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DATE: 26 July 2023

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

Councillor Alexa Michael (Chairman)
Councillor Christine Harris (Vice-Chairman)
Councillors Jonathan Andrews, Graeme Casey, Kira Gabbert, Colin Hitchins,
Jonathan Laidlaw, Ruth McGregor, Tony Owen and Mark Smith

A meeting of the Plans Sub-Committee No. 1 will be held at Bromley Civic Centre on
THURSDAY 3 AUGUST 2023 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 0208 461 7638

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 13 APRIL 2023**
(Pages 1 - 4)
- 4 **PLANNING APPLICATIONS**

Report No.	Ward	Page No.	Application Number and Address
4.1	Chislehurst	5 - 18	(22/03120/ELUD) - 96 Imperial Way, Chislehurst, Kent, BR7 6JR
4.2	Chislehurst	19 - 32	(23/01167/FULL6) – Pickwick, Kemnal Road, Chislehurst, Kent, BR7 6LT
4.3	Darwin	33 - 54	(23/01388/FULL1) – Archies Stables, Cudham Lane North, Cudham, Sevenoaks, TN14 7QT

5 **CONTRAVENTIONS AND OTHER ISSUES**

NO REPORTS

6 **TREE PRESERVATION ORDERS**

NO REPORTS

7 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000**

The Chairman to move that the Press and public be excluded during consideration of the items of business listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

<u>Items of Business</u>	<u>Schedule 12A Description</u>
8 PART 2:(22/03120/ELUD) - 96 IMPERIAL WAY, CHISLEHURST, KENT, BR7 6JR (TO FOLLOW)	Information relating to any individual.

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 13 April 2023

Present:

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

17 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Ward Councillor Jonathan Andrews.

18 DECLARATIONS OF INTEREST

Councillor Joel voluntarily announced he was a personal friend of the applicant for agenda item 4.2.

19 CONFIRMATION OF MINUTES OF MEETING HELD ON 9TH FEBRUARY 2023

The minutes of the meeting held on 9th February 2023 were agreed and signed as a correct record.

20 PLANNING APPLICATIONS

20.1 (22/04204/PLUD) - 5 Leaves Green Crescent, Keston BR2 6DN DARWIN

Siting of a caravan/mobile home within the rear garden area of the existing property for purposes incidental to the enjoyment of the dwelling house as such. Lawful Development Certificate (Proposed).

The representative from the Planning Department explained that the application had been called in by Ward Councillor Jonathan Andrews. He stated that the size of the caravan/mobile home was 18 metres long by 6.7 metres wide and this fitted within the remit of the Caravan Act. He stated that the proposal would not comprise operational development and would not comprise a material change in the use of the land and was not a permanent

structure. In his view therefore, the proposal would be lawful development under the Town and Country Planning Act 1992 and recommended that the lawful development certificate be granted.

An oral representation in support of the application was received by the applicant's representative. He pointed out that the application (as noted by the Planners) did not constitute operational development or a change in use of the land. The proposals met the legal requirements of the Caravan Act. He said that the fact that the application was in the Green Belt did not affect the lawfulness of the application. It was the case that the applicant had three young children and was seeking to benefit from the space that could be used as the applicant was fortunate to benefit from a large curtilage.

The Chairman noted that for this application to progress, a tree would need to be felled. She said this had not been noted in the report and asked the applicant's representative if the applicant would be prepared to replace the tree. The applicant's representative replied that he was not in a position to answer that question specifically as this was up to his son and his son was currently abroad. He said that he would mention this to his son and he expected his son to be flexible in this regard.

A Member asked if the applicant would be prepared to make the development smaller if required. The applicant's representative responded that he would not be able to commit his son in this way. He said that his son had three children and would have carefully considered his needs before submitting the application.

A Member queried how the caravan would get onto the site as this was not obvious from the drawings. The applicant's representative said that he was not sure, but he was aware that caravans could be moved on wheels using a trailer or in some cases were 'craned' in. He said that his son was an intelligent person and would have worked out how to get the caravan on site. A Member commented that there was a large gate that would facilitate entry and the report indicated that the caravan would be brought in by a Range Rover.

A Member queried why there was a need for a bathroom. She commented that many schools used external buildings that did not have toilet facilities. She queried if it was the case that anyone would struggle to get to the toilet. The applicant's representative said that it was not uncommon for large caravans to have bathroom facilities. It was noted that the distance from the caravan to the house was approximately 30 metres. A Member commented that this being the case, she did not understand why a bathroom was required.

A Member noted that the plans showed a music room with a piano, drums and a digital mixing area. He asked if his son played any of these instruments and if the applicant's representative was aware of what specifically the caravan/mobile home was going to be used for. The applicant's representative said that he was not able to say exactly what his son's plans were. He said that he was not aware if his son played these instruments or not. It was noted that the caravan/mobile home would be connected to electric and water supplies.

A Written representation was received from Ward Councillor Jonathan Andrews. He proposed refusal of the application for the reasons outlined in his representation, but suggested that if this was not possible, that consideration be given to reducing the size of the caravan/mobile home, as in his view the size as proposed in the report was significant. Alternatively, he suggested the imposition of conditions like restricting the use of the caravan/mobile home solely for the purposes outlined in paragraph 3.3 of the report.

A vote was taken on the motion to refuse the application. This motion was agreed by all committee members with the exception of Cllr Christine Harris who had recommended that the proposal be agreed as outlined in the report.

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

In light of the failure by the speaker on behalf of the applicant to confirm the applicant has a musical and computer/digital mixing hobby and the size of the caravan (absolutely and relative to the main dwelling), it is not considered that the caravan would be incidental to the enjoyment of main dwellinghouse as such. Its siting would therefore be unlawful.

20.2

Chelsfield

(23/00246PLUD) - Lilly's, Chelsfield Lane, Orpington, BR6 6NN.

Replacement windows from wooden double glazed frames to aluminium/UPVC double glazed frames. Replacement front and back door from wooden to composite doors. Provide an opening to allow for a small non-opening window to the east ground floor.
LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)

Members having considered the report, objections and representations **RESOLVED THAT THE DEVELOPMENT CERTIFICATE BE GRANTED** as recommended.

The meeting ended at 7.36pm

Chairman

Agenda Item 4.1

Committee Date	03.08.2023	
Address	96 Imperial Way Chislehurst BR7 6JR	
Application Number	22/03120/ELUD	Officer - Victoria Wood
Ward	Chislehurst	
Proposal	Change of use from use class C3 to C4 HMO LAWFUL DEVELOPMENT CERTIFICATE (EXISTING)	
Applicant	Agent	
Mr Hoffman	Mr. Stern	
96 Imperial Way Chislehurst BR7 6JR	Unit 9B Fountayne Road Tottenham Hale London N15 4BE	
Reason for referral to committee	Councillor call in	
	Call-In	Yes - Cllr Mike Jack Concern over impact on local residents.

RECOMMENDATION	Existing Use/Development is Lawful
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<p>KEY DESIGNATIONS</p> <p>Article 4 Direction Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 16</p>

Representation summary	Neighbour letters sent 25.08.2022
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Total number of responses	5
Number in support	0
Number of objections	5

UPDATE

This application was deferred by members on the 9th February 2023 for further information as to whether the use commenced before 1st September 2022 and for copies of the applicant's evidence to be provided to Members.

Additional information has been provided by the applicant and neighbouring residents which can be summarised as follows:

Applicant –

- Statement from the builder
- Invoices from: builder supplier, plumber, kitchen and bathroom and carpet fitters
- Additional rental statements from 3 tenants covering the period from 20th July 2022 – 20th December 2022

Neighbours –

- Timeline of events from the neighbour's perspective
- Declarations from 5 residents and a Ward Councillor stating that "*to the best of my knowledge there were no persons living at 96 Imperial Way ... before the 1st September 2022*"

The report is repeated below and updated where necessary.

Prior to the meeting Members will be provided with a confidential pack containing all the supporting documents provided by the applicant and local residents.

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 1.1. The proposal seeks formal confirmation from the Council that the use of the dwellinghouse as a 6 bedroom – 6 person C4 House in Multiple Occupation is lawful.
- 1.2. Lawfulness is only assessed as of 2 August 2022, which was the date of the application. This predates the Article 4 Direction removing permitted development rights for a change of use –to small HMOs, which took effect on

1 September 2022. As such the property continued to benefit from the permitted development right under Class L on the date the application was submitted, and the certificate can only be assessed on this basis.

2. LOCATION

- 2.1. The application site hosts a mid-terraced two storey dwelling on the north-easter side of Imperial Way, Chislehurst. The property was originally a is a 3 bedroom property with a single storey rear extension recently constructed.



Figure 1: Site Plan

3. PROPOSAL

- 3.1. The proposal seeks formal confirmation from the Council that on the date of the application it was lawful to use the property as a small C4 HMO of 6 rooms for up to 6 people in total.

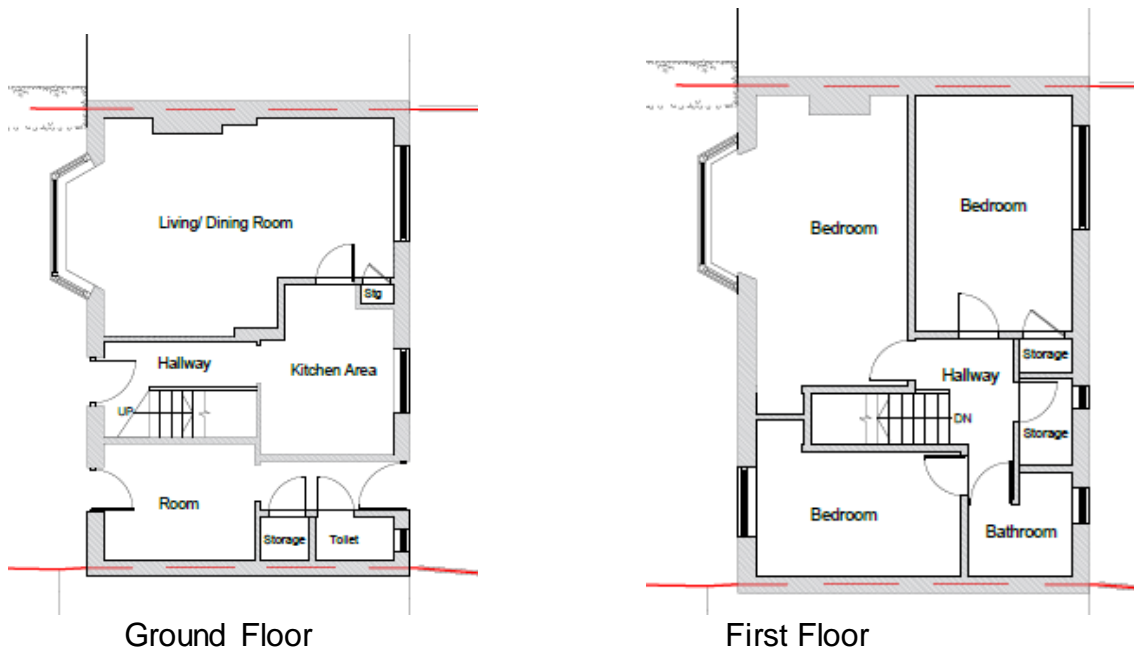


Figure 2: Pre-Existing Floor Plans

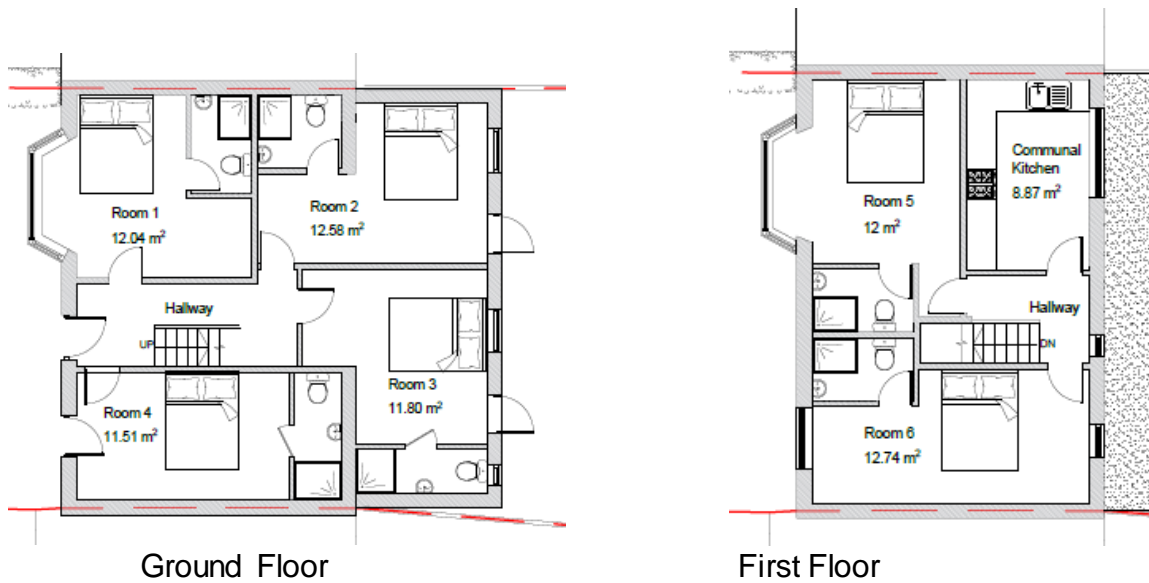


Figure 3: Existing Floor Plans (After conversion to HMO)

4. RELEVANT PLANNING HISTORY

4.1. There is no relevant or recent planning history.

5. CONSULTATION SUMMARY

A) Statutory

- 5.1. There is no requirement to consult any statutory consultees due to the nature of this application. Comments have however been sought which can be summarised as follows:
- 5.2. Environmental Health Housing: No objections – a licence was issued on 18.08.2022.

B) Adjoining Occupiers

The application is for a Lawful Development Certificate for an Existing Use, as part of the Council's commitment to the statement for community involvement adjoining neighbours were notified of the application. Comments were received which have been summarised below for Member's information however, not all are relevant to assessing an application for the lawfulness of the use or development claimed. They have therefore been separated accordingly.

Material:

- This was not occupied as an HMO in July, it has only been builders until 7th September
- Builders' materials/skips etc only removed in September which confirms that the premises was not occupied before then
- Noise and disturbance associated with this number of unrelated people living in this house
- Property was not used as an HMO until after 9th September
- Timeline of the property as viewed from the residents including photographs
- Signed declarations from 5 neighbours and a Ward Councillors stating that to the best of their knowledge the property was not occupied prior to 1st September 2022.

Immaterial:

- loss of a family dwelling house
- This house was owned privately and possibly part owned by a housing association
- This is a family area close to shops and schools
- HMO not appropriate in this area
- Concern over 6-12 strange adults living in the property
- Concern over the occupants and background/vetting process of new tenants
- Concern that not all neighbours were notified of development
- No party wall agreement was sought/carried out
- Noise and disturbance during construction works
- Damage to neighbouring fences
- Concern over the unauthorised rear extension which was built
- Loss of privacy/daylight from extension

- Other neighbours have been refused planning permission for similar extensions
- Concern over increase in parking
- This road is a busy bus route
- Property not maintained

Please note the above is a summary of objections received and full text is available on the Council's website.

6. POLICIES AND GUIDANCE

Housing Act (2004)

Town and Country Planning Act (1990)

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

National Planning Practice Guidance (NPPG)

Permitted development rights for householders Technical Guidance 2019

- 6.1. This proposal must be assessed against Class L, Part 3 of Schedule 2 of the General Permitted Development Order 2015 (as amended), specifically whether it conflicts with any of the limitation/conditions therein.
- 6.2. In order to qualify as an HMO, the property must be used in a way which meets 7 criteria, which are discussed below. Finally, as this is an application for an existing (rather than proposed) use, the change of use must have actually occurred. This does not necessarily mean that on the application date 6 tenants had to be living in the property. This is one factor to take into account along with others, such as the physical state (e.g. whether there conversion works ongoing).
- 6.3. If an application includes a statement or document which was false in a material particular or if any material information was withheld, the Council may subsequently revoke that certificate. In addition an applicant can be guilty of certain crimes, such by deliberately making false statements or submitting forged documents,
- 6.4. It is not anticipated that determination of this application would adversely affect any of the objectives to be considered under the public sector equality duty.

7. ASSESSMENT

7.1 Procedural Matters

- 7.1.1. Lawfulness is only assessed as of the date of the application submission, which predates the Article 4 Direction removing permitted development rights for a change of use under Class L - small HMOs to dwellinghouses and vice versa. It is a matter of fact that the property continued to benefit from permitted development right under Class L on the date the application was submitted and the certificate must be assessed on this basis.
- 7.1.2. Representations received on this application are noted, however as this is a Lawful Development Certificate matters relating to the planning merits of the proposal cannot be taken into consideration and do not affect the lawfulness of the proposal. Furthermore, some of the comments relate to car parking, disturbance from construction and building works etc., and those matters are private civil matters to be addressed and managed by the parties concerned and are not for consideration by the Council and/or under this Lawful Development Certificate. Furthermore, those matters would appear to be capable of being controlled or managed by the private landowner or by other consents required such as, environmental health and HMO licence.
- 7.1.3. This application must be assessed on the civil balance of probabilities test. The Government guidance states that, if a Local Planning Authority has no evidence itself, nor from any others, to contradict or otherwise make the Applicant's version of events less than probable, there would be no good reason to refuse the application, provided that the Applicant's evidence alone is sufficiently precise and unambiguous.

7.2 Evidence/information

- 7.2.1 The following information has been provided by the applicant/agent to support the application:
- Existing and pre-existing floor plan drawings,
 - Assured Shorthold Tenancy Agreement for the following tenants:
 - Ms A (Unit1) dated 20.07.2022- 19.01.2023
 - Mr B (Unit 2) dated 20.07.2022 – 19.01.2023
 - Mr C (Unit 3) dated 20.07.2022 - 19.01.2023
 - Planning Statement
 - Statutory Declaration
 - Tenancy Deposit Protection x3
 - Invoices from builders merchants, plumber, kitchen and bathroom suppliers and carpet fitters
 - Rental Statements x3
 - Letter from the builder who carried out the works.

7.2.2 Information from 3rd Parties

- Timeline of the property as viewed from the residents including photographs
- Signed declarations from 5 neighbours and a Ward Councillors stating that to the best of their knowledge the property was not occupied prior to 1st September 2022.

7.2.3 Council's Evidence

- Council Tax records
- HMO Licensing records

7.3 Class L - small HMOs to dwellinghouses and vice versa

7.3.1 Class L Part 3 of Schedule 2 of the GPDO relates to the change of use of small HMOs to dwellinghouses and vice versa and states as follows:

7.3.2 L. Development consisting of a change of use of a building-

- (a) from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;
- (b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.

7.3.3 According to the Council's records, submitted details and site observations the dwelling would have fallen within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order at the time the application was submitted. The development consists of a change of use of the existing dwelling (C3 dwellinghouse) to use falling within Class C4 (small houses in multiple occupation) as permitted by Class L paragraph L(b).

7.3.4 L.1 Development is not permitted by Class L if it would result in the use—

- (a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or
- (b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.

- 7.3.5 According to the submitted details the development would not result in the use as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) and as such it does not conflict with Class L paragraph L.1(b).
- 7.3.6 According to the Interpretation of the Order: "dwellinghouse", except in Part 3 of Schedule 2 to this Order (changes of use), does not include a building containing one or more flats, or a flat contained within such a building.

7.4 Criteria for an HMO

- 7.4.1 Under the Town and Country Planning (Use Classes) Order 1987 (as amended), an HMO must meet the following characteristics, which will be assessed in turn.
- 7.4.2 **(i)** Consists of one or more units of living accommodation not consisting of a self-contained flat or flats: The submitted drawings show six separate bedrooms, all with their own private en-suite shower-rooms, but a shared kitchen on the first floor. As a result there are no self-contained flats.
- 7.4.3 **(ii)** The living accommodation is occupied by persons who do not form a single household: This has been confirmed by the applicant in a Statutory Declaration.
- 7.4.4 **(iii)** The living accommodation is occupied by those persons as their only or main residence: This has been confirmed by the applicant in a Statutory Declaration.
- 7.4.5 **(iv)** Their occupation of the living accommodation constitutes the only use of that accommodation: This has been confirmed by the applicant in a Statutory Declaration.
- 7.4.6 **(v)** Rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation: The tenancy agreements require the occupiers to pay rent. In addition, 3 tenancy deposit certificates have been provided showing a tenancy start date of 20 July 2022.
- 7.4.7 **(vi)** Two or more of the households who occupy the living accommodation share one or more basic amenities (being a toilet, personal washing facilities, or cooking facilities): The drawings do not show a kitchen anywhere other than on the first floor, so all of the occupiers must share those cooking facilities.
- 7.4.8 **(vii)** There are no more than 6 residents: This has been confirmed by the applicant in a Statutory Declaration.

7.5 The change of use has occurred

- 7.5.1 The Council is mindful of the Government guidance that if it has no evidence itself, nor from any others, to contradict or otherwise make the Applicant's version of events less than probable, there would be no good reason to refuse the application.
- 7.5.2 The Council's evidence/information including Council Tax which have recorded the landlord as paying Council Tax for the property as an occupied house as they would for an HMO and Licensing records confirm that an HMO license was granted on the 18.08.2022. It is acknowledged that this this does not conclusively confirm that the property has been used as a Use Class C4 small HMO. The Applicant has provided evidence, comprising Assured Shorthold Tenancy Agreements for each of the tenants at that time, together with Tenancy deposit protection, rental agreements, letter from the builder, invoices for the building materials etc and a statutory declaration. The Statutory Declaration confirms that the property was converted and in use as an HMO from July 2022. The builders letter confirms that the property was converted from the 1st floor down, with the advice from the landlord that once the first floor works are completed they will be in a position to let the rooms on the first floor. The builder has confirmed that they completed the first floor 2 rooms and 1 communal kitchen on the first floor on the 12th July 2022. On the 17th July 2022 they completed the works for the room at the rear of the house. The works continued on the remaining rooms while 3 residents moved in on the first floor and into the rear room on the ground floor. They state that the building work was completed around 28th August 2022 and materials remained on site for approximately 1 week after this date.
- 7.5.3 It is noted that representations have been made stating that building materials and a skip were not removed until early September 2022, nevertheless this does not indicate what was happening inside the property and if the property had been converted and inhabited.
- 7.5.4 A timeline with photographs has been provided by neighbours. This states that emails were sent to Bromley council advising of out of hours/unsociable building works through July and August which disproves that the property was in occupation prior to 1st September. There are records held by the Council confirming that building works were underway in July. There are photographs dated 4 and 5th September showing two rooms were unoccupied with new furniture still wrapped. It is unclear from the information provided which rooms these were. Further photographs are showing that the skip to the front was removed around the 6th September and that blinds were only fitted to the property around the 9th September.
- 7.5.5 The local residents state that the first room to be occupied was bedroom 2 on the 11th September, followed by bedroom 3 on 16th/17th September.
- 7.5.6 There have been no photographs provided by any objector from the inside of the property from July, August or the beginning of September. Signed statements have been provided from 5 neighbours and a Ward Councillor

stating that to the “*best of their knowledge*” the property was not occupied as an HMO. However, no firm and conclusive evidence to contradict the evidence provided by the applicant has been provided to confirm that the first floor rooms were not occupied or one of the rear rooms at ground floor level. Whilst it may be accepted that blinds were only installed around 9th September this in itself is not conclusive evidence that there was not a person occupying the room or any of the first floor rooms.

7.5.7 Given the Applicant's information and the information/absence of information available to the Council, and on the balance of probabilities, it has been demonstrated that the property was in Use as a Use Class C4 small HMO prior to 1st September 2022.

7.5.8 Given that the Article 4 Direction prevents the change of Use from C3 dwellinghouse to C4 small HMO the provisions of Class L of the General Permitted Development Order 2015 (as amended) do not apply.

8 CONCLUSION

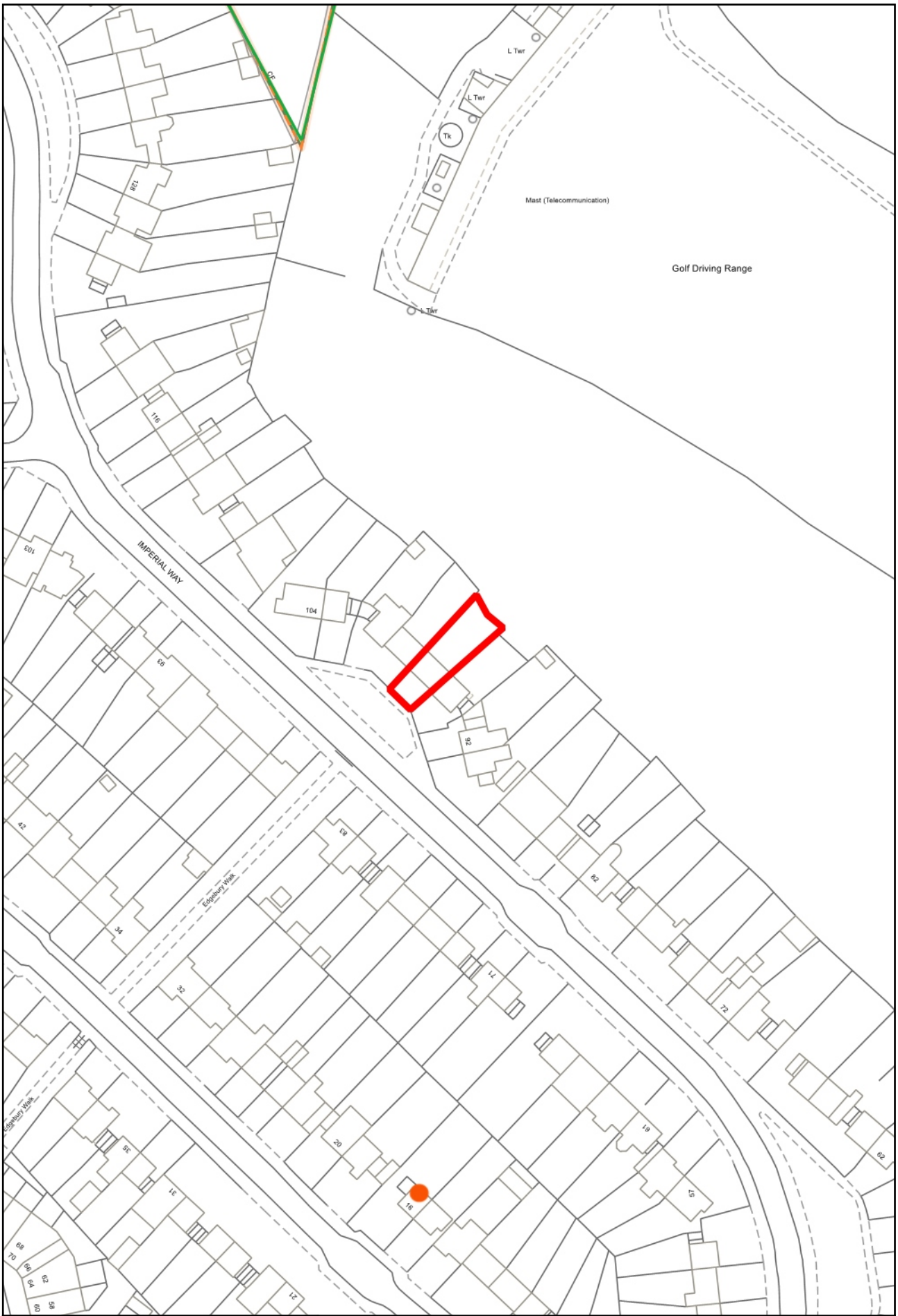
8.1 According to the submitted details and the information/evidence available the property is in Use as a Use Class C4 small HMO, before 1 September 2022 and therefore before the Article 4 Direction preventing for the formation of Use Class C4 small HMOs came into effect, and it is recommended that an existing lawful development certificate is granted.

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: Existing Use/Development is Lawful

On the balance of probabilities, the change of use to a small HMO within Class C4 took place prior to 1st September 2022 and was permitted by virtue of Class L(b) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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 Ordnance Survey 100017661.


22/03120/ELUD



25 July 2023

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Agenda Item 4.2

Committee Date	03.08.2023	
Address	Pickwick Kemnal Road Chislehurst BR7 6LT	
Application Number	23/01167/FULL6	Officer - Manpreet Virdi
Ward	Chislehurst	
Proposal	First floor side extension	
Applicant	Mr Alexey Luzhnov	Agent Mr Ian Hubbarde
	Pickwick Kemnal Road Chislehurst Bromley BR7 6LT	The Grange 20 Market Street Swavesey Cambridge CB24 4QG
Reason for referral to committee	Side space	Councillor call in No

RECOMMENDATION	Permission
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding area Conservation Area London City Airport Safeguarding Smoke Control Tree Preservation Order</p>
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Representation summary	<ul style="list-style-type: none"> • Neighbour letters were sent 24.03.2023 • A Statutory site notice was displayed at the site between 24.03.2023 • A press advert was published on 05.04.2023
Total number of responses	0
Number in support	0
Number of objections	0

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in a harmful impact on the character of the Chislehurst Conservation Area.
- The development would not result in a harmful impact on the appearance of the host dwelling.
- The development would not have a significantly harmful impact on the amenities of neighbouring residents.

2 LOCATION

- 2.1 This detached two storey dwelling is located on the Western side of Kemnal Road, within the Chislehurst Conservation Area. The site is covered by an Area Tree Preservation Order (TPO) made in 1971. There is an Oak tree belonging to neighbouring property Selwood House which overhangs the southern side boundary.
- 2.2 The surrounding area is characterised by a mixture of detached dwellings and large flatted developments set within spacious grounds.



Figure 1: Site Location Plan



Figure 2: Front of the property



Figure 3: Rear of the property

3 PROPOSAL

- 3.1 It is proposed to construct a first floor storey side extension above the garage which would extend up to the side boundary with shared with Selwood House.
- 3.2 The first floor element of the proposals would be in line with the front and rear elevation of the main dwelling house and would align with the side elevation of the existing ground floor. The roofline would match the height of the main roof ridge.
- 3.3 The application is supported by the following documents:
 - Revised Arboricultural Impact Assessment and Method Statement
 - Revised Tree Plan
 - Design and Access Statement



Figure 4: Existing floor plans

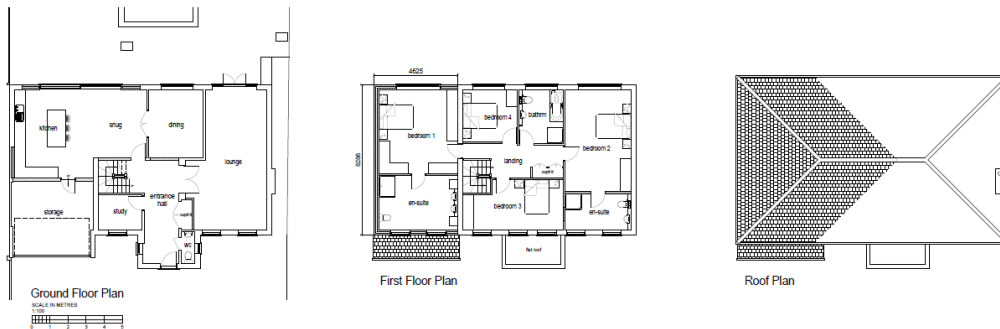


Figure 5: Proposed floor plans

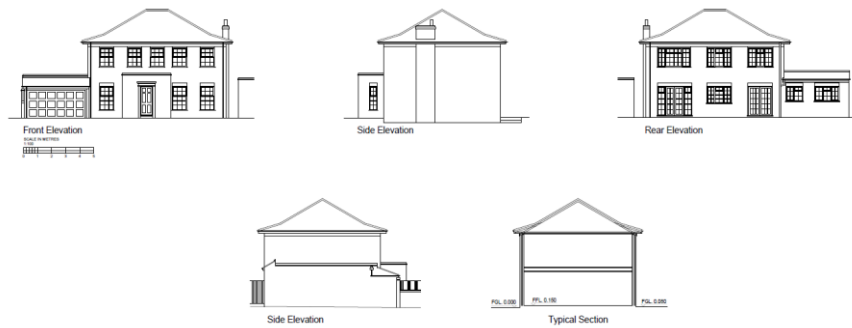


Figure 6: Existing elevations

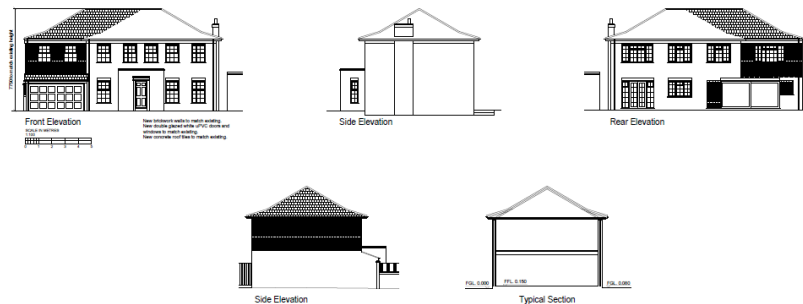


Figure 6: Proposed elevations

4 RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 85/01530/FUL - Single storey side extension and front extension to existing garage detached house - GRANTED 07.08.1985.
- 4.3 15/00401/FULL6 - Single storey rear and first floor side extensions – REFUSED 09.04.2015 for the following reason:

'The proposal does not comply with the Council's requirement for a minimum 1 metre side space to be maintained to the flank boundary in respect of two storey development in the absence of which the extension would constitute a cramped form of development, out of character with the street scene and the area, conducive to a retrograde lowering of the spatial standards to which the area is at present developed and contrary to Policies BE1, H8 and H9 of the Unitary Development Plan.'

This application was subsequently allowed at appeal. The Inspector stated that:

"the justification for the policy explains that its purpose is to retain space around residential buildings and to ensure their adequate separation and prevent a cramped appearance and "terracing", as well as safeguarding the privacy of adjoining residents.

In this case the flank boundary of the plot where the extension is proposed is to a copse of woodland including protected trees within the ground of the Willet House case home and the appellant has pointed out that the nearest building is at a distance of 19m. Bearing in mind both that land use and the protected trees, there is firstly no issue of the two-storey development on the appeal site needing to be separated from another existing building, and secondly little realistic prospect of additional housing being permitted close to the boundary in the longer term...I therefore conclude that the appeal scheme would not have any adverse effect on the character and appearance of the area..."

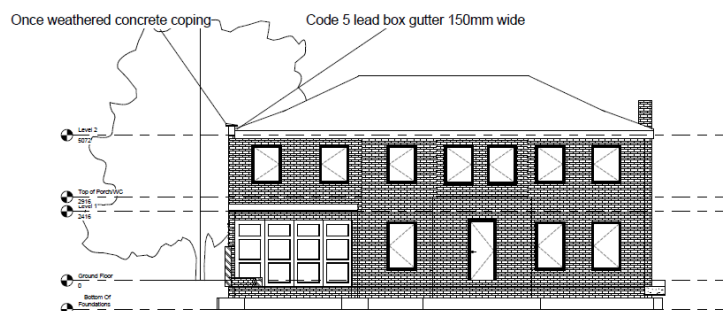


Figure 7: 15/00401/FULL6 - Proposed front elevation

4.4 15/00401/AMD - Amendment: To reduce the size of the approved ground floor rear extension - Approve Non Material Amendment - APPROVED 22.10.2015.

4.5 21/05761/FULL6 - First floor side extension above existing garage to create one additional bedroom with en-suite bathroom - REFUSED 12.09.2022 for the following reason:

'The proposed first floor extension, by reason of its flat roof design, would detract from the appearance of the dwelling and would have a harmful impact on the character and appearance of Chislehurst Conservation Area, thereby contrary to Policies 6, 37 and 41 of the Bromley Local Plan, and the NPPF.'



Figure 8: 21/05761/FULL6 – Proposed front elevation

4.6 22/03085/FULL6 - Installation of 2 rooflights to flat roof above kitchen, alteration of existing window in west elevation to form French doors to kitchen and removal of single door and adjoining window to form one window to kitchen RETROSPECTIVE APPLICATION - GRANTED 03.10.2022.

5 CONSULTATION SUMMARY

A) Statutory/Non-Statutory

5.1 Conservation:

No objection in principle as this is a 1980s house. However, this proposal is not subservient and overly large and should be set back and down and off the boundary. The advisory panel for Conservation Areas (APCA) also raised objection.

5.2 Trees:

An objection was initially raised to the above proposal due to the unacceptable risk of harm to valuable Oak tree that is a significant feature of the street scene, to be pruned.

However, the revised tree report/ Plan and an additional site inspection has indicated that the tree has not come to leaf this spring and appears to be of poor health.

On balance it is therefore considered that given the fate of the tree, no objections are raised.

B) Adjoining Occupiers

No adjoining occupier comments have been received.

6 POLICIES AND GUIDANCE

6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

6.3 The National Planning Policy Framework was published on 20th July 2021, and is a material consideration.

6.4 The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2021). The NPPF does not change the legal status of the development plan.

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

The London Plan

- D1 London's form and characteristics
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- HC1 Heritage conservation and growth

Bromley Local Plan 2019

6	Residential Extensions
8	Side Space
37	General Design of Development
41	Conservation Areas
43	Trees in Conservation Areas
73	Development and Trees
123	Sustainable Design and Construction

Supplementary Planning Guidance

Chislehurst Conservation Area SPG
Urban Design Supplementary Planning Document (July 2023)

7 ASSESSMENT

7.1 Resubmission

7.1.1 The 2021 application (ref.21/05761) proposed a first-floor side extension with a similar design to the current application; however with a flat roof. It was proposed to be built up to the side boundary above the existing garage abutting the southern boundary. The application was refused on the basis of the flat roof design which would detract from the appearance of the dwelling and have a harmful impact on the character and appearance of the Chislehurst Conservation Area.

7.1.2 To address this recent refusal, a pitched roof has been added to the proposed extension, resulting in a similar scheme to that which was allowed at appeal in 2015 as set out in the planning history section above.

7.2 Design and Heritage impact – 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 London Plan and Bromley Local Plan (BLP) policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

7.2.3 Policies 6 and 37 of the Bromley Local Plan (BLP) and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.

7.2.4 Policy 8 of the BLP requires a minimum separation of 1m to be retained to the flank boundaries of the site in respect of two storey development for the full height of the extension.

- 7.2.5 The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.
- 7.2.6 Paragraphs 202 and 203 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset
- 7.2.7 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 7.2.8 Policy 41 of the Bromley Local Plan (BLP) requires development in a conservation area to preserve and enhance its characteristics and appearance by:
- (1) Respecting or complementing the layout, scale, form and materials of existing buildings and spaces;
 - (2) Respecting and incorporating in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and
 - (3) Using high quality materials.
- 7.2.9 As with the previous schemes in 2015 and 2021, the proposed first floor side extension would extend up to the boundary at first floor level. It is noted that, the presence of the term 'normally' in the body of Policy 8 implies a need for discretion in the application of the policy, having regard to several factors including the characteristics of the site and its surroundings, the precise nature of the proposal and the objectives of the policy as set out in the explanatory text.
- 7.2.10 Kemnal Road is characterised by large, detached dwellings within large plots, many of which provide a variety of side space to the flank boundaries. It is considered important to preserve the areas of side space which do exist in order to retain the character and appearance of the Conservation Area.

- 7.2.11 The design of the extension would be very similar to the one allowed at appeal under ref: 15/00401/FULL6. When considering the appeal, the Inspector noted that the neighbouring building is approximately 19m away and given this and that Pickwick and its attached garage is already close up to the boundary and the edge of the copse, as well as being framed by trees, it was concluded that the first floor side extension would not have any adverse effect on the character and appearance of the area and there would not be in conflict with the side space policy.
- 7.2.12 The proposal would be flush with the front elevation of the host dwelling with a pitched roof design to address the previous reason for refusal relating to application ref: 21/05761/FULL6. It is noted that the Conservation Officer considers that the current proposals would not overcome the previous ground of refusal. However, the only reason for the 2021 application being refused was due to the flat roofed design of the extension and the current pitched roof design results in a similar extension to the 2015 application which was allowed at appeal
- 7.2.13 Pickwick is a modern house which is of low significance in the Conservation Area, and therefore the design of the proposed extension is considered to preserve the character and appearance of Chislehurst Conservation Area.
- 7.2.14 The proposed side extension would not appear excessive in its width and is considered to provide a sympathetic addition to the frontage of the existing dwelling. Accordingly, the overall scale of the resulting development would not be out of character with some other large properties in the area.
- 7.2.15 The extensions are indicated to be finished with materials to match the existing dwelling and this would be conditioned on any approval.
- 7.2.16 Having regard to the form, scale, siting and proposed materials it is considered that the proposed extensions would complement the host property and would not appear out of character with surrounding development or the area generally. It is therefore considered that the character of the Conservation Area would be preserved.

7.3 Neighbouring amenity - Acceptable

- 7.3.1 Policy 37 of the BLP 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.
- 7.3.2 There are no side windows proposed, and in view of the sufficient amount of separation distance from neighbouring properties it is considered that the proposal would not affect neighbouring properties by way of overshadowing, nor impact upon the daylight or sunlight

7.3.3 Having regard to the scale and siting of the development, it is considered that no significant loss of amenity with particular regard to light, outlook, prospect or privacy would arise.

7.4 Trees - Acceptable

7.4.1 Policy 43 of the Bromley Local Plan resists development where it would damage or lead to the loss of one or more significant and/or important trees in a Conservation Area unless:

(a) Removal of the tree(s) is necessary in the interest of good arboricultural practice, or

(b) The benefit of the development outweighs the amenity value of the tree(s).

7.4.2 The site is covered by an area TPO, there is an Oak tree belonging to the neighbouring property, Selwood House, and some of the branches overhang the boundary above the existing garage.

7.4.3 Whilst the previous two planning applications were not supported by tree reports, the current application includes an Arboriculture Report (18 June 2023) prepared by Simon Pryce.

7.4.4 The Arboricultural Report states that the Oak tree did not produce leaves this spring and on inspection whilst the buds had opened and started to produce catkins and young leaves, as is normal in mature oaks, this had stopped suddenly and the emerging growth was all dead. Close inspection also showed that the bark on the twigs had also died; they snapped easily and there was no live green tissue inside. The only live foliage was a handful of unhealthy leaves on twigs growing from the trunk at about 2m above ground. The report therefore concludes that if the tree does survive the failure to produce leaves this spring will be a severe setback to its life expectancy. For that reason, the tree has been downgraded to U category.

7.4.5 Notwithstanding this the application is also accompanied by a tree protection plan (TPP) to ensure the tree is safeguarded during construction work.

7.4.6 On the basis of the accompanying documents the Council's Tree Officer has advised that no objections are raised in regard to the proposal.

8 CONCLUSION

8.1.1 Having had regard to the above, it is considered that the development would not result in a significant loss of amenity to local residents and would preserve the character and appearance of Chislehurst Conservation Area.

8.1.2 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

As amended by documents received on 20.06.2023

The following conditions are recommended:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

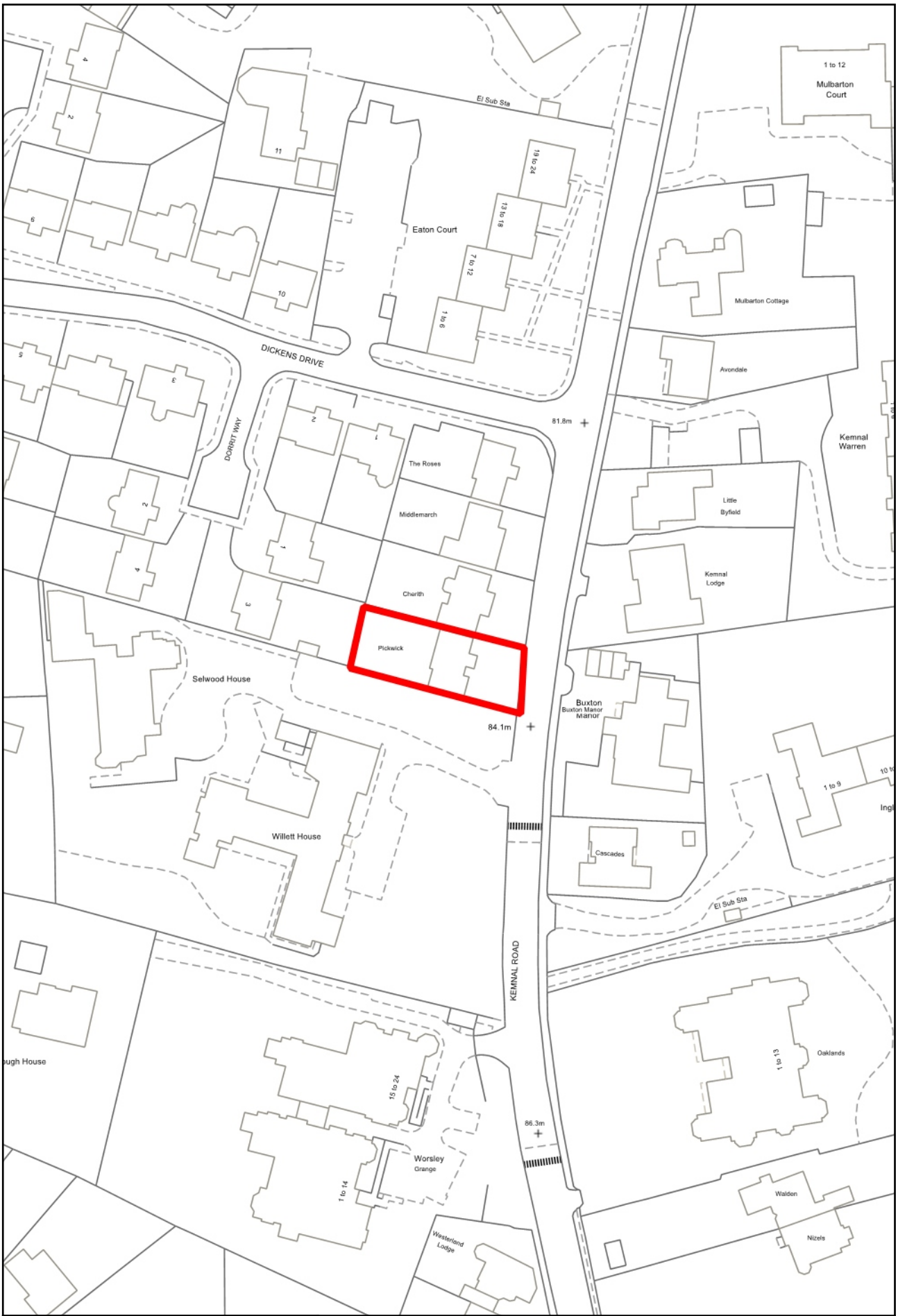
- 2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interests of visual and residential amenity.

- 3. The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.**


Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area.


And delegated authority be given to the Assistant Director: Planning & Building Control to make variations to the conditions and to add any other planning condition(s) as considered necessary.



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Ordnance Survey 100017661.

25 July 2023


23/01167/FULL6


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Agenda Item 4.3

Committee Date	03.08.2023	
Address	Archies Stables Cudham Lane North Cudham Sevenoaks TN14 7QT	
Application Number	23/01388/FULL1	Officer - David Bord
Ward	Darwin	
Proposal	Provision of additional pitch comprising one mobile home and provision of utility building	
Applicant	Agent	
Mrs Charmaine Moore	Dr Robert Home	
Archies Stables Cudham Lane North Cudham Sevenoaks TN14 7QT	Flat 3 Earl House 75 Lisson Grove London NW1 6UN United Kingdom	
Reason for referral to committee	Councillor call in	
	Call-In	Yes - Cllr Jonathan Andrews – Concern that the development would impact on road safety, Green Belt and off-site water and wastewater

RECOMMENDATION	Permission
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<p>KEY DESIGNATIONS</p> <p>Article 4 Direction Special Advertisement Control Area Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding</p> <p>Traveller Sites</p>

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Traveller Site	
Proposed	Traveller Site	

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	4	4	0
Disabled car spaces			
Cycle			

Electric car charging points	Percentage or number out of total spaces Unknown
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Representation summary	<ul style="list-style-type: none"> • Neighbour notification letters were sent on the 03.05.2023. • A site notice was displayed 04.05.2023 • A press advert was published on 17.05.2023
Total number of responses	13
Number in support	0
Number of objections	13

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would result in a total of three pitches.
- The site is a designated Traveller Site Inset Within the Green Belt.
- 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.
- A landscaping condition is considered appropriate in the interests of the visual amenity of the site.
- The accommodation provided would be of a satisfactory standard.

- Subject to a condition to ensure that the site remains in single family occupation, the highways impact of the proposal is considered acceptable.

2. LOCATION

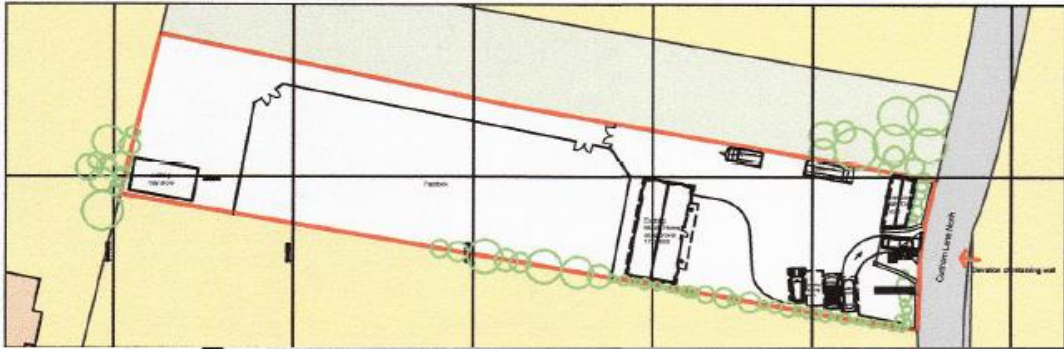


Figure 2 – site location plan

- 2.1 The front part of the application site which is the subject of this application is designated as a *Traveller Site Only, Inset Within the Green Belt*. The rear part of the site falls within the Green Belt. Cumulatively, the site measures approximately 0.25 hectares in area, with a 25.8 metre wide frontage to Cudham Lane North. A Girl Guide camp site adjoins the southern site boundary whilst the area to the north is occupied by protected woodland. The surrounding area is generally open and rural in character and contains little built development.



Figure 2 – Front of the site



Figure 3 – Location of proposed day room between mobile home and day room



Figure 4 – Location of proposed mobile home adjacent to the southern boundary

3. PROPOSAL

- 3.1 This application seeks the provision of one additional pitch on the site, which would increase the number of pitches on the site from 2 to 3. In addition, permission is sought for a utility building which would be situated toward the front of the site close to an existing stable block.
- 3.2 The basis of this application has been outlined in a supporting statement compiled by the agent. It is advised that “the applicant’s children are now grown up, with

partners but no children, and it is no longer possible to accommodate them under the existing permissions, hence the application for an additional static caravan.”

- 3.3 It should be noted that following the receipt of revised plans from the applicant on 3 July 2023 the proposed relocation of the existing stable block from the front to the rear of the site has been removed from this application. As a consequence, the size of the proposed utility day room has been reduced and it has been relocated to the rear of the existing stable block, with its overall dimensions reduced to 4.8m x 5.0m.

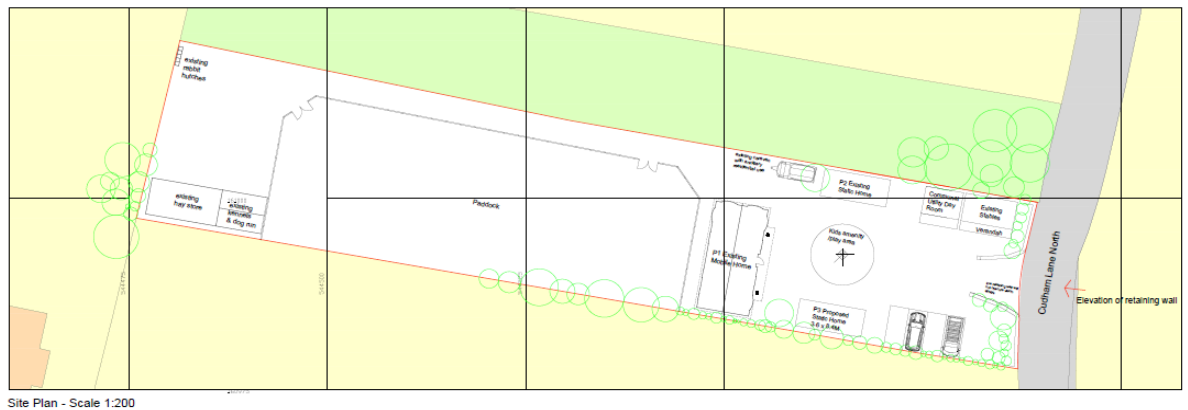


Figure 5 – Proposed site plan

- 3.4 This application is essentially a resubmission of the proposal that was considered under application ref. 17/00655/RECON2 for the variation of Condition 3 of planning permission reference 17/00655/RECON1 to increase the number of pitches on the site from 2 to 3, which was refused planning permission by the Council in October 2022.
- 3.5 An appeal against that decision was withdrawn, following confirmation from the Planning Inspectorate that the application would not be within the scope of the powers for varying conditions attached to a previous application under Section 73 of the Town and Country Planning Act 1990 (as amended), because the operative part of the planning permission, i.e. the description of development for which planning permission had originally be granted, would be amended. This application seeks permission for the same proposal in principle but through the correct route of an application for full planning permission.

4. RELEVANT PLANNING HISTORY

- 4.1 There is a detailed planning history associated with the site since 2008 which is summarised below:
- 4.2 In May 2008 planning permission was granted (under application ref: 08/00559) for a change of use of the site from agricultural land to the keeping of a horse and for the retention of a newly created access and hardstanding. The applicant indicated, in a supporting statement, that the site would be used by her daughter to practice riding her horse.

- 4.3 Under a subsequent application approved in November 2008 (ref: 08/03254), planning permission was granted for a stable and a store room and hardstanding area for horsebox and trailer parking. This application was submitted in relation to the equestrian use of the site which had been granted 6 months prior. Planning permission was also granted for a detached WC building in December 2009 (under ref. 09/02833) to be used by the applicant and her children when visiting the site.
- 4.4 In April 2009 the applicant appealed against the refusal to remove Condition 12 of application ref: 08/03254 which restricted uses within the site, including the stationing or storage of a caravan or caravans (including for the setting up or preparation for such uses or activities) at any time. The Planning Inspector considered the condition to be justified and dismissed the appeal in August 2009. The Inspector commented *“I consider that the use of the Land as it has been permitted by the Council represents its maximum capacity as an acceptable enterprise within the green belt.....To add to its intensification of its use for up to 28 days a year would be materially harmful to the openness of the area, and its character and appearance, in breach of the relevant policies of the UDP”*.
- 4.5 In April 2010 the Council refused a further application which sought to vary the above planning condition in order to permit the stationing of a caravan on the site (ref: 10/00192). The applicant explained that she sought to vary the condition should she wish to place a caravan on the site at a later date. A further application for an additional storage building was refused by the Council in June 2010 (ref: 10/00834) on the basis that this was not considered necessary to facilitate equestrian activities on the site and that this would result in a disproportionate level of site coverage by buildings, thereby representing an undesirable intensification of development in the Green Belt.
- 4.6 On 9 July 2010 two caravans were moved on to the site, comprising a mobile home which was occupied as a dwelling by the applicant and her family and a smaller touring caravan which was understood to be used for travelling. An application (ref: 10/02059) was registered on 26 July 2010, in which retrospective planning permission was sought for the change of use of the equestrian site to a gypsy and traveller caravan site. The application included one mobile home measuring 3.6m x 9.7m and a touring caravan measuring 1.8m x 5.4m which were shown to be located adjacent to the southern site boundary, together with an enlarged tarmac hardstanding area located mainly within the eastern side of the site. The Council refused permission by Notice dated 14 September 2010 for the following reasons:

“1. The proposal constitutes an undesirable form of urbanised development located in the Green Belt wherein there is a general presumption against inappropriate development, and no very special circumstances have been demonstrated to justify making an exception to Policy G1 and H6 of the Unitary Development Plan and Planning Policy Guidance Note 2 'Green Belts'.

“2. The continued residential occupation of this site and the stationing of caravans will cause unacceptable visual harm to the character and appearance of the area and undermine the openness and character of the

Green Belt, therefore contrary to Policies G1 and BE1 of the Unitary Development Plan and PPG2.

“3. The additional hardstanding, boundary fencing and entrance gate detract from the visual amenities and openness of this rural and open area, by reason of their prominent siting, unsympathetic materials excessive height and unsympathetic design, contrary to Policies BE1 and G1 of the Unitary Development Plan.

“4. In the absence of information to the contrary, the means of vehicular access is unsuitable for larger vehicles/trailers manoeuvring on to the site and is prejudicial to the free flow of traffic and general conditions of safety within the highway, contrary to Policy T18 of the Unitary Development Plan.”

- 4.7 A subsequent appeal concerning the change of use of the equestrian site to a gypsy and traveller caravan site was dismissed in June 2011; however, this Appeal Decision was subsequently overturned by the High Court, a decision upheld by the Court of Appeal. The High Court judgement dated 16 November 2012 quashed the Inspector’s decision but only relating to temporary permission. The Council issued two enforcement notices in July 2013 to put an end to the use of the land as a gypsy and traveller site and to remove various associated operational development.
- 4.8 A re-determined appeal concerning the change of use of the equestrian site to a gypsy and traveller caravan site as well as the 2013 enforcement notices was issued in July 2015. The appeals were allowed and planning permission was granted for the change of use of the land from the keeping of horses to a mixed use for the keeping of horses and for use as a single pitch Gypsy and Traveller site accommodating one residential mobile home and one touring caravan used for ancillary residential purposes, together with additional hardstanding area, concrete post and timber panelled fence (max height 1.98m), steel gates (max height 1.98m) and detached shed subject to conditions. Key considerations made by the Inspector in determining these appeals are set out below:

“The Traveller policy makes it clear that gypsy sites are inappropriate development in the GB and the Framework provides that substantial weight will be attached to such harm. This is common ground between the parties.” (Paragraph 38)

“The fact that all existing sites in the borough are presently in the GB, as is all of the non-urban area, does not diminish the weight to be accorded to the harm resulting from inappropriate development caused by the appeal development. This is substantial and, therefore, contrary to UDP Policy G1 and paragraph 88 of the Framework.” (Paragraph 39)

“However, I accept that if the appellant were to vacate the site and set up a roadside encampment, this would also be likely to be in the GB. Not only would this also be inappropriate, but roadside encampments can aggravate tensions between travellers and the settled community and cause as much, if not greater, environmental harm than unauthorised development. This is a material consideration which I afford some weight to.” (Paragraph 40)

“The permitted structures on the land, including the stable building, toilet building and some of the fencing, already result in some loss of openness with the appeal development, as a whole, resulting in a further loss of openness. Even if this is more limited today than when the previous appeal was determined, any harm to the GB, no matter how limited, has to be afforded substantial weight, as required by paragraph 88 of the Framework. The loss of openness may be relatively limited but it is not minimal; two caravans have been sited on the land, a shed constructed on it, a high, solid timber fence erected along its southern boundary and additional areas of hardstanding have been laid within the site.” (Paragraph 42)

“The appeal development is visible against a wooded backdrop when viewed from the south. Its visual impact would have been greater were it not for the landscaping carried out which predominantly screens the development. However, this landscaping itself has resulted in some visual harm. The solid timber fence and fast growing laurel hedge now visible above it are features more appropriate to a suburban setting not the appeal site’s rural setting.” (Paragraph 43)

“Overall, the appeal development has resulted in some harm to the character and appearance of the countryside, contrary to UDP Policy BE1. However, I am satisfied that the harm identified could be mitigated over time and by more sensitive landscaping than that carried out. The native trees planted between the timber fence and the permitted fence along the site’s southern boundary will mature to provide an effective and more natural form of landscaping than the laurel hedge planted behind it and the appellant has also offered to remove the fence. These matters could form part of a landscaping scheme which could be a condition of any planning permission granted.” (Paragraph 45)

“Having regard to the provisions of the Traveller policy, the fact that any new sites would also be in the GB and that there would be no need to remove any frontage planting as a consequence of implementing proposed improvements to the current access arrangements (which I turn to next), I consider that the visual harm caused by the appeal development is limited. I am also satisfied that this limited visual harm could be reduced and the appeal development made acceptable such that the requirements of UDP Policy BE1 could be met.” (Paragraph 46)

“Given the circumstances, there can be no guarantee that the Council’s proposed strategy would deliver the additional pitches required to meet the significant level of current and future need identified, beyond allowing the size of families occupying existing sites to expand. Whilst this would meet some of the identified future need it would not meet the wider general need for pitches in the borough.” (Paragraph 58)

“National policy advice and guidance is quite clear: Inappropriate development in the GB should not be approved except in very special circumstances. It is, by definition, harmful and the harm caused by it should be afforded substantial weight. Likewise, the harm caused by the loss of openness, even though the loss may be limited by virtue of the small scale of the development carried out and the fact that the appeal site is previously developed land. Consequently, the appeal development conflicts with UDP Policy G1 and relevant provisions of the Framework and the Traveller policy.” (Paragraph 74)

“I have found that alternative forms of landscaping would reduce the harm caused to the character and appearance of the area, and this could be secured by condition. The Council now accepts that its concerns about highway safety could be similarly addressed. Consequently, I conclude that, other than the harm to the GB, the appeal development causes little harm, subject to appropriate conditions and that there would be no material conflict with UDP Policies BE1 and T18. If these matters do not necessarily weigh, or weigh very much, in the appeals’ favour they do not weigh against it.” (Paragraph 75)

“Personal circumstances are also material. The appellant’s aversion to bricks and mortar means that temporary housing or hostel accommodation would not be suitable alternative accommodation, even in the short term, and there is a very real likelihood that a refusal of planning permission would result in her resorting to a roadside existence. This would be harmful to the family’s quality of life and would adversely impact on their health and education. It would also result in the loss of the family’s home, in serious interference with their Article 8 rights [of the Human Rights Act 1998] and would clearly not be in the best interests of the children. As most of the borough is either urban or GB a roadside existence would also be likely to be just as harmful to the GB and, potentially, more harmful to the countryside than the appeal development.” (Paragraph 78)

“In these circumstances, I conclude that the harm by reason of inappropriateness and the limited loss of openness that has occurred is clearly outweighed by other considerations such that very special circumstances exist to justify the grant of a permanent planning permission for the appeal development, personal to the appellant and her resident dependents, subject to other conditions discussed below. Consequently, there is no need for me to consider the appeals under ground (g)” (Paragraph 81)

“I have considered the Council’s list of suggested conditions in the light of the discussion which took place during the inquiry. There is a need for a condition restricting occupation of the land to gypsies and travellers, in the interests of protecting the GB. A further occupancy condition is necessary to make any permission personal to the appellant and her resident dependents, in the interests of protecting the GB and because the appellant’s personal circumstances are a significant factor in my decision to grant planning permission.” (Paragraph 82)

“There is a need for conditions restricting the number and types of caravans on the land, preventing any commercial activities taking place on the land, restricting the weight of vehicles kept on the land and requiring details of any external lighting to be approved in advance, all in the interests of appearance. There is also need for a condition requiring the permitted use to cease unless details of the layout of the site and alternative landscaping, including boundary treatment, are approved and implemented within a given period, again, in the interests of appearance.” (Paragraph 83)

4.9 Under application reference 17/00655/FULL1, planning permission was granted at appeal in April 2018 for the following: *Use of land for private Gypsy and Traveller caravan site comprising 1 pitch accommodating one mobile home and one touring caravan. (Revision to planning application ref. 10/02059/FULL2 allowed at appeal comprising removal of existing mobile home and its replacement with twin mobile home unit in a re-sited position within the site with associated slab and access ramps, without compliance with Condition 5).* In allowing the appeal, the Inspector concluded that the harm that would arise to the openness of the Green Belt would

be outweighed by other matters, including that applicant's medical condition and needs, such that very special circumstances exist to allow the appeal.

4.10 Under application reference 17/00655/RECON the Council granted approval in April 2020 for the removal of the following conditions of application reference 17/00655/FULL1 (as allowed at appeal):

(No 3) The occupation of the site hereby permitted shall be carried on only by the following and her resident dependants: Ms Charmaine Moore;

(No 4) When the land ceases to be occupied by those named in condition 3 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place; and

(No 5) There shall be no more than 1 pitch on the site and on the pitch hereby approved no more than 2 caravans, shall be stationed at any time, of which only 1 caravan shall be a static caravan

4.11 Under application reference 19/04469/FULL the Council refused permission in April 2020 for the installation of 2 additional touring caravans to be used for residential ancillary purposes; the erection of 2 utility/day rooms to be placed together; re-siting of existing stable block to the rear of the site; and erection of a retaining wall adjacent to the front boundary for the following reasons:

"1. *The proposed re-sited stable would constitute inappropriate development within the Green Belt as the site does not provide an adequate-sized area of grazing land, and would therefore result in an overintensification of horse-related activities, thereby contrary to policies 49 and 61 of the Bromley Local Plan.*

2. *The proposed day and utility rooms would, by reason of their siting, scale and height constitute an overdominant and intrusive form of development, harmful to the rural character of the area, and contrary to Policy 37 of the Local Plan, and the PPTS.*

3. *The proposal would intensify the use of the existing substandard access onto Cudham Lane North and would be likely to lead to conditions prejudicial to the free flow and general safety of traffic along the highway, contrary to Policy 32 of the Local Plan."*

4.12 Under application reference 20/02706/FULL1 the Council refused planning permission in October 2020 for the relocation of existing stables, the retention of an existing static home and the construction of a utility day room for the following reason:

"The proposed re-sited stable would constitute inappropriate development within the Green Belt, which would be harmful to its openness, and in the absence of very special circumstances the proposal is contrary to policies 49 and 61 of the Bromley Local Plan."

4.13 A subsequent appeal was dismissed under reference APP/G5180/W/20/3263878 in November 2021. The Inspector concluded the following at para 25:

“The proposal would conflict with Policies 49 and 61 of the Local Plan which, amongst other matters, state that permission will not be given, except in very special circumstances. I have concluded that the development would be inappropriate development in the Green Belt as the proposal would not preserve the openness of the Green Belt, as required by the Framework. The proposal would, by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight. In addition, I have found that the proposal would be harmful to the rural character of the Green Belt, and this brings the proposal into conflict with Policy 61 of the Local Plan. The benefits of those other considerations, which include those personal benefits to the appellant of re-positioning the stable, retaining the caravan so that the family can live together and support one another, and, providing a dayroom at the site, do not clearly outweigh the harm. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt.”

4.14 Under planning application reference 17/00655/RECON1 the Council granted approved in April 2022 for the removal of Condition 10 of application reference 17/00655/FULL1 (allowed at appeal 10 April 2018) to enable the provision of 2 pitches within the site. Condition 3 stated:

“There shall be no more than 2 pitches on the site, and on each of the pitches hereby approved no more than 2 caravans shall be stationed at any time, of which only 1 caravan shall be a static caravan.

Reason: In order to comply with the requirements of policies 12, 32, 37 and 49 of the Local Plan, Planning Policy for Traveller Sites, and in the interests of the amenity of the area, local highways conditions and the openness of the Green Belt.”

4.15 Under application reference 17/00655/RECON2 an application for the variation of Condition 3 of planning permission reference 17/00655/RECON1 to increase the number of pitches on the site from 2 to 3 was refused planning permission by the Council in October 2022 for the following reason:

“The proposed development would result in an incoherent form of development and unacceptable intensification of the site, which would be harmful to the visual amenities of the adjacent Green Belt and wider area, and would give rise to issues of road safety along Cudham Lane North; thereby contrary to Policies 32, 37, and 53 of the Bromley Local Plan (2019).”

4.16 An appeal against that decision was withdrawn, following confirmation from the Planning Inspectorate that the application would not be within the scope of the powers for varying conditions attached to a previous application under Section 73 of the Town and Country Planning Act 1900 (as amended), because the operative part of the planning permission, i.e. the description of development for which planning permission had originally be granted, would be amended.

5. CONSULTATION SUMMARY

A) Statutory

- 5.1 The Council's Highways Engineer raised no objection to the proposal and commented as follows:

“Cudham Lane North is a classified road, a local distributor. The 2017 application was allowed on appeal. The use of the site for a residential unit has been established. RECON1 increased the number of pitches from 1 to 2 and this one is to increase it to 3.

This would again result in a small increase in associated traffic movements. However, I think it is unlikely to be significant and also that it would be difficult to sustain a ground of objection on that basis.

The site access has some limitations in terms of sightlines. I have some concerns about the gradual increase in pitches on the site where the corresponding increase in traffic movements is also small but the overall accumulation is growing. I would suggest that any application for a further increase in pitches is accompanied by a Transport Technical Note.”

B) Local Groups

- 5.2 Cudham Residents' Association has raised objection to the proposal on the following grounds:

- There have been many applications and appeals in connection with this site. Each time an application/appeal is made, there are less objections due to 'appeal fatigue' (the law of diminishing returns). This is a consideration which should be taken into account.
- The whole history of all the planning applications and appeals related to site should be looked at thoroughly and in full before a decision is reached.
- The applicant intends to return the stables to the original location from which they were removed, therefore restoring the visual impact that the original application was meant to address. [Note: Following receipt of revised plans the stable block would not now be relocated.]
- Overall, this application would result in an overdevelopment of this site within this rural location, which would have a significant detrimental impact on the visual amenities, openness and rural character of the surrounding Green Belt area.
- Unsatisfactory intensification of development and intrusive form of development into the countryside which would be seriously harmful to the openness and rural character of the Green Belt.
- Whilst the site has been removed from the Green Belt it is inset in the Green Belt and is surrounded by footpaths/bridleways/fields and recreational land the site borders, and is clearly visible from, Cudham Shaws Outdoor Centre, a Scout Camp. It is also clearly visible from 3 different public footpaths the circle the village.
- As the site currently stands it has a large visual impact on its surroundings and does not create a coherent form of development within its surroundings.

- Reference to similar land conversion planning applications that have both had planning permission refused by LBB due to inappropriate development within the Green Belt.

C) Adjoining Occupiers

5.3 Local residents were notified of the application and comments are summarised below:

- Planning rules and conditions have been previously ignored
- The site should not be further developed
- Pushing the boundaries on what was originally intended for the site
- Substantial allowed already made for the development of this plot
- Planning history of the site is highly relevant to this application
- Previous version of this application has already been refused
- Benefit of relocating the stables questioned
- Detrimental impact on the visual amenities, openness and rural character of the surrounding Green Belt
- Site already has a large intrusive visual impact on its surroundings and does not comprise a coherent form of development
- Increasing number of pitches from 2 to 3 creates a larger mass with static caravans and increased visual impact
- Unsatisfactory intensification in the use of the site
- Unsightly development
- Concerns relating to drainage and foul/waste drainage
- No need for utility room facilities should additional mobile home be approved
- Loss of valuable agricultural land
- Poor visibility from the site creates a road safety hazard
- Adverse impact on local biodiversity

6. POLICIES AND GUIDANCE

6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Bromley comprises the London Plan (2021) and the Local Plan (2019). The NPPF does not change the legal status of the development plan.

London Plan

Policy H14 Gypsy and Traveller Accommodation

Local Plan

Policy 12	Travellers' Accommodation
Policy 30	Parking
Policy 32	Road Safety
Policy 37	General Design of Development
Policy 53	Land Adjoining Green Belt or Metropolitan Open Land

- 6.3 Planning Policy for Traveller Sites (first issued in March 2012) is also a relevant policy consideration in this application. This is to be read in conjunction with the National Planning Policy Framework (NPPF).

7. ASSESSMENT

7.1 Principle of development - Acceptable

- 7.1.1 The part of the application site was removed from the Green Belt allocated as a Traveller Site in the Local Plan 2019 in order to address the existing and future need for traveller provision.
- 7.1.2 The site is the subject of a detailed planning history dating back to 2008. In the intervening years the site has gained lawful use as a gypsy and traveller caravan site.
- 7.1.3 The site comprises of 2 pitches on the site (each of the pitch containing no more than 2 caravans, of which only 1 caravan shall be a static caravan). Following the adoption of the Council's current Local Plan in January 2019, the status of the front part of the site has changed to a Traveller Site Only, Inset Within the Green Belt. The rear part of the site falls within the Green Belt. The change of designation has been aimed at addressing the accommodation needs of travellers in the borough. Accordingly, this designation forms an important material consideration.
- 7.1.4 On the basis of 500m per pitch the Local Plan Traveller Site Assessment (2016) Table 2 indicated that Archies Stables site had the potential for two pitches. However, this does not limit the site to 2 pitches should an application, such as this one be submitted for additional pitches and considered to meet planning policy. The DCLG guidance allows for pitches of more limited scale, noting in para 7.13 that "*Smaller pitches must be able to accommodate at least an amenity building, a large trailer, drying space for clothes and parking for at least one vehicle.*" Indeed, a significant number of the Council's own pitches are smaller than 500m.
- 7.1.5 The particular circumstances of this application, a single family group, would allow for smaller pitches with the shared proposed day room and children's play area, however, this relies upon the usage of the site as a whole (three pitches) by a single family group. This would be subject to a planning condition.
- 7.1.6 The size of the proposed pitches would also justify a condition to restrict the size of the statics to those illustrated on the submitted plans as the provision of 3 larger

statics would undermine that ability of the pitches to meet the other aspects a good pitch design.

7.1.7 Having regard to the above, the proposal is considered acceptable in principle.

7.1.8 As set out at paragraph 3.3, following the receipt of revised plans from the applicant on 3 July 2023 the proposed relocation of the existing stable block from the front to the rear of the site has been removed from this application. This followed the advice from Council officers referencing Appeal Decision APP/G5180/W/20/3263878 of November 2021 (see paragraph 4.13 above) in which a similar proposal was deemed inappropriate in the Green Belt.

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 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.
- 7.2.8 In terms of the siting and appearance of the mobile home and the communal utility day room, these elements would be located adjacent to the southern and northern site boundaries respectively and much of the existing aspect into the site would be maintained because of their siting. The proposed communal utility day room would occupy a somewhat more discreet position adjacent to the northern site boundary and against a backdrop of trees. In comparison to the scheme refused under application reference 17/00655/RECON2 it would have a smaller footprint (4.8m x 5.0m – down from 6.0m x 3.6m). In terms of the adjoining Green Belt, it is not considered that it would have a detrimental effect on its visual amenity, character or nature conservation value.
- 7.2.9 It is considered that in view of the proposed intensification in the use of the site, with the provision of an additional pitch and utility room, that a landscaping condition is imposed to ensure that the site effectively assimilates with its open and verdant surroundings and that existing soft landscaping features are retained where possible. Of relevance, paragraph 26 of the Planning Policy for Traveller Sites (PPTS) advises that when considering applications, local planning authorities should attach weight to various matters, including that sites are *“well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness.”*
- 7.2.10 In comparison to the utility/day rooms which were proposed by the applicant under application reference 19/04469/FULL1 and subsequently refused on the basis of their adverse impact on the rural character of the area, the day room now proposed is set back from the site frontage to the rear of an existing stable block and incorporates a substantially reduced floor area and a more discreet siting.
- 7.2.11 Having regard to the above, subject to suitable landscaping provision, 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 regard to neighbouring amenity, given the scale of the proposal and its relationship to neighbouring residential properties, as well as to the adjoining Girl Guide site to the south, it is not considered that this would be significantly undermined in terms of noise or disturbance or in terms of visual impact. The site is well screened and maintains a significant separation to residential properties along Cudham Lane North.

7.4 Highways - Acceptable

- 7.4.1 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.
- 7.4.2 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.
- 7.4.3 The Highways Engineer has previously commented (in respect of application reference 17/00655/RECON2) that the site access has some limitations in terms of sightlines, and he has some concerns about the gradual increase in pitches on the site where the corresponding increase in traffic movements is also small but the overall accumulation is growing. In the current circumstances, the proposal would result in a small increase in associated traffic movements. However, it is considered unlikely to be significant, and subject to a condition aimed at ensuring that the site remains in single family occupation any highways impact would be more limited as compared to a site occupied by more than one family.

8. CONCLUSION

- 8.1 In summary, the proposal would result in an additional pitch within the area of the site that has been designated a Traveller Site Inset within the Green Belt. Accordingly, there is no conflict with Green Belt policy and in principle the proposal

would help to address the need for traveller accommodation within the Borough at an established site. There would be no significant impact on residential amenities and, subject to a landscaping condition, the development is considered to be of an acceptable design that 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 a condition to ensure that the site remains in single family occupation, the highways impact of the proposal is also considered acceptable.

RECOMMENDATION: PERMISSION

as amended by documents received on 03.07.2023

Subject to the following conditions:

- 1 The site shall only be occupied by a single extended family and shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites 2012 (or its equivalent in replacement national policy).**

Reason: In order to comply with Policies 12, 32 and 37 of the Local Plan and Planning Policy for Traveller Sites, to ensure that the site remains in Gypsy and Traveller occupation, in the interest of the visual amenities of the area, and to ensure that the development is commensurate with the interests of highways safety.

- 2 When the land ceases to be occupied by those named in Condition 1 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.**

Reason: In order to comply with policies 12 and 49 of the Local Plan, Planning Policy for Traveller Sites, and in the interests of the amenity of the area and the openness of the Green Belt.

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

REASON: In order to comply with Policy 37 of Local Plan and paragraph 26 of the Planning Policy for Traveller Sites and to secure a visually satisfactory setting for the development

- 4 There shall be no more than 3 pitches on the site, and on each of the pitches hereby approved no more than 2 caravans shall be stationed at any time, of which only 1 caravan shall be a static caravan.

Reason: In order to comply with the requirements of policies 12, 32, 37 and 49 of the Local Plan, Planning Policy for Traveller Sites, and in the interests of the amenity of the area, local highways conditions and the openness of the Green Belt.

- 5 No commercial activities shall take place on the land, including the storage of materials and no vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: In order to comply with the requirements of policies 12, 32, 37 and 49 of the Local Plan, and in the interests of the amenity of the area and the openness of the Green Belt.

- 6 Details of any external lighting to be installed shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the approved details and thereafter retained in that form.

Reason: In order to comply with the requirements of policies 12, 37 and 49 of the Local Plan, and in the interests of the amenity of the area and the openness of the Green Belt.

- 7 If any tree is cut down, uprooted or destroyed in order to implement this permission trees of a size and species to be agreed by the local planning authority in writing, shall be planted as replacements and shall be of such size and species as may be specified in writing by the local planning authority. Any trees which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted.

REASON: In order to comply with Policy 73 of the Local Plan and to secure a visually satisfactory setting for the development.

- 8 The development hereby permitted shall be carried out strictly in accordance with the following approved plan: 200704/01F dated 30 June 2023.

REASON: In order to comply with the requirements of policies 12 and 37 of the Local Plan, Planning Policy for Traveller Sites, and in the interests of the visual amenities of the area.

And delegated authority be given to the Assistant Director: Planning & Building Control to make variations to the conditions and to add any other planning condition(s) as considered necessary.

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