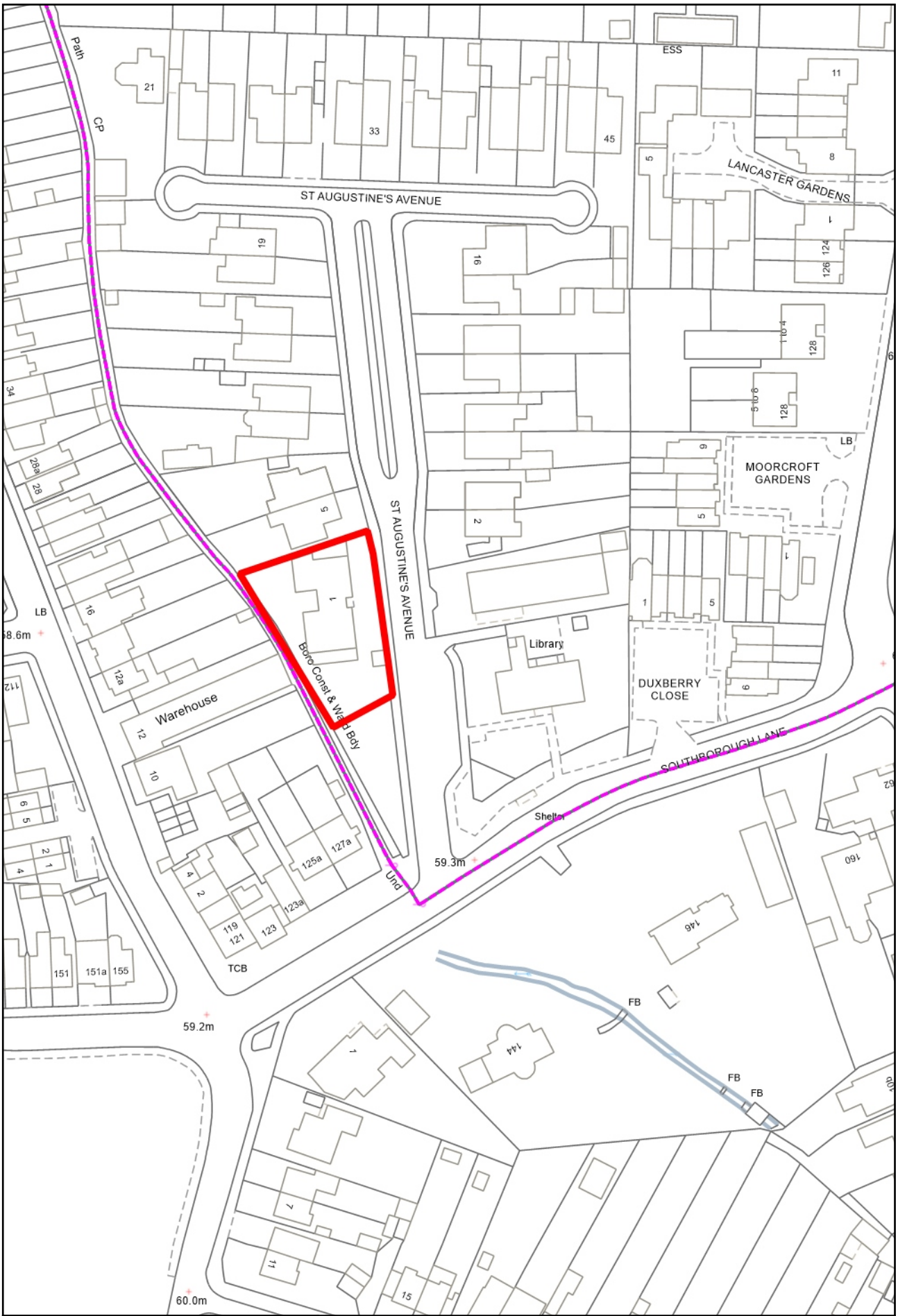
- 14. SUDS compliance**
- 15. Low NOx boilers**
- 16. Hardstanding for washdown during construction**
- 17. Removal of permitted development rights (A/B/C/E)**
- 18. No first floor windows**

Any other planning condition(s) considered necessary by the Assistant Director of Planning


Informatives


- **Contact highways re: laying out of crossover**
- **Footpath safeguarding**
- **Contamination - contact Environmental Health**
- **Flood Risk Activity Permit may be required**
- **CIL**
- **Street naming and numbering**

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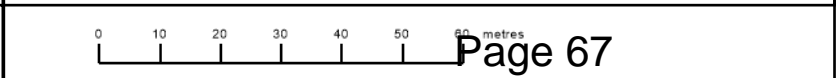
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Agenda Item 4.4

Committee Date	13.10.2022	
Address	Crystal Palace Park Thicket Road Penge London SE20 8DT	
Application Number	22/03065/PLUD	Officer - Louisa Bruce
Ward	Crystal Palace And Anerley	
Proposal	Temporary light installation trail/exhibition within Crystal Palace Park between Friday 28th October 2022 and Thursday 12th January 2023 PROPOSED LAWFUL USE CERTIFICATE	
Applicant	Agent	
Proud Events Ltd	Mr Chris Jones	
Belgrave House 39-43 Monument Hill Weybridge KT13 8RN	Firstplan Broadwall House 21 Broadwall London SE1 9PL	
Reason for referral to committee	Council Application	Councillor call in No

RECOMMENDATION	Proposed Use/Development is Lawful
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<p>KEY DESIGNATIONS</p> <p>Conservation Area: Crystal Palace Park Areas of Archeological Significance Article 4 Direction Local Cycle Network Green Chain Locally Listed Building London Distributor Roads Metropolitan Open Land Renewal Area Smoke Control SCA 6 Statutory Listed Building</p>
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Views of Local Importance

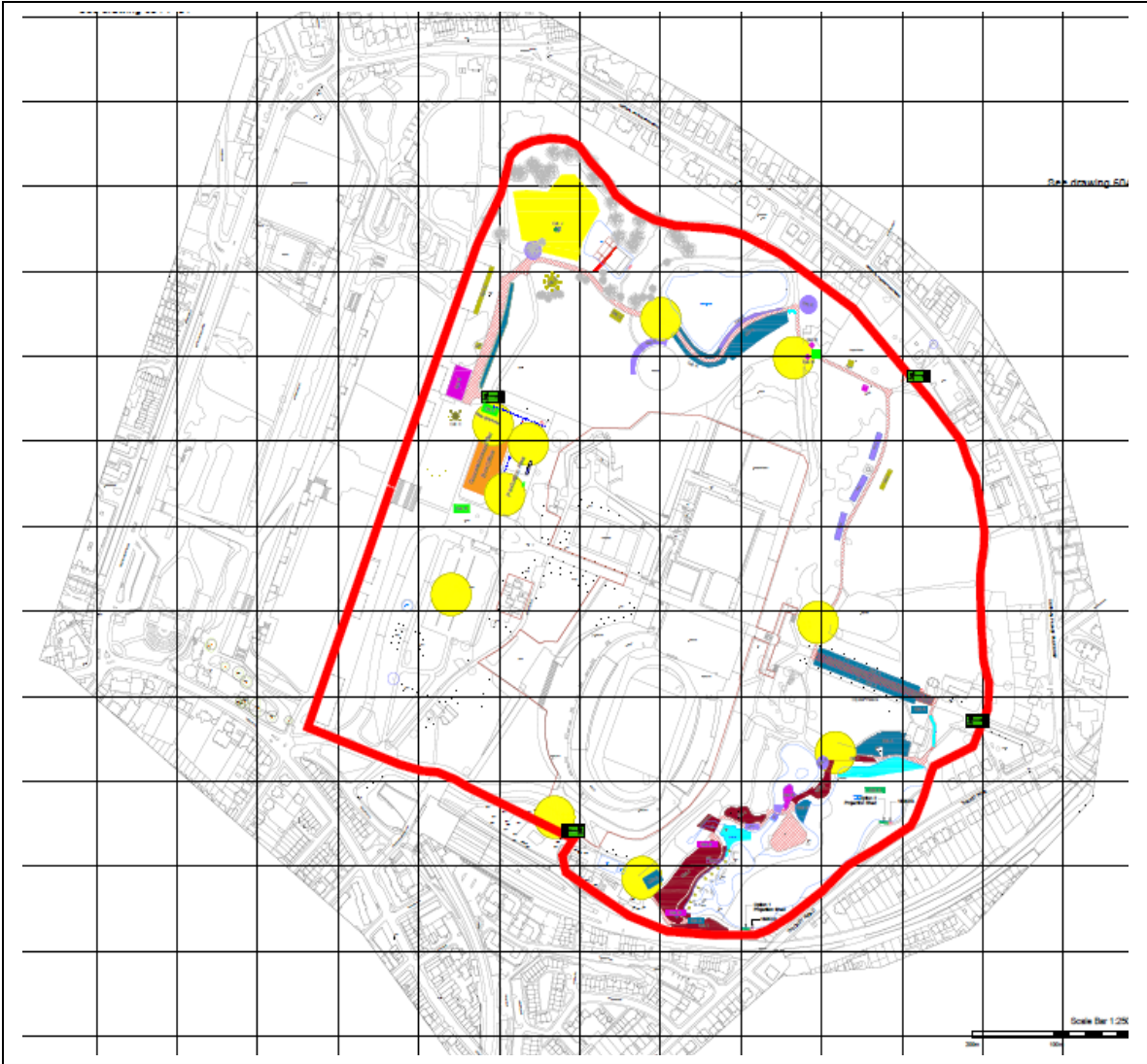
Representation summary	A site notice was displayed by the agent on the 23 rd August 2022.	
Total number of responses		1
Number in support		0
Number of objections		1

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposals do not constitute development as defined in Section 55 of the Town and Country Planning Act and therefore the Lawful Development Certificate should be granted.

2. LOCATION

2.1.1 The application site lies within Crystal Palace Park which is a Grade II* Listed park designated as Metropolitan Open Land and within the Crystal Palace Park Conservation Area. The site borders Thicket Road, Crystal Place Park Road and Anerley Hill.



3. PROPOSAL

- 3.1.1 A Lawful Development Certificate is sought for a temporary light trail/exhibition within Crystal Palace Park between Friday 28th October 2022 and Thursday 12th January 2023.
- 3.1.2 The walking route is outlined to take people 1.5hrs and is described as a lantern and light festival that explores interactive exhibits, light installations and an illuminated trail through the park.
- 3.1.3 The accompanying covering letter sets out that the event was held successfully at the park in 2021. Lightopia Festival is an international award-winning festive installation creating a temporary family visitor attraction at locations across the UK. Lightopia first began in 2019 to celebrate Diwali in Edinburgh, a second full-scale installation followed the same year in Manchester's Heaton Park. With special dispensation from the Secretary of State for Culture Media and Sport for light trails to operate during the pandemic, Lightopia returned to Heaton Park for Christmas 2020. Further Lightopia installations have been installed at the Grade I listed house and grounds of Chiswick House & Gardens and Yorkshire Wildlife Park.

- 3.1.4 Lightopia (London) 2022 seeks to build on the park's legacy to become an annual event in the park. The operational dates and times are stated as follows:

Set up: Friday 28th October – Wednesday 16th November 2022
Health & Safety checks – Wednesday 16th November 2022
Press night – Thursday 17th November 2022

Open to the public for 37 non-consecutive nights

Friday 18th November – Sunday 20th November 2022
Thursday 24th November – Sunday 27th November 2022
Thursday 1st December – Sunday 4th December 2022
Thursday 8th December – Saturday 24th December 2022
Monday 26th December – Monday 2nd January 2023

The installations will be removed between Tuesday 3rd January & Thursday 12th January 2023.

- 3.1.5 The event will open at 5pm on each event day and finish at 10pm. Crystal Palace Park will be fully open to the public during the day and the event will begin once the park closes to the general public which is 4-4.30pm during winter months.
- 3.1.6 The trail will comprise of a series of temporary light installations along a 1.9km one-way trail through the park. The route and installations are demonstrated within the concept document (enclosed at Appendix 3) with extracts of the walking route. The route remains the same as the 2021 event. The trail includes iconic attractions of the park including The Crystal Palace itself, the Concert Bowl the Farmers Market, a Water Show and the Dinosaur Trail.

4. RELEVANT PLANNING HISTORY

- 4.1.1 The planning history of the park as a whole is long and complex, reflecting the size of the park and its historical significance relating to the Palace site and the listed dinosaur structures.
- 4.1.2 Under reference: 21/03684/PLUD a Lawful Development Certificate was granted for a Temporary light installation trail/exhibition within Crystal Palace Park between November 2021 and January 2022.
- 4.1.3 The Council has resolved to grant planning permission under reference: 20/00325/OUT for outline application with all matters reserved except highways access for comprehensive phased regeneration of Crystal Palace Park. This will include conservation and repair of heritage assets; removal of existing hard surfaces; alterations to ground levels and tree removal; landscaping including planting of new trees; demolition of existing buildings and structures; creation of new pedestrian paths/vehicular access roads / car, coach and cycle parking; changes of use including part of the caravan site to part public open space and part residential; erection of new buildings and structures comprising: up to 2300sqm for a cultural venue (Use Class D2), up to 530sqm of park maintenance facilities (Sui Generis) including the dismantling and reconstruction of existing maintenance depot; up to 150sqm information centre (Use Class D1); up to 670sqm for a community centre (Use Class D1); up to 3779sqm of educational institution at the Capel Manor College Farm Site (Use Class D1) of which 3399sqm comprises educational buildings and 380sqm comprises ancillary shelters/ outbuildings; and up to 16,352 sqm of residential (Use Class C3) accommodation to provide up to 210 residential dwellings, together with associated and ancillary works including utilities and surface water drainage, plant and equipment. Full planning permission is sought for alteration to highways access at Anerley Hill Gate entrance, Penge Gate car park, Old Cople Lane (Rockhills Gate), Sydenham Gate car park and the creation of three additional accesses for the residential development at Rockhills and Sydenham Villas. (amended description).
- 4.1.4 Under reference: 20/03619/DET planning permission is pending consideration for Details of layout pursuant to outline permission DC/07/03897/OUT granted by the Secretary of State on 13th December 2010 for comprehensive phased scheme for landscaping and improvement of the Park comprising the demolition of and alterations to existing buildings and structures including the removal of existing hard surfaces; changes of use including part of the caravan site to public open space and the museum to a park rangers base; the erection of new buildings and structures for various uses including museum, park maintenance facilities, community facility, information kiosk, greenhouses, retail kiosks, cafes, toilets, classroom, childrens nursery, treetop walk, college and up to 180 residential dwellings; erection of a new regional sports centre including indoor swimming pool; alterations to ground levels with new pedestrian paths, vehicular access roads, car park, highway works, water features, together with associated and ancillary works, plant and equipment (part outline/part full application).

- 4.1.5 Under reference: 19/03578/FULL1 planning permission was granted for Construction of a footbridge in Crystal Palace Park for access to the Crystal Palace Dinosaurs on Dinosaur Island.
- 4.1.6 Under reference: 19/03579/LBC planning permission was granted for Construction of a footbridge in Crystal Palace Park for access to the Crystal Palace Dinosaurs on Dinosaur Island (Listed Building Consent).
- 4.1.7 Under reference: 16/02679/FULL1 planning permission was granted for proposed formation of skatepark (outdoor wheeled sports area) with associated landscaping/ excavation/ regrading works on land adjacent to sports pitches.
- 4.1.8 Under reference 15/03106/FULL1 planning permission was granted for the demolition of the existing café building and the erection of a replacement café.
- 4.1.9 Under reference 07/03897 outline planning permission was granted (subject to the prior completion of a Section 106 agreement and subject to numerous planning conditions) for the Masterplan which proposed a comprehensive phased scheme for landscaping and improvement to the Park in its entirety, which included, inter alia, new residential development and a Regional Sports Centre.

5. CONSULTATION SUMMARY

A) Statutory

Legal (Summary) – *Acceptable*

The proposals would not constitute development under Section 55 of the Town and Country Planning Act.

B) Local Groups

- No objections were received from residents' groups

C) Adjoining Occupiers

One letter of objection was received from a local residents which is summarised below:

- The last Lightopia was absolutely atrocious
- The sculptures looked like something from a low budget film
- Please don't let this happen again

6. POLICIES AND GUIDANCE

6.1.1 Section 192 of the Town and Country Planning Act 1990 is the relevant legislation along with Section 55 of the Town and Country Planning Act and Class B, Part 4 of the GPDO.

Certificate of lawfulness of proposed use or development.

(1) If any person wishes to ascertain whether—

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, on, over or under land,

would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

(2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(3) A certificate under this section shall—

(a) specify the land to which it relates;

(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

(c) give the reasons for determining the use or operations to be lawful; and

(d) specify the date of the application for the certificate.

(4) The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.]

6.1.2 Section 55 of the Act sets out the meaning of “*development*” for which planning permission could be required.

Part (1) defines “development” for the purposes of planning legislation. It states that “development” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. For the purposes of this Act “building operations” includes—

“(a) *demolition of buildings;*

(b) *rebuilding;*

(c) *structural alterations of or additions to buildings; and*

(d) *other operations normally undertaken by a person carrying on business as a builder.*”

6.1.3 Class B of Part 4 (Temporary Buildings and Uses) of Schedule 2 to the GPDO already permits the temporary use of land (excluding buildings) for 28 days, subject to limitations and conditions.

6.1.4 Class A (Additional temporary use of land during the relevant period) in the new Part 4A (Temporary Changes of Use) of Schedule 2 provides an additional 28 days (in addition to the period granted under Class B of Part 4) for the temporary use of land. This is reduced to an additional 14 for the holding of a market or motor car and motorcycle racing including trials of speed, and practising for these activities.

7. ASSESSMENT

7.1.1 The light trail will be a temporary event taking place within Crystal Place Park between the 28th October 2022 and 12th January 2023 for members of the public to enjoy a walking Christmas light trail. The public event will be ticketed and open at 5pm each day and finish by 10pm. Crystal Palace Park will be fully open to the public during the day. The event will begin after the park has closed which is between 4-4.30pm (during winter months).

7.1.2 Having considered the details of the proposal as set out in the application, it is concluded that the proposed temporary event does not amount to “*development*” under Section 55 of the Town and Country Planning Act 1990, as there is no material change of use of the land and that the temporary placing of light installations and other works do not comprise building or engineering operations in, on, over or under the land.

7.1.3 Under Section 192 of the Town and Country Planning Act 1990 a lawful development certificate can therefore be granted for a temporary light trail exhibition within Crystal Place Park.

7.2 CIL

7.2.1 CIL would not be payable on this proposal.

8 CONCLUSION

8.1.1 Having regard to the above, the Lawful Development can be granted.

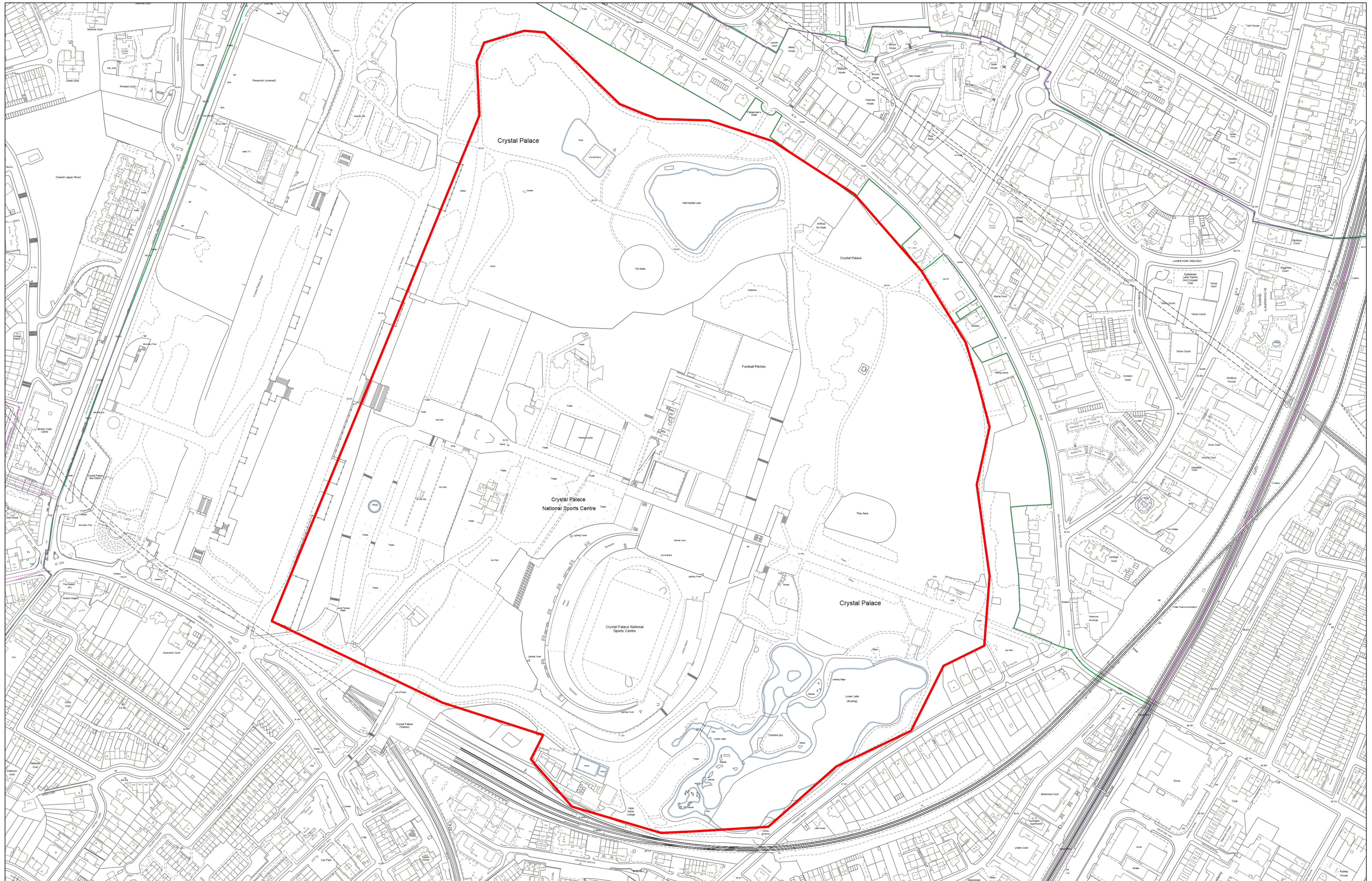
8.1.2 Background papers referred to during production of this report comprise all correspondence on the file ref(s) DC/22/03065/PLUD & DC/21/0368/PLUD as set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: CERTIFICATE BE GRANTED

Reason:

The proposals do not constitute development as defined in Section 55 of the Town and Country Planning Act and therefore the Lawful Development Certificate should be granted.

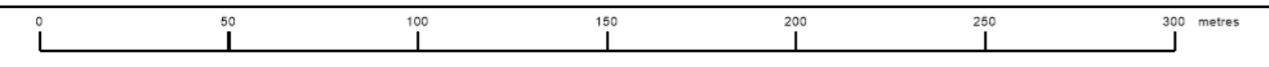
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