



THE LONDON BOROUGH
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DATE: 14 February 2024

To: Members of the
PLANS SUB-COMMITTEE NO. 3

Councillor Jonathan Andrews (Chairman)
Councillor Tony Owen (Vice-Chairman)
Councillors Dr Sunil Gupta FRCP FRCPath, Christine Harris, Alisa Igoe, Julie Ireland,
Alexa Michael, Shaun Slator and Mark Smith

A meeting of the Plans Sub-Committee No. 3 will be held at Bromley Civic Centre,
Stockwell Close, Bromley, BR1 3UH on **THURSDAY 22 FEBRUARY 2024 AT 7.00
PM**

TASNIM SHAWKAT
Director of Corporate Services & Governance

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

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

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

To register to speak please telephone Democratic Services on 020 8461 7588

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

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

Copies of the documents referred to below can be obtained from
<http://cds.bromley.gov.uk/>

A G E N D A

- 1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 DECLARATIONS OF INTEREST**
- 3 CONFIRMATION OF MINUTES OF MEETING HELD ON 21ST DECEMBER 2023**
(Pages 1 - 8)
- 4 PLANNING APPLICATIONS**

Report No.	Ward	Page No.	Application Number and Address
4.1	Orpington	9 - 20	(22/04947/ELUD) - 243 Court Road, Orpington, BR6 9BY
4.2	Kelsey & Eden Park	21 - 30	(23/04018/ADV) - Bandstand, Croydon Road Recreation Ground, Beckenham, BR3 3PR
4.3	West Wickham	31 - 50	(23/04247/FULL2) Car Park, High Street, West Wickham.

5 CONTRAVENTIONS AND OTHER ISSUES

NO REPORTS

6 TREE PRESERVATION ORDERS

NO REPORTS

The Council's [Local Planning Protocol and Code of Conduct](#) (Chapter 7, Section 30, Page 19) sets out how planning applications are dealt with in Bromley.

PLANS SUB-COMMITTEE NO. 3

Minutes of the meeting held at 7.00 pm on 21 December 2023

Present:

Councillor Jonathan Andrews (Chairman)
Councillor Tony Owen (Vice-Chairman)
Councillors Peter Dean, Kira Gabbert, Alisa Igoe, Julie Ireland,
Alexa Michael, Shaun Slator and Mark Smith

Also Present:

Councillors Kate Lymer, Michael Tickner and Pauline Tunnicliffe

19 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies received from Councillor Dr Gupta & Councillor Harris, Councillor Gabbert & Councillor Dean attended as Substitutes.

20 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

21 CONFIRMATION OF MINUTES OF MEETING HELD ON 26TH OCTOBER 2023

The Minutes of the meeting held on 26th October 2023 were confirmed and signed as a correct record.

22 PLANNING APPLICATIONS

22.1 BECKENHAM TOWN & COPERS COPE

(22/04039/FULL2) - School House, Overbury Avenue, Beckenham BR3 6PZ

In a presentation given by Planning, the Committee were informed that this application was initially called in by Cllr Tickner and went before Plans Sub-Committee 3 on 23rd November 2023. The application was deferred in order to seek further noise assessments. An additional noise survey was carried out on 5th and 6th December 2023, with readings taken from the rear gardens of Nos 10 and 11 Holmdene

Close. A Noise Report was submitted on 7th December 2023 with the findings detailed on Page 9 of the Planning Report. There was a further late objection.

An oral presentation in support of the application was then given by the Co-Owner of the Pre-School. It was confirmed that the children only use the building and front garden of the Pre-School. The children are only out at playtime once a day at the same time as the primary school. This is currently for 30 minutes, although a longer period would be preferred. The Committee heard that Ofsted have said that the Pre-School will have to close if the change of use application is not approved.

Visiting Ward Member, Councillor Michael Tickner, then gave an oral presentation in objection to the application, passing on the widespread concerns from local residents.

During a discussion regarding the application several Committee Members stated their support for the application, confirming that the owners had done their best to comply with requests for information and taken steps to reduce noise levels. It was felt that the application could be approved, subject to certain conditions. The length of time for the children to play outside was discussed, with 30 minutes not deemed sufficient, and 45 minutes stated as acceptable.

Members having considered the Report, objections and representations RESOLVED that the APPLICATION BE APPROVED, subject to the conditions set out in the report, and

Amendment made to condition 4 regarding external play being extended to 45 minutes instead of 30 minutes and ensuring play only takes place at the front, as well as the addition of a landscaping condition for planting along the boundary.

**22.2
ORPINGTON**

**(22/04947/ELUD) - 243 Court Road, Orpington, BR6
9BY**

In a presentation given by Planning, the Committee were informed that this application was initially called in by Cllr Tunnicliffe and went before Plans Sub-Committee 3 on 26th October 2023. The application was deferred in order to seek additional information of the existing use of the property, including the extent and nature of care provided, and the completion of a Members' site visit. The site visit was carried out on 9th December, with photos circulated to Members and some shown at the meeting. Further information has also been received from the applicant/Agent since the publication of the Agenda and further objections.

An oral representation in objection to the application was received from a local resident, highlighting residents' concerns regarding anti-social behaviour from residents of the property and questioning the suitability of the property for the purpose of providing care to its residents.

Visiting Ward Member, Councillor Pauline Tunnicliffe, then gave an oral representation regarding the application. It was acknowledged that although the residents' concerns were understood, many of them could not be taken into account under the Planning guidelines. Concerns were raised regarding the enforcement action that could be taken if future problems arose and were experienced by residents, and that the Council would deal with these issues.

During Members' discussions it was highlighted that the focus should be on planning issues and whether the change of use was in place at the time of the application in August 2022. The question of whether the applicant/Agent had provided evidence and full details of the change of use with dates etc was discussed. Several Members felt that not enough documentary evidence had been provided to approve the application.

Members having considered the Report, objections and representations RESOLVED that the APPLICATION BE DEFERRED TO RECEIVE EXTRA INFORMATION.

Extra information/evidence to include:

- **List dates of site visits/inspection of property by any Council Staff (Planning, Enforcement, Adult Social Care Teams) and reason the enforcement case was closed**
- **Tenancy Agreements for the period 02.03.2021 – 30.12.2022**
- **Contracts with staff and the health authority (if applicable) for the period 02.03.2021 – 30.12.2022**
- **Information from Adult Social Care Team about the use**

**22.3
BROMLEY COMMON &
HOLWOOD**

**(23/02655/FULL6) - 66 Pope Road Bromley BR2
9QB**

There was a presentation of the application from Planning which confirmed the side space policy did not apply.

There was an oral representation in objection to the application from a direct neighbour of the property.

The Committee heard that the proposed extension would harm the amenities of the neighbouring property as the extension would overlook the neighbour's house and patio area, impacting on both light and outlook. It was considered to be an overbearing development.

An oral representation in support of the application was then given by the applicant/owner of the property. The Committee heard that the property currently has problems with drainage and pipework in connection with drains at the rear of the property. The owners also currently use a macerator which proves costly. It is planned to move the bathroom to the rear of the property with the installation of proper plumbing, and the owners feel the proposed changes are more cost-effective than moving house.

During discussions it was acknowledged that the road contains a lot of narrow houses with not a large amount of space or scope for extensions. A lot of the houses are different in design with a mixture of extensions and add-ons. However, the cumulative effect on several changes to one property was also highlighted with the possible negative impact on

neighbouring properties.

Members having considered the Report, objections and representations **RESOLVED** that **PERMISSION BE GRANTED**, subject to the conditions set out in the Report.

22.4
ST MARY CRAY

(23/02677/FULL6) - 51 Furzehill Square, Orpington, BR5 3SN

A presentation of the application was given by Planning during which it was noted Cllr Slator had emailed Members, following which an oral representation in support of the application was received from the applicant.

Members were informed that the applicant had lived at the property for 22 years and now wanted to add a bit more space. The applicant explained that he had a good relationship with all his neighbours and they all supported the application. It was considered to be quite a conservative plan/extension.

Ward Councillor and Committee Member, Councillor Sean Slator, gave an oral representation in support of the application, confirming that he had called-in the application on behalf of the three St Mary Cray Councillors. It was highlighted that neighbours were happy to fully support the application, considered to be a modest extension when compared to larger extensions previously approved in the area.

Members having considered the Report and representations **RESOLVED** that **PERMISSION BE GRANTED**, for the following reason:

Bearing in mind the length of the garden at the application site and of neighbouring properties and the lack of objections, it is not considered that the proposal would have sufficient adverse impacts on neighbouring amenities to justify refusal.

Delegated authority to the Assistant Director of Planning to impose such conditions as he considers necessary.

**22.5
BICKLEY & SUNDRIDGE**

**(23/02774/NDFLAT) - Summerfield, 3 Freelands
Road, Bromley, BR1 3AG.**

Following the presentation from Planning, an oral representation in support of the application was received from the Agent. Members were informed that the proposed plan to increase the existing development by one storey was planned to fit in with other buildings in the vicinity. The design was chosen to distinguish between the old and new parts of the building, with it felt to have no negative impact on local amenities.

In response to a question from a Member, the Agent confirmed that the proposed material for the additional storey was zinc cladding, but they are prepared to submit further details regarding an alternative to satisfy any conditions imposed if required.

Visiting Ward Member, Councillor Kate Lymer, then gave an oral representation in objection to the application. Members heard that as existing buildings on either side are four-storey, it was felt that the appearance of the building with an additional storey would disrupt the building height line and appear out of place. The addition of an extra storey would be obtrusive and not hidden away.

Councillor Lymer added that you couldn't compare existing buildings/blocks of flats in quieter residential roads with those on a busier main road. Members also heard that the proposed materials and finish for the extra storey was not an appropriate design and would not fit-in with existing buildings. Finally, it was highlighted that there have been 25 local objections to this application. Councillor Lymer requested that her presentation be included in the Minutes of the meeting.

Ward Councillor and Committee Member, Councillor Kira Gabbert, addressed Members to support Councillor Lymer's comments and objections, stating that she felt it wasn't the right location for this development, being that it is in a quiet residential area.

During discussions it was mentioned that although the addition of three residential units would be welcome, it still has to be considered appropriate development and be an acceptable design/plan.

Members having considered the Report, objections and representations **RESOLVED** that **PRIOR APPROVAL BE REFUSED** for the following reason:

The proposal, by reason of design, height and scale, and relationship with the host property and the neighbouring properties would appear as an over dominant and incongruous addition to the existing building which would detract from the visual amenity of the street scene and would be detrimental to the neighbouring residents outlook, contrary to conditions A.2.(1)(e) and (g) of Schedule 2, Part 20, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and Chapter 12 of the NPPF (2023).

**22.6
PLAISTOW**

**(23/03952/FULL6) - 153 Ridgeway Drive, Bromley,
BR1 5DB**

Following a presentation from Planning, an oral representation in objection to the application was received from a neighbour of the property.

Members heard that the proposed plans would have a detrimental effect on neighbouring properties by way of a loss of light and privacy, together with possible future drainage problems. The plans would also have an adverse effect on the overall look of the area and be out of character, with the outward appearance destroying the symmetry of the existing row of houses.

Ward Councillor and Committee Member, Councillor Alisa Igoe, then addressed the committee in objection to the application, confirming that there had been a number of neighbour complaints to the plans. Members heard that this is seen as an overdevelopment of the site that will have a detrimental effect on the character and appearance of the area. All the houses in the road have garages in-between, contributing to the distinct look and a feeling of space.

During discussions it was stated that the application should be considered on its planning merits without speculation regarding future use. Although some Members stated that the plans seemed acceptable it was felt that it does appear to constitute overdevelopment that is out of keeping with the area.

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

The proposed two storey side extensions including roof extensions, by reason of its scale, design, relationship with the host property and its surrounding would harm the visual amenities of the street scene and be out of character and out of scale, in particular the loss of a linked garage, contrary to Policies D1 and D4 of the London Plan (2021), Policies 6 and 37 of the Bromley Local Plan (2019) and Policy DG5 of Urban Design Guide SPD (2023).

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CONTRAVENTIONS AND OTHER ISSUES

NO REPORTS

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TREE PRESERVATION ORDERS

NO REPORTS

The Meeting ended at 9.37 pm

Chairman

Committee Date	22.02.2024	
Address	243 Court Road Orpington BR6 9BY	
Application Number	22/04947/ELUD	Officer - Robin Evans
Ward	Orpington	
Proposal	Use of C3(a) dwellinghouse as C3(b) dwellinghouse. (RETROSPECTIVE). LAWFUL DEVELOPMENT CERTIFICATE (EXISTING)	
Applicant	Agent	
Mrs Norrma Goldsmith	Mr Clyde Bacchus	
380 Kingsland Road London N21 3NA	65 Ashley Road Kingswood Lodge Flat 3 Walton On Thames Surrey KT12 1HQ	
Reason for referral to committee	Call-In	Councillor call in Yes Cllr Tunnicliffe – local residents concerns.

RECOMMENDATION	Existing Use/Development is Lawful
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KEY DESIGNATIONS Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 31
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Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	C3(a) dwellinghouse	125
Proposed	C3(b) dwellinghouse	125

Representation summary	Neighbour letters sent 11.05.2023 Site notices displayed 16.05.2023
Total number of responses	12
Number in support	0
Number of objections	12

UPDATE 22.02.2024

This Lawful Development Certificate application was returned to and considered by the Plans Sub Committee No. 3 at the meeting held on 21 December 2023.

Members resolved to defer the decision of this Lawful Development Certificate application to seek the submission of additional information including:

- dates of site visits/inspection of property by any Council Staff (Planning, Enforcement, Adult Social Care Teams) and reason that the enforcement case was closed,
- Tenancy Agreements for the period 02.03.2021 – 30.12.2022,
- Contracts with staff and the health authority (if applicable) for the period 02.03.2021 – 30.12.2022,
- Information from Adult Social Care Team about the use.

The Planning Enforcement Department received an allegation in September 2021 of the dwelling being used as a HMO and habitable living accommodation in an outbuilding.

A Planning Investigations Officer visited the site on 01.11.2021 although could not gain access to the property at that time.

A Planning Investigations Officer visited the site on 07.11.2023 and viewed the dwellinghouse and the outbuilding. The outbuilding is in use as a day-room for activities such as hobbies or television. It is not in use as a bedroom to accommodate a resident, nor as a separate independent unit of living accommodation. A planning application 22/03390/FULL2 and a LDC application 22/04947/ELUD had since been submitted and are pending determination. As such, the Planning Enforcement case enquiry was closed.

The Applicant has provided details of staff and tenants of the property and details of CCG Commissioning and contract with London Borough of Bromley Council which has been presented to the Members of the Plans Sub Committee No. 3 as a separate, confidential, document as it contains personal and sensitive information. In summary, the details include:

- Contracts of 12 employees with the Applicant's company from September 2016 to September 2022,
- Tenancy Agreements with 3 tenants of 243 Court Road from March 2022 to August 2023,
- Commissioning Contracts from the NHS CCG with the Applicant's company for April 2021-2022 and April 2022-2023,
- London Borough of Bromley template contract with the Applicant's company

The original report is repeated below and updated where necessary.

UPDATE 21.12.2023

This Lawful Development Certificate application was considered by Plans Sub Committee No. 3 at the meeting held on 26 October 2023.

Members resolved to defer the decision of this Lawful Development Certificate application to seek the submission of additional information of the existing use including the extent and nature of care provided and the completion of a Members Site Visit. The Planning Committee also queried the use of an outbuilding and the extent of planning investigations that had been carried out.

The Members Site Visit was carried out on 9 December 2023.

A Planning Investigations Officer has recently visited the site to examine the outbuilding and confirms that it is in use as a day-room for activities such as hobbies or television. It is not in use as a bedroom to accommodate a resident, nor as a separate independent unit of living accommodation.

The original report is repeated below, updated where necessary.

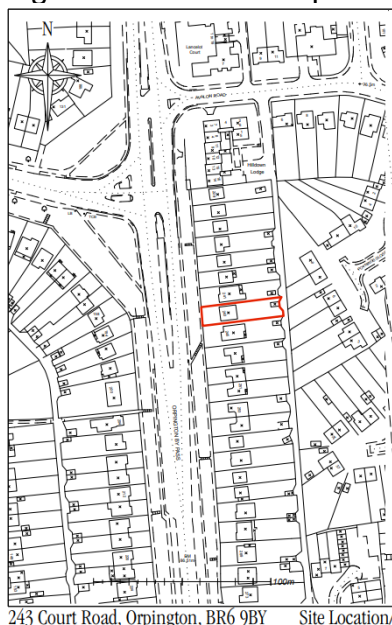
1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The use of the property from C3(a) to C3(b) is lawful.

2. LOCATION

2.1 The application site is No. 243 Court Road, Orpington, a detached single storey bungalow located on the eastern side of the highway close to the junction with Spur Road. The dwelling has a single storey flat roofed rear extension. There are some outbuildings in the rear of the property although they are not included in this application and are not included in the assessment or decision.

2.1.2 Figure 1 Site location plan.



3. PROPOSAL

3.1 The proposal seeks formal confirmation from the Council that the use of the C3(a) dwellinghouse use by a single person or a family as C3(b) dwellinghouse is lawful.

3.2 For completeness and the avoidance of doubt:

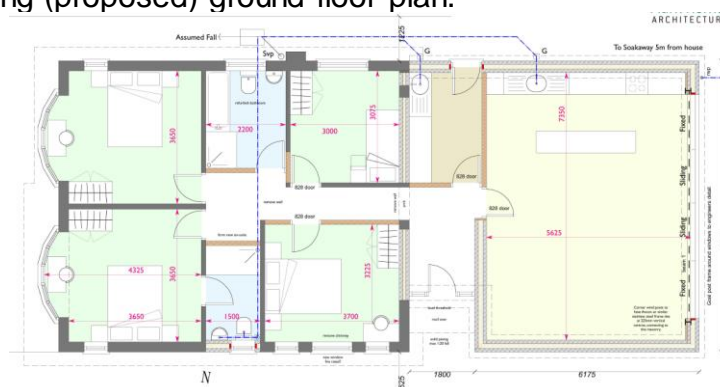
- C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child
- C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.

3.3 The Applicant advises that Goldsmith Personnel Ltd is the Care and Support Provider and is registered with the Care Quality Commission holding individual contracts with the London Borough of Bromley and other Local Authorities. However, the Applicant advises that the service that is provided at 243 Court Road is not regulated as it does not involve Personal Care.

3.4 In relation to the nature of the care being provided the Applicant advises:

- staff arrangements: The staff are on duty 24/7 on a rota system with 2 members of care staff on-site at all times for the 3 residents, including some ad hoc staff that join for 1:1 intensive support as required by the client in their support plan. The staff work in partnership with the Community Multi-Disciplinary Team; including Social Workers, Community Psychiatric Nurses, Registered Consultants, GPs and other voluntary organisations like Mind, and local Drugs and Alcohol teams, and can liaise with the Community Mental Health Team as necessary according to the residents' needs.
- personal care: the site/staff do not provide personal care,
- medication: residents take their own medication under staff supervision,
- training and rehabilitation: having left institutional care some residents may need life training and rehabilitation to lead an independent life and this is provided by staff on a 1:1 basis.

3.5 Figure 2. Existing (proposed) ground floor plan.



4. RELEVANT PLANNING HISTORY

18/03307/HHPA - Single storey rear extension, extending beyond the rear wall of the house as existing by 7.95m (beyond the original rear wall by 7.95m), for which the maximum height would be 2.7m (maximum height of proposed and previous extensions 2.7m), and for which the height of the eaves would be 2.4m (maximum eaves height of proposed and previous extensions 2.4m) - (42 Day Notification for Householder Permitted Development Prior Approval) did not require prior approval.

18/04338/PLUD - Single storey rear extension for which prior approval was not required under ref. 18/03307/HHPA LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) was withdrawn and did not receive a formal decision.

18/05128/PLUD - Single storey rear extension for which prior approval was not required under ref. 18/03307/HHPA LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) was withdrawn and did not receive a formal decision.

19/00428/FULL6 - Single storey rear extension following demolition of conservatory and elevational alterations (RETROSPECTIVE) was approved on 19.03.2019.

21/00785/CHANGE - Alleged use of shed for accommodation and HMO in the house and the case was closed on 31.10.2022.

22/03390/FULL2 - Change of use from C3 dwellinghouse, to C3(b) dwellinghouse with supported care for up to three adults with on-site live-in staff, external access ramp to rear garden. (RETROSPECTIVE) is pending a decision.

5. CONSULTATION SUMMARY

A) Statutory

N/A

B) Local Groups

N/A

C) Adjoining Occupiers

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

- o unclear status of planning application 22/03390/FULL2 which is pending a decision,
- o the owner is an absentee landlord seeking to run a care home business from the dwellinghouse in breach of title deed/covenants on the property,
- o the application is made in the company name and not in the Applicant's name, and the property is a business/trade asset and is not privately owned,
- o business use is contrary to the Title Deeds,

- o the dwelling has been significantly extended, it is not clear whether the extensions were authorised, construction was taking place at the site from March 2020 for approximately 18-20 months,
- o the application details are incorrect; the description of existing Use/development should include the existing operational development as well as the Use,
- o the use of the outbuilding has not been properly investigated and should be included in the LDC application,
- o development is already taking place, application is submitted retrospectively with disregard for the proper planning system and benefitting from rent obtained in the meantime,
- o overdevelopment of a cramped space/site; impractical and unsuitable for multiple occupants,
- o C3(b) would potentially allow for up to 6 residents, doubling the current occupancy; exacerbating all the issues raised,
- o 2 existing parking spaces would be removed, and it is not clear what the land would be used for,
- o noise disturbance from the property including loud voices and music,
- o antisocial and violent behaviour from occupants of the property, exacerbated by their possible mental health issues, harmful to neighbouring residents' amenity and safety and with numerous recorded Police visits,
- o duty of care to neighbouring residents and to the occupants/patients of the property,
- o possible occupation of the in the garage building,
- o unsuitable access for the residents/occupants,
- o poor access for emergency services is a significant risk to the health and safety of the occupants and staff attending the property,
- o Applicant has poor overall knowledge and understanding of the layout, management and operation of the property,
- o poor supervision and welfare, with potential safeguarding issues, for occupants of the building,
- o insufficient household waste bins/collection leading to rodent/pest issues.
- o contrary to the Town and Country Planning Act 1990, the Health and Safety at Work Act 1974, and Article 8 of the Human Rights Act 1998,
- o the Council's decision may be challenged by local residents,
- o comments from planning application 22/03390/FULL2 should be transferred to the LDC application,
- o the antisocial behaviour/crime is affecting local house sales,
- o Applicant is required to provide more information to the Planning Committee on the nature of the household occupancy, staffing levels/arrangements, the care provided and the overall supervision and management of the property,
- o A site visit for Members is required,

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

6. POLICY CONTEXT AND GUIDANCE

The Town and Country Planning (Use Classes) Order 1987 (as amended).

Town and Country Planning Act (1990)

National Planning Practice Guidance (NPPG)

7. ASSESSMENT

7.1 Considerations

7.1.1 The current application seeks formal confirmation that the use of the C3(a) dwellinghouse as a C3(b) dwellinghouse is lawful and would not have required planning permission at the time the application was made.

7.1.2 The key consideration is whether the use of the C3(a) dwellinghouse as a C3(b) dwellinghouse comprises a material change of use of the land and therefore whether or not it comprises development as defined in Section 55 of the Town and Country Planning Act 1990 (as amended).

7.1.3 In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

7.2 Information and Evidence

7.2.1 Applicant's information/evidence

7.2.1.1 Application form and statements describing the use and operation of the building.

7.2.1.2 Previously existing and existing (proposed) floor plan drawings.

7.2.2 Council's information/evidence

7.2.2.1 Planning and Planning Enforcement records/history: investigating an alleged use of the dwellinghouse as a HMO and a shed for residential accommodation (21/00785/CHANGE), and subsequently planning application submitted seeking to regularise the change of Use from a C3(a) dwellinghouse to a C3(b) dwellinghouse with supported care for up to three adults with on-site live-in staff, external access ramp to rear garden (22/03390/FULL2),

7.2.3 Other information/evidence

7.2.3.1 The Town and Country Planning (Use Classes) Order 1987 (as amended) which states:

C3 Dwellinghouses - This class is formed of three parts

- o C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child,
- o C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems,
- o C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.

7.3 Procedural matters

- 7.3.1 Notwithstanding third party comments an applicant is entitled to submit an application. The planning regulations allow for an application to be submitted retrospectively, such as in this case to confirm that an existing use or development is lawful, that it has deemed consent and does not require express planning consent. As such a retrospectively made application is assessed on its own merits and in relation to the relevant legislation and without prejudice to the fact that it has been submitted retrospectively.
- 7.3.2 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.
- 7.3.3 Notwithstanding comments received, this is an application for a Lawful Development Certificate, in this case as the Applicant considers that it complies with the Use Classes Order, and as such the material planning considerations that might be relevant in assessing a planning application may not apply. As such the assessment is whether or not the stated Use, as described in the application, was lawful according to the terms of the Use Classes Order, on the date that the LDC application was made. The assessment is not whether the proposal would be suitable in this property or in this location, in planning terms, as may be relevant considerations in assessing a planning application. Planning history may comprise a material planning consideration however notwithstanding this, each case is procedurally individual/separate and is assessed on its own merits and comments received on one application cannot be transferred to another and they should be re-stated.
- 7.3.4 Notwithstanding comments received matters relating to any restrictions on title deeds/covenants are not a planning matter and they are a private/legal/civil matter to be addressed by the individual parties involved.
- 7.3.5 Notwithstanding comments received the Council's Waste Services Department notes the nature of the proposal and in the event that the property remains as a C3 dwellinghouse then the Council's refuse storage and collection arrangements would

not differ or change. Nonetheless, the Waste Services Department notes that if there were to be an accumulation of household waste; leading to waste escaping from control or it is being allowed to become litter and is causing a detriment to the environment, the Council may examine this through engagement with the occupiers and/or any other necessary mitigation through the Environmental Protection Act 1990.

- 7.3.6 Notwithstanding comments received, the Council has examined the use of the outbuilding. It is in use as a day-room for activities such as hobbies or television. It is not in use as a bedroom to accommodate a resident, nor as a separate independent unit of living accommodation. As such there is concluded to be no breach of planning control, and as it remains associated with the use of the dwelling it does not need to be included in the LDC application.

7.4 The Meaning of Development

- 7.4.1 According to section 55(1) of the Town and Country Planning Act 1990 "development, means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land".

7.5 Analysis

- 7.5.1 The provisions of the Use Classes Order are noted. With specific reference to Class C3 the relevant subcategories are:
- Class C3(a) a dwellinghouse for use by a single person or a family, and
 - Class C3(b) a dwellinghouse for use by up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
- 7.5.2 It is noted that the Use Classes Order allows for a change to take place within a Class e.g. from one sub-category to another sub-category within that same Class.
- 7.5.3 As mentioned in this report, the Council's Planning Enforcement Enquiry Team recorded and examined an alleged change of Use within the building and an outbuilding in September 2021 (21/00785/CHANGE). A planning application: seeking to regularise a retrospective change of Use from a C3(a) dwellinghouse for a single family to a C3(b) dwellinghouse for up to six people living together as a single household and receiving care, was received by the Council on 26.08.2022 (22/03390/FULL2). As such this indicates that the former C3(a) dwellinghouse use had already ceased by that point and that a different use, in this case the proposed/claimed C3(b) supported care use, had begun.
- 7.5.4 The Applicant has since chosen to submit an Existing Lawful Development Certificate (LDC) application (22/04947/ELUD) in the place of the planning application (22/03390/FULL2) and based on the previous history, observations, and claims, it is considered that on the balance of probabilities, the claimed C3(b) use had begun before the LDC application had been made and submitted to the Council.

7.5.5 According to the application details the dwellinghouse, formerly used as a C3(a) dwellinghouse for a single family is now in use as a C3(b) dwellinghouse for up to three adults with on-site live-in staff attending the site on a full-time rota system in partnership with the Community Multi-Disciplinary Team providing supported care including supervision of resident medication training and rehabilitation for transition into fully independent living and liaison with the Community Mental Health Team as necessary, and was in use on the date that the current LDC application 22/04947/ELUD was made.

7.5.6 On this basis the use of the property as described in the application comprises a change from one sub-category within Class C3 to another sub-category within Class C3, as permitted by the Use Classes Order, and it does not comprise a material change of use of the land/building,

7.6 Summary

7.6.1 The use of the building formerly used as a C3(a) dwellinghouse and now as a C3(b) dwellinghouse would not comprise a material change of use of the land/building.

8. CONCLUSION

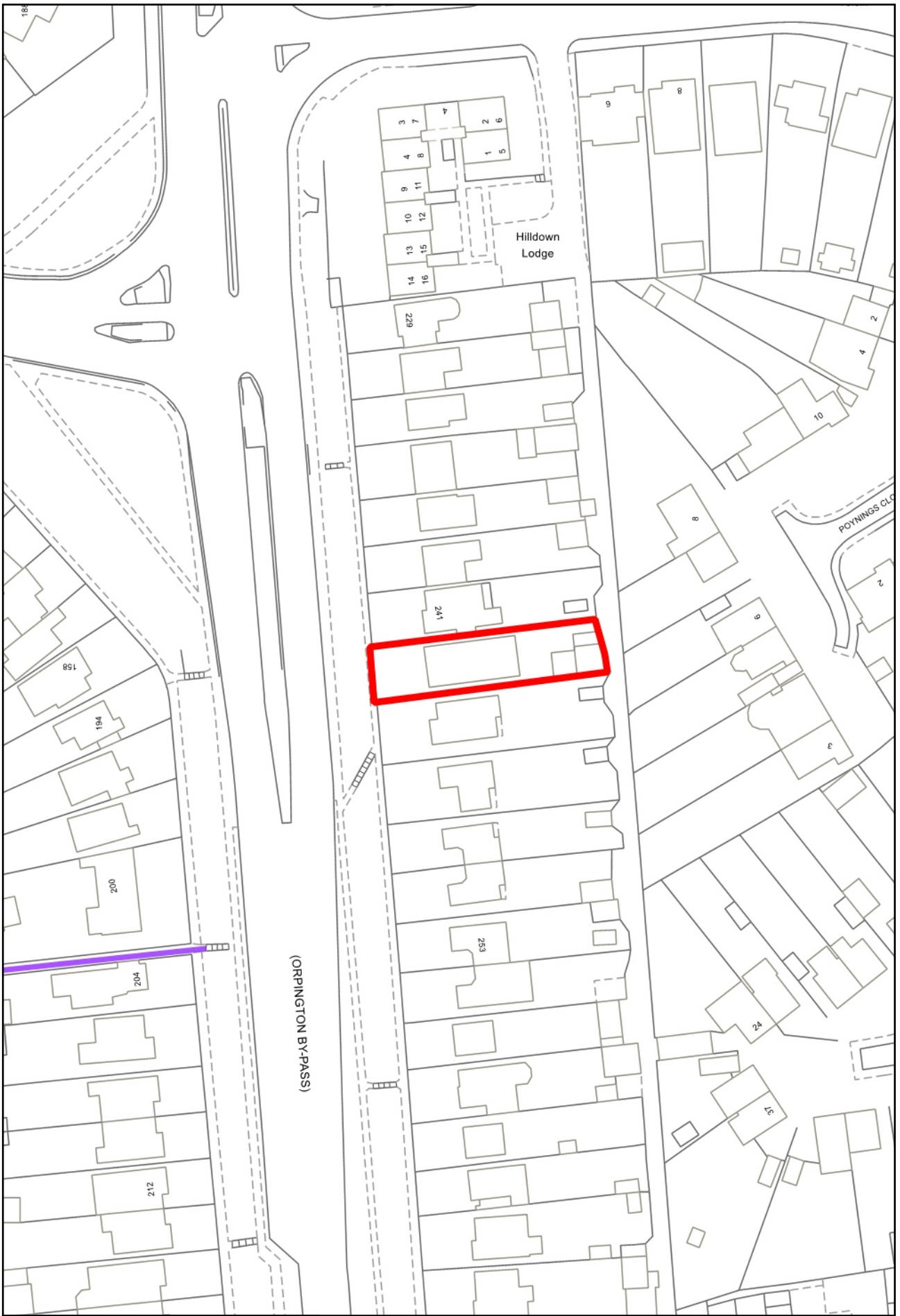
8.1 Based on the submitted information and other information available the proposal would not comprise development of the land or a material change of use of the land, it would therefore be lawful under section 191 of the Town and Country Planning Act 1990, and it is recommended that a Lawful Development Certificate is granted.

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


9. RECOMMENDATION:

CERTIFICATE BE GRANTED

Reason: The use of a C3(a) dwellinghouse as a C3(b) dwellinghouse would not comprise development of the land or a material change of use of the land/building according to Section 55 of the Town and Country Planning Act 1990. On the balance of probabilities, the use of the property for this purpose had begun prior to the submission of this application.



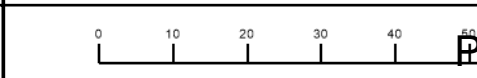
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 22/04947/ELUD
www.bramley.gov.uk



13 February 2024

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Committee Date	22.02.2024	
Address	Bandstand Croydon Road Beckenham	
Application Number	23/04018/ADV	Officer - Louisa Bruce
Ward	Kelsey And Eden Park	
Proposal	Steel Lectern with plaque and A3 sized advertisement.	
Applicant	Agent	
Mr David Braybrook		
Civic Centre Stockwell Close Bromley BR1 3UH United Kingdom		
Reason for referral to committee	Outside Delegated Powers	Councillor call in No

RECOMMENDATION	Grant Advertisement Consent
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<p>KEY DESIGNATIONS</p> <p>Article 4 Direction</p> <p>Biggin Hill Safeguarding Area</p> <p>London City Airport Safeguarding</p> <p>Smoke Control SCA 15</p> <p>Smoke Control SCA 18</p> <p>Statutory Listed Building</p> <p>Urban Open Space</p> <p>Views of Local Importance</p>

Representation summary	<i>A site notice was displayed on the entrance/exit gates to the park on the 6th December 2023.</i>
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Total number of responses	0
Number in support	0
Number of objections	0

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The advertisement would not result in a harmful impact on the character and appearance of the newly restored Grade II Listed Bandstand.
- The proposed lectern has been sensitively designed to limit the impact on the Urban Open Space.
- The proposed new lectern and advertisement would not cause any harm to neighbour amenity.

2. LOCATION

- 2.1 The Bandstand is located on a grassed area towards the south-western corner of the Croydon Road Recreation Ground which is located between Croydon Road, Whitmore Road and Village Way, Beckenham. The surrounding area is primarily residential but Beckenham Beacon Hospital and a Petrol Filling Station also border the site. The newly proposed lectern would be positioned in front of the Bandstand.

Figure 1: Location Plan



3. PROPOSAL

- 3.1 Planning permission was granted on the 28th November 2022 for Restoration of grade II listed bandstand, located in Croydon Road Recreation Ground. Redecoration and re-introduction of traditional roofing material and rainwater guttering. Localised landscaping works to improve access and usability.
- 3.2 The current application seeks advertisement consent to display a 'plaque' in the form of an A3 420MM X 297mm Single Leg Stainless Steel Lectern and n-viro graphic panel to fit.
- 3.3 The application is accompanied by a covering letter from the Council's Regeneration Department which states that the 'plaque' will accompany the restoration works to the Croydon Road Recreation Ground Grade II Listed Bandstand, the provision of which is a stipulation of the grant conditions of the Heritage of London Trust, one of the funders of the project.

Figure 2: Plaque

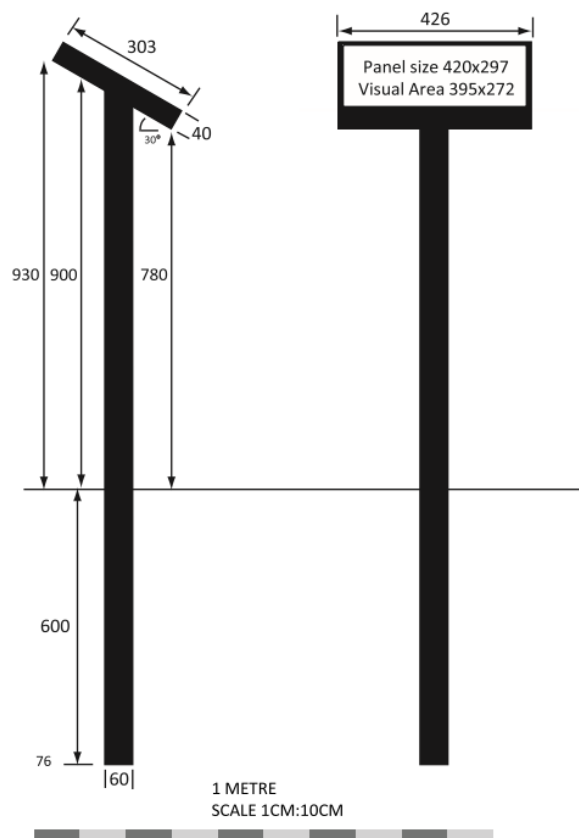


Figure 3: Photograph of Bandstand



4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history relating to the application site is summarised as follows;

Under planning application ref: 22/02953/FULL1 planning permission was granted for Restoration of grade II listed bandstand, located in Croydon Road Recreation Ground. Redecoration and re-introduction of traditional roofing material and rainwater guttering. Localised landscaping works to improve access and usability.

Under planning application ref: 22/02954/LBC Listed Building Consent was granted for Restoration of Grade II Listed Bandstand.

5. CONSULTATION SUMMARY

A) Statutory

Conservation Officer: No heritage objection

This proposed sign will be freestanding and in my view will cause no harm to the designated heritage asset.

I note that the provision of such a plaque is a stipulation within the grant conditions of the Heritage of London Trust - one of the grant funders towards the project. This is an excellent example of a well research conservation job.

Historic England: we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

The Gardens Trust: LPG has considered the information that you have provided and on the basis of this it supports the application as it improves the interpretation of the bandstand for park users.

B) Local Groups

No comments received.

C) Adjoining Occupiers

No representations received.

6. POLICIES AND GUIDANCE

National Planning Policy Framework 2023

Section 16 Conserving and enhancing the historic environment

The London Plan

- D1 London's form and characteristics
- D4 Delivering Good Design
- HC1 Heritage Conservation and growth
- G4 Open Space
- G7 Trees and woodlands

Bromley Local Plan 2019

37	General Design of Development
38	Statutory Listed Buildings
55	Urban Open Space
73	Development and Trees
79	Biodiversity and Access to Nature
102	Advertisements

Supplementary Planning Guidance

Bromley Council's Urban Design Guidance – July 2023

7. ASSESSMENT

7.1 Principle of development/Advertisement - *Acceptable*

7.1.1 Policy 102 of the Bromley Local Plan states that advertisements, hoardings and signs should:

- a - have regard to the character of the surrounding area,
- b - be in keeping with the scale, form and character of any buildings on which they are placed,
- c - generally not be located in residential areas and the Green Belt, Metropolitan Open Land (MOL) and Urban Open Space,
- d - preserve or enhance the character or appearance of conservation area,
- e - not be likely to create a hazard to road users, and
- f - avoid harm to the significance of listed buildings.

7.1.2 The proposed lectern with A3 sized advertisement, whilst not related to education or outdoor sport of children's play facilities, is considered small scale and would not undermine the Urban Open Space designation. . The proposed advertisement will provide information that supports the application as it improves the interpretation of the bandstand for park users.

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 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.

- 7.2.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 7.2.4 London Plan and Bromley Local Plan (BLP) policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.2.5 Policy 38 (Statutory Listed Buildings) of the Bromley Local Plan states that applications for development involving a listed building or its setting, will be permitted provided that the character, appearance and special interest of the listed building are preserved and there is no harm to its setting.
- 7.2.6 Planning permission on the 28th November 2022 for Restoration of grade II listed bandstand, located in Croydon Road Recreation Ground. The current application seeks to install a plaque in front of the Bandstand in the form of an A3 420MM X 297mm Single Leg Stainless Steel Lectern and n-viro graphic panel to fit.
- 7.2.7 The planning application forms state that the lectern will be made from aluminium and have a graffiti resistant coating. The advertisement will have black text on a white background and include the logo's of the London Borough of Bromley, Friends of Croydon Rd Recreation Ground , Heritage of London Trust and Idverde.
- 7.2.8 The Conservation and Listed Buildings Officer has confirmed that they would not object from a heritage point of view and The Gardens Trust are supportive of the application.
- 7.2.9 The lectern and its advertisement are not considered to harm the significance of the Listed Bandstand.

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 The proposed lectern and its advertisement are not considered to impact on the residential amenity of any nearby residents. The closest neighbours to the Recreation Ground are situated in the Croydon Road, Whitmore Road or Village Way and the lectern is situated in the centre of the park. Given the location no concerns are raised in respect of their impact on the amenity of the neighbouring occupiers.

8. CONCLUSION

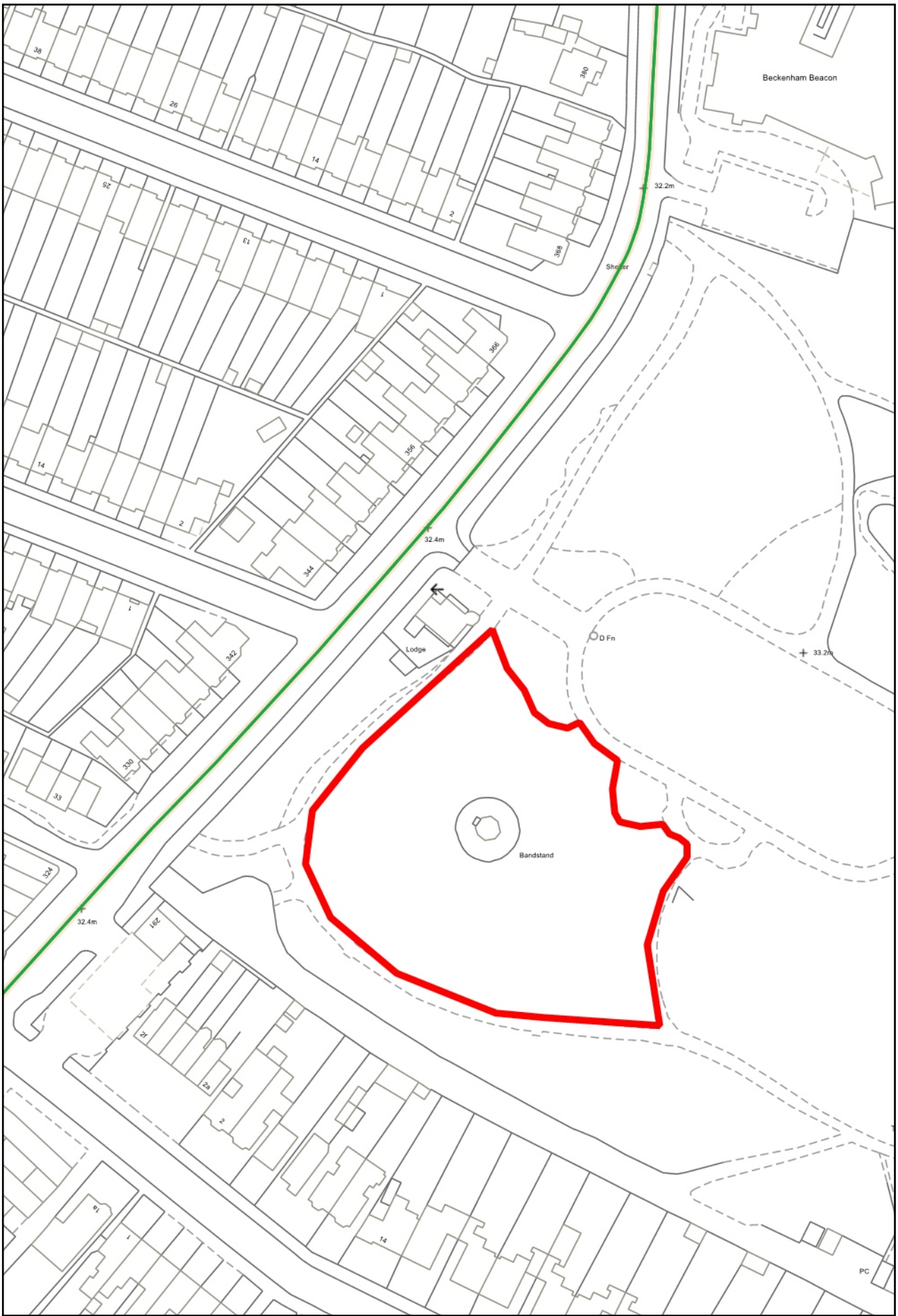
- 8.1 Having had regard to the above it is considered that the lectern and advertisement in front of Bandstand located within Croydon Road Recreation Park would respect the setting of the Listed Structure and not result in any harm to the sites designation as Urban Open Space and would not result in a significant loss of amenity to local residents.

RECOMMENDATION: Grant Advertisement Consent


Subject to the following conditions:


1. Standard – maintenance of sign clean and tidy
2. Standard – maintenance of sign safe condition
3. Standard – removal of sign in accordance with Advert Regulations
4. Standard – consent of the landowner
5. Standard - The advertisement shall be sited or displayed so as to not obscure, or hinder the highway.
6. Time limit of 5 years
7. Compliance with the approved plan
8. No illumination

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



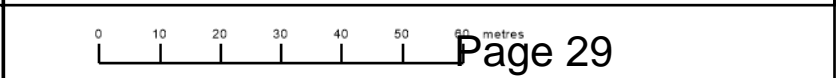
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23/04018/ADV



13 February 2024

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Committee Date	22.02.2024	
Address	Car Park High Street West Wickham	
Application Number	23/04247/FULL2	Officer - Susanna Stevenson
Ward	West Wickham	
Proposal	Change of use of 14 car parking spaces (bays) in a car park to be used as space for a car wash including container for storage and staff office.	
Applicant	Agent	
APCOA Parking (UK) Ltd	Mr Neil Jones	
c/o agent NL Jones Planning Duke House, Duke Street Skipton BD23 2HQ United Kingdom	Duke House Business Hub Duke Street Skipton BD23 2HQ	
Reason for referral to committee	Councillor call in	
	Council-owned site and Call in.	Yes – Cllr Mark Brock - Loss of further parking spaces to the High Street Loss of amenity for the residents that this will directly affect (noise, spray etc.). Call in conditional – should it be recommended that planning permission be granted.

RECOMMENDATION	Application Refused
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area Open Space Deficiency RAF Birdstrike Consult Smoke Control SCA 51 Town Centre Boundaries</p>
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Land use Details	
Use Class or Use description	Public surface car park

Representation summary	Local residents were notified of the application on 21 st November 2023.	
Total number of responses	221	
Number in support	4	
Number of objections	217	

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- Inadequate information has been provided with regards to the noise and general disturbance associated with the proposed car wash and the impact on the residential amenities of neighbouring dwellings.
- Insufficient information has been provided with regards to the impact of the proposal on the typical usage/parking demand of the car park, with regards to congestion on the access, the loss/impact on disabled parking bays and with regards to the safety of pedestrians and car park users.

2. LOCATION



Figure 1: Site location plan

- 2.1 The application site forms part of the main car park in West Wickham District Centre. The car park is located on the southern side of the High Street and is accessed via a narrow road leading between 85 and 87 High Street. The roadway is straight for the depth of the adjacent buildings before angling left at the car park approach. The access road is approx. 3m wide and a 1m wide (approx.) pedestrian pavement runs along its western side.



Figure 2 – Access from High Street

- 2.2 Vehicles exit the car park from a separate roadway which runs between 107 and 109 High Street and is approx. 3.4m wide with a narrow pavement along its western side, which is approx. 0.8m wide.
- 2.3 The car park is bounded to the west by the rear gardens of dwellings fronting Grosvenor Road, to the south by residential dwellings fronting Springfield Gardens and to the east by the parking/manoeuvring space associated with Knotley Way. Between the car park and the eastern and southern (part) boundaries of the site of the site is an area TPO (TPO 253A, 09/01/1990).
- 2.4 To the north of the car park are the rear parking, access and outside areas associated with the properties fronting the High Street.
- 2.5 The specific application site is referred to as comprising 14 no. car parking spaces which are arranged perpendicular to and approx. 1.65m from the western boundary of the car park with the rear gardens of dwellings fronting Grosvenor Road and Springfield Gardens.

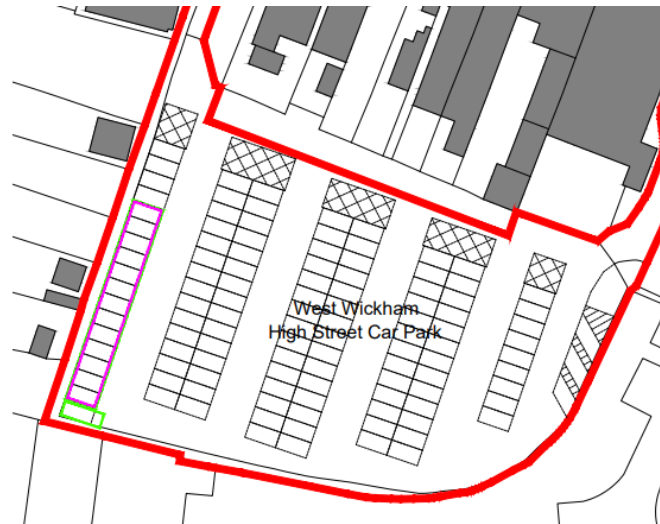


Figure 3 – Car park layout (proposed)

2.6 However, it was observed on site that the layout of the existing parking bays does not precisely tally with that indicated on the submitted drawings – with the information within the application not reflecting the current layout which includes new disabled bays positioned in the western row of parking spaces. The submitted block plan indicates with a red line that the development would consume 14 spaces, with 4 no. spaces retained between the car wash site and the yellow box markings. On site the spaces between the south western corner of the car park and the barrier/box markings were counted as comprising 12 regular sized bays, with 4 disabled bays.



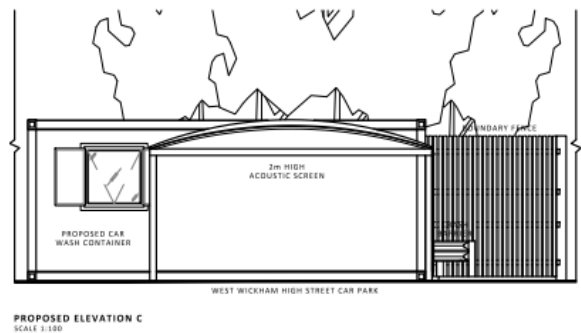
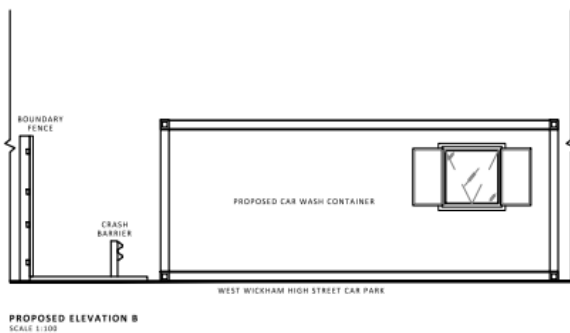
Figures 4 and 5 – South west corner and western boundaries



Figure 6 – Western boundary with rear of Grosvenor Road dwellings

3. PROPOSAL

- 3.1 It is proposed to change the use of an area of public car parking spaces in the southern/western part of the car park to allow for the operation of a commercial car wash service.
- 3.2 A partially enclosed wash bay structure would be installed in conjunction with the car wash bays, along with a 2m high acoustic fence along part of the western and southern boundaries adjacent to the car wash operation. The screening structure is indicated on the submitted drawings as being 2m high with a curved roof above (max. approx. 2.35m high).



Figures 7 and 8 – northern and southern elevations

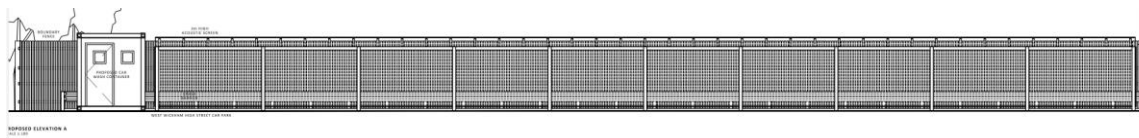


Figure 9 - western elevation (towards rear of Grosvenor Road)



Figure 10 – example image of enclosure type (source – Noise Impact Assessment)

- 3.3 A pre-fabricated structure/container would be positioned in the south western corner of the site.
- 3.4 The application has been submitted with the following supporting documents:
- Technical Note – Review of Car Park Occupancy Survey project no. 23274 dated 5th September 2023
 - Noise Impact Assessment – Car Wash project no. 2322049 dated 8th September 2023
 - Surface Water Drainage Strategy (September 2023)
- 3.5 The application form refers to the proposal being operated by 3 no. full-time equivalent employees with the car wash operating between 09.00 and 18.00 Monday – Saturday and 09.00 – 16.00 on Sundays and Bank Holidays.

4. RELEVANT PLANNING HISTORY

- 4.1 Under reference 22/03216/FULL2 planning permission was refused for development described “Change of use of 14 car parking spaces (bays) in a car park to be used as space for a car wash including a container for storage and staff office.”
- 4.2 Permission was refused on the grounds:
1. Insufficient information has been provided regarding the noise and other environmental impacts of the proposal and any potential mitigation measures. In the absence of this information, the proposal has a detrimental impact on the residential amenities of neighbouring residential properties, and is thereby contrary to Policies 37 and 119 of the Bromley Local Plan.
 2. Insufficient information has been provided to establish the impact of the loss of car parking spaces for West Wickham Town Centre. It could result in an increase in

demand for on-street parking and potential safety issues for pedestrians and other road users, thereby being contrary to Policies 30 and 32 of the Bromley Local Plan.

- 4.3 Under reference 19/02370/PLUD an application for a lawful development certificate for the use of 12 car parking bays as hand car wash and stationing of container in relation to car wash operation was refused on the ground:

“The proposal is considered to be development requiring planning permission as defined under Section 55, Part III of the Town and Country Planning Act 1990.”

5. CONSULTATION SUMMARY

A) Statutory

- Highways

The car parking survey was conducted in August – may not be representative of typical car park usage.

Limited detail on the impact of the car wash on congestion at the access to the car park.

Lack of detail on the impact on the recently marked disabled bays.

Limited information regarding surface water drainage and pedestrian/vehicular safety (should ice form during cold weather etc.).

- Drainage

It is unacceptable to rely on existing drainage at the site. The change of use to a car wash will increase discharge volume into the public sewer. A tank would need to be installed to restrict the flow of water entering the public sewer. Pre-commencement drainage condition recommended should planning permission be granted.

B) Local Groups

West Wickham Residents' Association

- The High Street is a red route, with limited on-street parking for shoppers, business owners and employees
- Development of the Station Road/Croft Avenue car park has removed more than 60 spaces from the total of car park spaces in the locality – the closure of the other car park was justified in part by the remaining car park capacity locally
- While at times there may be free parking bays within the application car park, at times the occupancy is very high and the loss of 14 spaces will impact on residents

- The proposal will result in loss of disabled parking bays from the west end of the car park (sited close to the exit) or require them to be re-provided in a less accessible/convenient position
- Lack of information on how the run-off will impact on the environment
- Noise pollution daily and throughout the year will adversely affect residential enjoyment of the neighbouring properties, impacting on quality of life
- The District Centre requires the retention of adequate car parking in order to thrive and continue to be vibrant, protecting the valuable businesses/services provided and remaining accessible to disabled visitors

C) Local comments

Objection

Highways and parking (addressed at 7.2)

- Loss of parking space when there is insufficient car parking in West Wickham
- The access to the car park is very narrow and while local residents know to take care, increased vehicle use will increase risk and impact on the safety of car park users and visitors
- The car park in Station Road West Wickham has been lost to development and the High Street is subject to red route restrictions which results in this car park being essential to support the local centre
- Would be preferable for the spaces to be converted to electric vehicle charging points as these will be needed in the near future
- The car park is always busy, particularly at weekends
- The car parking survey was undertaken during August and a period of fine weather when many people would have been on holiday/would have visited the centre on foot. Survey did not include weekend use. Survey should be undertaken at a time that reflects the average use of the car park
- Survey does not include additional cars within the parking area waiting for car wash service
- Lack of mother and baby car parking spaces/spaces for larger vehicles in the local area
- Often have to park in surrounding streets when the car park is full
- Will cause congestion on the access to the car park
- Impact on elderly car-park users and those with mobility issues – if unable to park within the car park which is already very busy
- Loss of disabled bays which were only recently been marked – if reprovisioned elsewhere within the car park, will lead to further loss of car parking spaces
- Water and grit from the car washing will make the remaining disabled bays slippery/icy
- Container will overhang the parking bays

Impact on neighbouring amenity (addressed at 7.3)

- Type of car wash is unregulated and noisy – use of pressure washers and vacuum cleaners would contribute to significant noise pollution
- Car washes have a lot of associated noise, like vacuums, shouting, car horns, banging of mats and loud music from clients – that won't be contained in an open-ended structure and should not be in a residential area
- Existing noise heard in neighbouring gardens is negligible – intermittent car doors shutting and cars starting only, and payment for parking by app has reduced the number of instances of car doors opening/shutting.
- Speed in car park is 5MPH, and in High Street is 20MPH – neither of which results in significant background noise, and Grosvenor Road to the rear is one way only – limited traffic noise as a background
- Possible overspray
- Impact on nearby eating facilities associated with premises opposite the carpark
- Sunday operation would impact on amenity
- Odours associated with the use of chemicals
- The noise, water run-off, increased traffic movement and movement of people will be disruptive to residents, business owners and their customers
- Impact on home working in nearby dwellings and amenity within gardens
- Concern that the information provided by the applicant does not correlate with the information within the acoustic assessment (applicant refers to vacuums with 73-79 dB output, then the acoustic assessment refers to 67dB)
- Will need a generator to operate the equipment – or else how will the equipment be powered (NB other sites have a generator)
- The report is inaccurate as it states that the noise levels from car wash activity was measured in August 2023, when there is no existing car wash in the car park
- Report refers to assessment of noise levels in Station Road – this is half a mile from the application site.
- The report equates the noise from the car wash to the noise associated with the existing car park – which is inaccurate since in car washes all doors are opened and closed etc.
- Limited acoustic fencing proposed
- Impractical for all jet washing and hoovering to take place inside the acoustic bays due to orientation of bays, and to reach front and rear of the car, and inside operatives will encroach into the manoeuvring space of the regular, retained bays, or will conflict with the confines of the acoustic structure
- Parked cars don't idle
- Concerns as to the exact positioning of the proposed 2m acoustic fencing – in front of the crash barrier it will decrease the length of the available space in the bay again making using machinery inside of the wash bays to mitigate noise even more impossible. If behind this will be very close to residents' private fencing making maintenance impossible.
- Impact on access from neighbouring rear gates into the car park
- Reference to the impacts arising from the unauthorised car wash at Beckenham Spa and current application. Noise abatement order issued and ignored, and lighting installed before application determined

Visual impact (addressed at 7.4)

- The proposed container/car wash would be an eyesore – will be visible from neighbouring gardens, particularly since the car park is on higher ground than the gardens
- Will encourage fly tipping
- Inappropriate place for a car wash

Other matters (addressed at 7.5)

- Concern over employment conditions for workers and the operation of the car wash
- Environmental impact of an additional car wash facility in terms of water usage etc. along with detergent and chemical run off into the local ecological environment – pollution and harm to wildlife
- No public benefit other than to the operators
- Lack of need for another car wash as there are at least three at garages within 1 mile of the High Street
- Impact on business within the High Street and upon Wickham Hall community centre
- Impact on property values
- The applicant controls the station carpark – that should be used instead
- Will lead to application for lighting to allow for operation in winter months

Support

- A car wash is needed and there is always plenty of room in the car park

6. POLICIES AND GUIDANCE

National Planning Policy Framework (NPPF) December 2023

NPPG

The London Plan (LP) 2021

- GG5 Growing a good economy
- D3 Optimising site capacity through the design-led approach
- D13 Agent of change
- D14 Noise
- SI1 Improving air quality
- SI12 Flood risk management
- SI13 Sustainable drainage
- T6 Car parking

Bromley Local Plan (BLP) 2019

30 Parking
32 Road Safety
37 General Design of Development
94 District Centres
116 Sustainable Urban Drainage
119 Noise Pollution
123 Sustainable Design and Construction

Supplementary Guidance

Mayor's Ambient Noise Strategy
Urban Design Supplementary Planning Document (Bromley 2023)

7. ASSESSMENT

7.1 Resubmission

7.1.1 The current application differs from that refused under reference 22/03216/FULL2 in the following key respects:

- Submission of parking stress survey, drainage documentation and a noise impact assessment
- Drawings of proposed container, and size and siting provided, and showing installation of 2m high acoustic screen between the crash barrier and the affected parking bays, with curved canopy

7.1.2 In the assessment of the previous scheme it was considered that in view of the site's location immediately adjacent to residential rear gardens in Grosvenor Road and Springfield Gardens, the location of the proposed facility was unacceptable in principle.

7.1.3 The current submission seeks to address specifically the grounds for refusal of planning permission which referred to:

- Noise and other environmental impacts
- Impact of the loss of car parking spaces and on highways safety (including pedestrian safety)

7.2 Highways and Drainage Impact - Unacceptable

7.2.1 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.

- 7.2.2 London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.
- 7.2.3 Policy 116 of the Bromley Local Plan relates to Sustainable Urban Drainage Systems (SUDS).
- 7.2.4 Comments from the Highways officer have been received and objections have been raised. While a parking survey has been provided, it was undertaken at a time that may not be representative of the typical day to day usage of the car park. Furthermore, it is noted that limited information has been provided regarding highways drainage and the potential impact of water associated with the intended use on pedestrian and vehicular safety, as well as with regards to the impact the proposal would have in terms of the loss of existing disabled parking bays at the site.
- 7.2.5 It is noted that the access and egress to and from the car park is single car width only, and pedestrian and vehicular access comes into close proximity with each other, resulting in a potential conflict between the two, which could be exacerbated if the comings-and-goings associated with the proposed use of the site are increased. Limited information has been provided on this, and while the proposal would reduce the overall quantum of parking provision within the car park, it would introduce a more intensive use of those re-purposed spaces, with potentially increased turnover/frequency of use of those car wash spaces.
- 7.2.6 It was noted on site that the submission does not accurately show the layout of the car park as existing, in terms of the potential number of spaces impacted and with regards to the 4 no. disabled parking spaces. It is unclear also, in terms of the drawings and example of acoustic enclosure included in the Noise Impact Assessment, how practicable the manoeuvring of vehicles into and out of the bays to allow operative access while maintaining the passage of non-car wash vehicles along/adjacent to the bay would be.
- 7.2.7 The application has been submitted with a Surface Water Drainage Strategy which states that the existing car park is surface is 100% impermeable and hard-standing areas would not be increased as a consequence of the development – stating “therefore, no attenuation of surface water runoff will be required for the proposed development.” It sets out assumptions regarding the water environment impact of the proposal, stating that it is assumed that runoff from the car park also discharges into the foul sewer network, existing gullies and manholes are assumed to have sumps to capture sediment and other pollutants, it is likely that there is an oil interceptor installed near the site’s drainage outfall and that the car wash will use water-based cleaning products.
- 7.2.8 The drainage officer has expressed concern at the intended use of the existing drainage provision at the site to address run-off, stating that a tank would need to be installed to allow for flow-restriction, noting that the car wash will increase discharge

volume into the public sewer. While these concerns are noted, the drainage officer has recommended that should planning permission be granted for the proposal, a pre-commencement drainage condition may be applied in order to satisfy the above points. The reasons for refusal in the determination of the previous application did not specifically refer to the drainage impact of the development and comments from the drainage officer taken into account in the assessment of that application referred solely to the need for an oil interceptor to be installed at the last outfall. However, that application was not supported by a site-specific Surface Water Drainage Strategy – i.e. more detail has been provided regarding the intentions of the applicant in relation to the management of drainage at the site arising from the proposed development.

7.2.9 The use of a suitably worded pre-commencement planning condition, should planning permission be granted, would provide the opportunity for greater detail to be provided in relation to the drainage matters raised within the Surface Water Drainage Strategy and by the Council's drainage officer. In note of the planning history of the site and the potential that technical drainage matters could be appropriately dealt with by way of condition it is not considered that the refusal of planning permission on this specific concern would be warranted in this instance.

7.2.10 Taking the above into account, it is considered that the proposal would have a detrimental impact on conditions of safety within the car park/accesses, as well as resulting in the unacceptable loss of parking spaces including designated accessible/disabled parking bays. While the application has been supported by information including a parking stress survey, the information provided is not sufficient to address the concerns expressed above with regards to the potential highways impacts of the proposal.

7.2.11 The concerns raised regarding the proposal including with regards to the accuracy of the submission in relation to the disabled bays/number of parking bays affected by the proposal were communicated to the applicant's agent, who requested that the application be determined as submitted.

7.3 Impact on residential amenity - Unacceptable

7.3.1 Policy 37 of the Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties including general noise and disturbance.

7.3.2 Policy 119 of the Bromley Local Plan relates to noise, and states that proposed developments likely to generate noise will require a noise assessment to identify issues and appropriate mitigation measures.

7.3.3 The application has been submitted with a Noise Impact Assessment (dated 8th September 2023). This sets out 2 proposed mitigations that are intended to address the potential impact associated with noise:

- Installation of a partly enclosed structure associated with the proposed car wash bays
- Installation of 2m high acoustic fencing along part of the southern and western boundaries of the site (relative to neighbouring residential gardens).

- 7.3.4 The neighbouring objections are noted. The site is located within an area with a mixed character, and while the site itself lies behind West Wickham High Street with commercial use, the car park is also surrounded by residential properties along Grosvenor Road and Springfield Gardens.
- 7.3.5 The submitted Noise Impact Assessment at Table 5 makes an initial assessment that the identifies a significant adverse impact. It also refers at paragraph 5.2 to on-site measurements having been taken to assess the noise associated with car washing activity, and in Table 5 to the application being retrospective although this application is not retrospective in nature and no existing car washing service is provided at the site. Table 5 also refers to a previous application reference 22/03224/FULL2 - that application reference refers to a separate site at the Car Park, Station Road, Bromley, rather than to this application site.
- 7.3.6 The Environmental Health (Pollution) officer has been consulted and raises objections to the proposal, stating that the nature of the use on the basis of the submission, the noise predictions and lack of detail on mitigation performance, does not address the previous concerns. In summary, the following key issues are raised:
- BS4142 assessment bases the significance of the noise impacts upon exceedance of existing background noise levels. This is in accordance with the correct methodology, however the assessment was only undertaken on a single day, and the time of day when measurements were taken is not provided. There is therefore significant uncertainty as to whether this reading is representative.
 - L90 background levels in back gardens are likely to be significantly lower than those measured adjacent to the car park (considering a reduction is required for fence and distance from the carpark). I would conservatively estimate background levels in the garden areas to be at least 5 dB(A) lower than the level quoted in the report.
 - The maximum car wash usage (which is assumed in the report at being 75%) is also queried – a worse case consideration of summer weekend use, when often such facilities have lengthy queues and are in constant use is considered more appropriate in this instance, particularly in note of these busy periods being likely to coincide with periods when neighbouring residents may wish to use their garden spaces.
 - Jet washing is not a continuous noise, being dependent on a variety of factors – including panel thickness, manner of mounting, type of material and how dirty the vehicle is, as well as the proximity of the pressure jet to the panel and the power of the jet washer in operation. This leads to significant uncertainty in this element of the prediction methodology provided with the application – (EHO comments assume a 2dB(A) uncertainty may exist).
 - The assertion at paragraph 4.1 of the Noise Impact Assessment that “Noise from cars manoeuvring in the car park, doors being closed and voices would be no different in level or character to the existing use of the car park and therefore are considered negligible” is noted. However, the report ignores the fact that these parking bays will be more intensively used than previously. The existing arrangement means that each bay is only likely to see relatively few parking movements every few

hours, where the proposed cleaning and vacuuming operations are likely to involve each door and the boot being opened at least once.

- The provision of a lightweight enclosure by way of mitigation is noted, but the acoustic performance of the structure has not been provided and the example provided in the assessment will not provide the required level of sound attenuation. To provide the necessary reduction of 20-30 dB(A) the enclosure would need to be a substantial, fully enclosed structure, for which a further noise assessment would be required.

7.3.7 The site is located very close to the rear boundary fenceline separating the car park from the neighbouring gardens. The nature of the use which will be reliant on a swift turnaround of vehicles using the facility is considered likely to result in an increased disturbance to neighbouring residents, associated with the operatives working at the site, idling vehicles, car radios, doors slamming etc. than would be associated with the basic existing operation of parking and leaving to use the shops/local facilities.



Figure 11 – Position of parking bays relative to properties fronting Grosvenor Road

7.3.8 While the site is located in an area of mixed character, to some degree the open car park provides a transition space between the busier High Street and the residential properties that surround the other three “sides” of the space. The land projects into the residential enclave to the rear of the High Street, and the proposed facility would be provided at the very far corner of the site, away from the commercial activities of the High Street and in close proximity to the neighbouring residential sites.

7.3.9 Taking into account the above assessment, including the comments from the Environmental Health team and neighbouring residents it is not considered that the proposal as set out in the application adequately addresses the previous ground for refusal relating to noise and disturbance arising from the proposed commercial car wash use.

7.4 Impact on visual amenity - Acceptable

7.4.1 It is noted that while the previous application for planning permission was refused, this was on the basis of the impact of the proposal on the residential amenities of the area and with regards to the highways/parking impacts of the development. The

change of use of the car parking spaces and installation of a kiosk/staff quarters was not considered unacceptable in terms of the impact of this on the visual amenities of the area.

- 7.4.2 This application includes the installation of a partly enclosed wash bay structure which would extend for the full depth and length of the parking bays proposed to be used for the car wash. It would be 2m height, topped by a curved roof which would slope down towards the 2m high acoustic fence provided between the car park and the gardens of dwellings fronting Grosvenor Road.
- 7.4.3 While of somewhat utilitarian design, it is a reasonably lightweight structure that would not be significantly high relative to boundary enclosures/screening, and would generally be viewed in the context of the public car park, height restriction barriers and the quite varied commercial appearance of the rear of the High Street properties.
- 7.4.4 Taking this into account, it is not on balance considered that the proposal would result in a significantly adverse impact on the visual amenities and character of the area.

7.5 Other Matters

- 7.5.1 Representations have referred to there being no need for an additional car wash facility and the impact of the proposal on property values. With regards to the latter point, this is not a material planning consideration. With regards to the need for the development, the commercial benefit to the operators and there being existing car wash facilities locally, there is no requirement in planning policy to demonstrate need for the facility and it is a generally recognised principle that it is not the planning system's role to prevent competition.
- 7.5.2 Comments have also referred to the impact of the proposal's drainage on the environment. The Council's drainage officer was consulted on the application and confirmed that the change of use to a car wash would increase the discharge volume into the public foul sewer, if the existing drainage provisions are utilised. A tank would need to be installed to restrict the flow entering the public sewer. Should planning permission be granted a pre-commencement drainage condition would be necessary to address these matters.

8. CONCLUSION

- 8.1 It is considered that the proposal fails to have sufficient regard to the impact of the proposal on the safety of pedestrians and vehicles within the site, the impact of the proposal with regards to loss of car parking (including disabled bays) along with the impact of the proposal on vehicular congestion/manoeuvring within the site and access.
- 8.2 On the basis of the information provided and the scope of the proposal it is considered that the proposal would lead to an unacceptable impact on the residential amenities of neighbouring residents, giving rise to increased noise and general disturbance that is not characteristic of the immediate location of the car wash relative

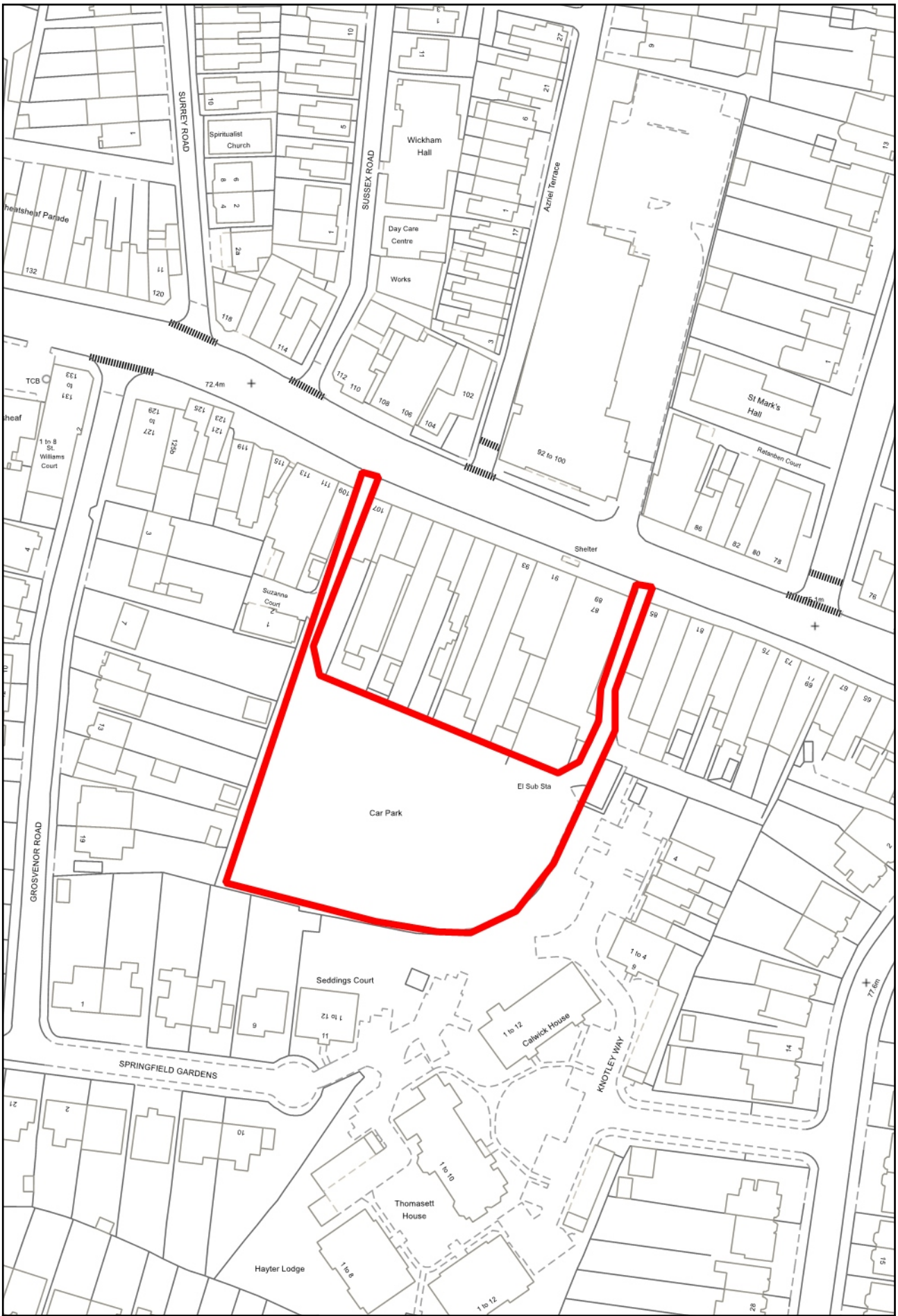
to the neighbouring residential gardens. It is not considered that the submitted details satisfactorily address the previous ground for refusal in this respect, or that the mitigation measures indicated would successfully limit the impact of the proposal to an adequate extent.

RECOMMENDATION: PERMISSION BE REFUSED


On the following grounds:

- 1. The proposal would have a detrimental impact on the residential amenities of the area, resulting in unacceptable noise and general disturbance, and the submitted information and mitigation measures are considered inadequate to address and mitigate the impact associated with the use on neighbouring residential properties, thereby contrary to Policies 37 and 119 of the Bromley Local Plan.**
- 2. Insufficient information has been provided to demonstrate that the proposal would not have a detrimental impact on conditions of safety and the flow of traffic within and adjacent to the car park, as well as with regards to the loss of on-site car parking (including disabled bays), in the absence of which the proposal would give rise to an increased demand for on-street parking and potential safety issues for pedestrians and other road users, thereby being contrary to Policies 30 and 32 of the Bromley Local Plan.**

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