

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

Application No : 11/03108/FULL1

Ward:
**Chelsfield And Pratts
Bottom**

Address : Lilly's Farm Chelsfield Lane Orpington
BR6 7RP

OS Grid Ref: E: 548176 N: 164335

Applicant : T Pitham Business Ltd

Objections : YES

Description of Development:

Demolition of existing commercial buildings and erection of 4 x four bed, 1 x five bed and 1 x six bed detached residential dwellings with associated vehicular access and parking, and formation of community car parking area and village pond.

Key designations:

Conservation Area: Chelsfield
Areas of Archeological Significance
Special Advertisement Control Area
Biggin Hill Safeguarding Area
Green Belt
Local Distributor Roads

Proposal

- It is proposed to demolish all existing buildings on this site and erect 6 residential dwellings with new access, internal access road and form a community car parking area and pond.
- The dwellings comprise 4 x four bed, 1 x five bed and 1 x six bed detached houses, generally two storeys with some accommodation within the roofspace.
- The community car parking area is to be provided to replace a current informal arrangement whereby the owner of the site allows casual use of the existing parking area by parents dropping off children at the nearby school to relieve congestion in the village
- The existing pond to the rear of the site is to be retained and a new pond created at the front of the site adjacent to Chelsfield Lane
- The proposal includes a new access relocated more centrally than the existing access.

- The application submission includes an explanation that the current business needs to relocate to a more accessible location in order to remain viable

Location

The site is located within Chelsfield village within the Chelsfield Village Conservation Area. The village is a rural settlement entirely within the Green Belt.

The site is currently occupied by single storey and warehouse style commercial buildings used primarily for a Koi Carp business and associated storage. A significant amount of hardstanding, including a large car parking area to the front, surrounds the buildings. There are some ponds and polytunnels located to the rear of the site. The site lies within the Green Belt.

The site is bounded to the north by open Green Belt land. To the west is a large detached residential property known as Lilly's. To the east of the site lies Rosewood Farm a residential property which has two large detached outbuildings to the rear, understood to be used for purposes ancillary to the residential use. To the south is Chelsfield Lane and the current vehicular and pedestrian access to the site joins Chelsfield Lane close to its junction with Warren Road.

Comments from Local Residents

A number of objections and some comments in support have been received, including objections from the Chelsfield Village Society. Points raised are summarised below:

Objections state that:

- extent of the development is unacceptable
- proposal is not sympathetic to the character of the village and conservation area
- development in the Green Belt is inappropriate and unacceptable
- calculated footprint in the application includes outhouses, lean-tos and temporary structures and overstates built development by around 340sqm
- increased height and position of proposed dwellings will impact on the openness of the site
- dwellings will be visible from the road and will impact on character
- new access will be dangerous as Chelsfield Lane is a cut through
- proposal will create additional traffic movements
- applications for other dwellings in the village have been refused
- development would urbanise this part of the village due to the bulky prominent houses in a compact row and extension of the pavement into the rural lane
- proposal would set a precedent for further similar redevelopment
- no consideration has been given to biodiversity
- car park proposal should not influence the decision

- activities and uses appropriate within the Green Belt would be possible at the site
- no provision is made to access the rear land for maintenance after development

Supporting comments state that:

- the undeveloped land in the village would remain unaltered
- no adverse visual impact would result
- removal of existing buildings would be an improvement
- the modest increase in dwellings could be easily accommodated
- proposal would reduce the lorry and van deliveries
- additional parking for the village would be welcome
- proposal would enhance the village

Comments from Consultees

The Council's Highway Engineer comments that the new access could be provided with adequate sightlines and that sufficient parking is provided for the proposed dwellings. Concern is raised about the potential for increased vehicular trips from the site and it is suggested that insufficient information has been provided to support the claimed reduction in traffic that it is alleged would result from the proposal. The Council would not wish to take over responsibility for the proposed village parking area and there should be a mechanism in place to safeguard the future maintenance of this area. The proposed turning head in front of plot 2 may not be sufficient to accommodate the Council's refuse vehicles. It is suggested that should permission be granted a construction management plan should be required given the location of the site.

The Crime Prevention Officer comments that the application fails to clarify how the secure by design principles are to be incorporated in the development. Clear definition should be provided between the intended public car park area and the residential development, and provision for suitable boundary treatments where the development abuts open land for security.

Waste services comment that no turning area is shown for refuse vehicles and that a minimum 4m access is required.

The Environmental Health Officer has no objections subject to a suitable condition for a soil survey in light of the potential for land contamination, and an informative.

Drainage comment that no details of foul drainage have been submitted and request a standard condition requiring these. SUDS could be appropriate for this site for the disposal of surface water.

Thames Water has no objections to the proposal.

From a trees perspective a tree survey was required but not included with the original submission. A full survey has been requested and received and any comments regarding this will be reported verbally.

Planning Considerations

The application falls to be considered with regard to the following UDP policies:

- H1 Housing
- H7 Housing density and design
- T3 Parking
- T11 New accesses
- BE1 Design
- BE3 Buildings in rural areas
- BE11 Conservation areas
- BE12 Demolition in conservation areas
- BE14 Trees in conservation areas
- BE16 Archaeology
- NE7 Development and trees
- G1 The Green Belt
- EMP5 Development outside business areas

The Supplementary Guidance for the Chelsfield Village Conservation Area states that: "The Council will expect all proposals for new development to conform to the general character of the area, especially with regard to materials used and the height and scale of construction. It is anticipated that all improvement work will respect the character of the buildings and the village as a whole, and alter them as little as possible. Change of use will be acceptable only where, in the opinion of the Council, they have no detrimental effect on the character of the area".

It continues: "Chelsfield is located within the Green Belt, and opportunities for new development on infill sites will be extremely restricted. There are some significant areas of open land around the village that make a positive contribution to the character and the setting of the conservation area. The siting of new development will be considered with great care, and will not be permitted where detriment to the character of the conservation area would result. Increases in development density and height or the development of additional houses between existing frontages could damage the character of the area; therefore proposals of this nature will be strongly resisted"

Planning History

The site has an extensive planning history related to the current commercial use. There have been attempts to secure planning permission for residential development at the site before. Under reference 83/02578 permission was refused by the Council for an outline proposal for a detached bungalow and garage as the site was located in the Green Belt, an Area of Great Landscape Value and the Cray Valley Area of Special Character and no very special circumstances had been provided to warrant an exception to the policies for such areas.

A further attempt was made in 1984 under reference 84/02587 for full planning permission for a detached three bedroom house with garage. This was refused for similar reasons as the 1983 proposal, and dismissed at appeal, as the case for an

agricultural dwelling had not been suitable demonstrated and the residential development was inappropriate.

In 2003 application 03/01398 was also refused for outline permission for a detached dwelling on the basis that the proposal was inappropriate development and no very special circumstances had been demonstrated, and that the proposal would harm the Area of Special Landscape Character within which the site was then located.

Conclusions

The primary issues to be considered in the determination of this application are whether very special circumstances have been demonstrated to warrant the setting aside of the normal presumption against inappropriate development within the Green Belt; secondly the impact of the proposal on the character and appearance of the Chelsfield Village Conservation Area; the loss of business premises, and finally the impact upon vehicular and pedestrian safety.

The proposal falls to be considered with regard to UDP Policy EMP5 which relates to the redevelopment of business sites or premises outside business areas. This policy states that such proposals will be permitted provided that “the size, configuration, access arrangements or other characteristics make it unsuitable for uses Classes B1, B2 or B8 use, and full and proper marketing of the site confirms the unsuitability and financial non-viability of the site or premises for those uses.” The application submission sets out the applicant’s view that the current business is not suited to the location, and that the site is more suitable for residential than business use; however no attempt appears to have been made to market the site as required by this policy or to justify the unsuitability of the site for business use.

With regard to highway safety, there are doubts expressed by the Highway Engineer regarding the claimed reduction in vehicle movements resulting from redevelopment as no information has been provided as to how this conclusion was reached. Any update on this matter will be reported verbally. Overall, it is considered that the access and parking are acceptable and detail could be conditioned should permission be forthcoming, with an additional condition requiring construction management plan.

Despite their utilitarian appearance, the majority of the existing buildings are single storey and set well back into the site, resulting in little visual impact. The larger barn / warehouse style building running along the eastern boundary still maintains a relatively low profile due to its colour and location within the site, despite being taller than the other buildings. Several of the buildings have flat roofs and are timber clad. The detailed quote set out above from the Council’s Supplementary Planning Guidance for the Chelsfield Village Conservation Area sets out the Council’s requirements for new development within the village area. It is clear that the proposed dwellings will result in a larger and more intensive scale and form of development when compared to the existing buildings, additionally being further forward on the site and more prominent when viewed from the road. The proposed dwellings will increase the density of development on this site, altering its appearance from the street. There will be a significant impact on the character and

appearance of the conservation area and it is considered that the proposal will fail to preserve or enhance it, contrary to Policy BE11.

Consideration must also be given to any impact upon the amenities of adjoining residential properties. There is a good separation from the buildings to adjacent properties and there would not appear to be any potential for loss of amenity from the proposal.

Residential development within the Green Belt is inappropriate by definition and therefore in this case very special circumstances would need to be successfully demonstrated in order for the application to be permitted. In addition to the “in principle” harm caused by inappropriate development it is also necessary to consider whether the development results in “actual” harm by virtue of factors such as its design, size, and location, as the acceptability of such a proposal relies on overcoming both of these concerns.

The applicant suggests that the proposal complies with the purposes of including land within the Green Belt as set out in paragraph 1.4 and 1.5 of PPG2. Since the proposal is inappropriate and results in an increase in the amount, scale and height of development at the site, this point is not accepted. The case continues to suggest that the proposal will enhance the Green Belt and Conservation Area and will not harm the landscape. This is not considered to be the case for the reasons set out in this report.

With regard to very special circumstances the applicant considers that the proposal represents an overall reduction in the footprint of built development comprising buildings and hardstanding. A number of objections received have disagreed with this assessment, and it is clear that agreement on the methods of calculation may be difficult. However, irrespective of this suggested benefit, it is clear that the overall impact of the proposal with regard to the siting, size and height of the proposed buildings will result in greater actual harm to the openness of the Green Belt, with taller development spread across the site and further towards the road, and the suggested reduction in footprint is not considered to constitute a very special circumstance.

The removal of the commercial use does not appear to have any significant benefit that would constitute a very special circumstance that would justify the scale and type of development proposed, and the provision of new homes is not a very special circumstance. The proposed village car park, the pond and landscape enhancement are all potential benefits of redevelopment, however none are such a unique or significant consideration so as to constitute very special circumstances to justify inappropriate development.

The application proposes the replacement of one inappropriate use with another, and as such it is difficult to see any benefit to the openness and character of the Green Belt from the proposal taking into account the increased prominence of development at the site. Overall the harm caused by this proposal to the Green Belt is considered to outweigh any benefits, and none of the circumstances put forward by the applicant are considered to be very special.

On balance, the proposed residential redevelopment of this site will result in harm to the character and appearance of the Chelsfield Village Conservation Area, and represent inappropriate and harmful development within the Green Belt, and it is recommended that permission be refused.

Background papers referred to during production of this report comprise all correspondence on files refs. 83/02578, 84/02587, 03/01398 and 11/03108, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The proposal constitutes inappropriate development in the Green Belt and no very special circumstances have been demonstrated to warrant the setting aside of normal policy considerations, contrary to Policy G1 of the Unitary Development Plan.
- 2 The proposed development by reason of its density, size and siting would result in unacceptable visual impact and harm to the openness of the Green Belt, therefore contrary to Policy G1 of the Unitary Development Plan.
- 3 The proposed development would, by reason of its density, size and siting, fail to preserve or enhance the character and appearance of the Chelsfield Village Conservation Area, contrary to Policy BE11 of the Unitary Development Plan and the Chelsfield Village Conservation Area Supplementary Planning Guidance.

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Address: Lilly's Farm Chelsfield Lane Orpington BR6 7RP

Proposal: Demolition of existing commercial buildings and erection of 4 x four bed, 1 x five bed and 1 x six bed detached residential dwellings with associated vehicular access and parking, and formation of community car parking area and village pond.

