

SECTION '2' – Applications meriting special consideration

Application No : 12/02601/FULL1

Ward:
**Bromley Common And
Keston**

Address : Keston Garden Centre Oakley Road
Bromley BR2 8HD

OS Grid Ref: E: 541988 N: 165177

Applicant : Keston Garden Centre

Objections : YES

Description of Development:

Open sided canopy over existing plant sales and display area.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Local Distributor Roads

Proposal

Planning permission is sought for an open sided canopy to the side of the main garden centre building, over the existing plant sales and display area. The full details of the proposal are as follows:

- 10.8m in depth, 6m in width and maximum height of 3.5m
- adjacent to existing pergola, to east of main garden centre building
- constructed from timber supports with opaque UPVC membrane roof.

The application includes a planning, design and access statement, which makes the following summary points in support of the proposal:

- the previous reasons for refusal have been demonstrably overcome in this application by further reducing the scale of the canopy and maintaining a substantial separation to the eastern site boundary
- there would be no material impact on the openness of the Green Belt, or detrimental visual impact
- the proposed development should be considered 'appropriate' development in accordance with the National Planning Policy Framework (NPPF) since it represents limited infilling on a previously developed site which would not

have a greater impact on the openness of the Green Belt and is also a proportionate extension to an existing building

- however, should the Council not accept this view, very special circumstances by virtue of economic, social and environmental benefits offered by the scheme, in conjunction with the NPPF's presumption in favour of such sustainable development, exist sufficient to outweigh the harm caused by virtue of the development's inappropriateness alone
- taking all of the above into account, permission can be granted for this development on its merits and having regard to all relevant material considerations.

With particular regard to the economic, social and environmental benefits of the scheme, the planning, design and access statement is as follows:

- canopy would allow a greater range of plant stock to be displayed throughout the year without risk of damage, which will improve the viability of the existing business and support the local horticultural and rural economy (much of the stock is sourced from nursery businesses in Kent, and nearby Essex and West Sussex)
- the economic benefits will derive from both money saved through the reduction of stock losses, and through improvements to the business resulting from increased plant quality and range, to attract customers and improve satisfaction and loyalty
- these benefits will not only safeguard employment opportunities at the Garden Centre but will also support and potentially increase that provided by local suppliers as a result of the extended plant range demanded
- the improved viability of the business will safeguard local employment, thereby meeting the communities needs as a social benefit
- the environmental benefits derive from provision of a more appropriate growing environment which will allow a reduction in stock losses, by virtue of the protection the canopies offer, thereby decreasing the demand for new plant stock to be brought to the site, which in turn will have the potential to reduce the number of journeys (both for suppliers and customers) to the site with a consequential beneficial impact upon congestion and carbon emissions.

Location

The application site is located on the western side of Oakley Road, at the junction with Croydon Road. The site benefits from a long established garden centre use. The entire site is located within the Metropolitan Green Belt.

Comments from Local Residents

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

- strong objection - proposal will have negative impact on the character of the area.

Comments from Consultees

No consultations were made in respect of this application.

Planning Considerations

Unitary Development Plan

BE1 Design of New Development
G1 The Green Belt

London Plan

7.16 Green Belt

Also of relevance is Section 9 'Protecting Green Belt Land', of the National Planning Policy Framework (NPPF).

The NPPF supersedes the majority of existing policy guidance, including guidance in respect of Green Belts. The NPPF advises that the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building, would not constitute inappropriate development. This is also the case for that limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Planning History

There is extensive planning history at the site. Under ref. 09/01224, planning permission was refused for an open sided roof over part of plant display area, for the following reasons:

'The site is located in the Green Belt wherein there is a presumption against development not associated with the essential needs of agriculture, horticulture, forestry or predominantly open air recreation and the Council sees no special circumstances which might justify the grant of planning permission as an exception to Policy G1 of the Unitary Development Plan.

The proposed extension would, by virtue of its size and location, have a detrimental impact on the visual amenity of the area and be contrary to Policy G1 and BE1 of the Unitary Development Plan regarding development in the Green Belt.'

Under ref. 09/03528, planning permission was refused for an open sided canopy over area used for display of plants for sale of reduced scale, for the same grounds as the earlier scheme. An appeal against this decision was dismissed. At appeal, the Inspector found that the canopy would constitute inappropriate development which would result in actual harm to the openness of the Green Belt, as well as

harm to the character and appearance of the area in general terms. At that time no very special circumstances were found to exist that would clearly outweigh the harm by reason of inappropriateness and the actual harm. It was not considered that the canopy would give rise to a loss of amenity to local residents.

Specifically, the Inspector found that the canopy would diminish the openness of the site by closing the gap between the existing pergola and the Oakley Road boundary, resulting in built development that would fill the entire width of the site. In addition, he found that the structure would be readily visible from Croydon Road, with the materials discordantly accentuating the prominence of the canopy, in contrast to the low key appearance of the pergola area.

Most recently, planning permission was refused under ref. 12/00686 for an open sided canopy over the existing plant sales and display area. The canopy was of a reduced size and scale when compared to the proposal which was refused planning permission by the Council and at appeal under ref. 09/03528, covering an area approximately half the size, however was still considered to constitute inappropriate development in the Green Belt, giving rise to a detrimental impact on openness in closing up the gap between the existing built development and the eastern site boundary. The reasons for refusal were as follows:

‘The site is located in the Green Belt wherein there is a presumption against development not associated with the essential needs of agriculture, horticulture, forestry or predominantly open air recreation and the Council sees no very special circumstances which might justify the grant of planning permission for such inappropriate development as an exception to Policy G1 of the Unitary Development Plan.

The proposed extension would, by virtue of its size and location, have a detrimental impact on the openness of the Green Belt and be contrary to Policy G1 of the Unitary Development Plan.’

Conclusions

The main issues for consideration in this case will be the impact of the proposed canopy on the character and appearance of the area, the amenities of local residents and to the openness and visual amenities of the Green Belt, having regard to the planning history relating to similar proposals on this site, as well as the recent changes to national planning policy in the form of the NPPF.

The proposed canopy is of a reduced size and scale when compared to the proposal which was refused planning permission by the Council under ref. 12/00686, and would cover an area approximately half the size. This proposal would not result in a detrimental impact to neighbouring properties given its siting and scale, and the existing vegetation which serves to screen the canopy along the Oakley Road site frontage. In view of the reduction in width, which will afford a greater degree of separation to the eastern site boundary, it is considered that the development will result in a lesser degree of actual harm to the openness of the Green Belt in comparison to the proposal which was recently refused under ref.

12/00686, to the extent that the openness of the Green Belt would not now be significantly harmed as a result of the development.

When assessed against UDP Policy G1, the development would continue to constitute inappropriate development by definition, and as a consequence very special circumstances would need to clearly exist to outweigh any harm by reason of inappropriateness, or indeed any other harm, to allow planning permission to be granted. Within the context of the NPPF however, the extension could be considered to fall within the definition of 'appropriate' Green Belt development as an extension which would not result in disproportionate additions over and above the size of the original building.

Taking any limited degree of conflict between the NPPF and the Council's UDP Policy G1 aside, the applicant considers that very special circumstances can be demonstrated to outweigh any harm by reason of inappropriateness as well as any actual harm, on the basis of the economic, social and environmental benefits it is submitted that the development would result in, as set out at the start of the report.

On balance, having regard to the limited degree of actual harm that would arise from the canopy, the economic, social and environmental benefits of the canopy would clearly outweigh any harm to the Green Belt in this instance. On this basis Members may agree that the applicant has demonstrated very special circumstances, which would on balance clearly outweigh any harm by reason of inappropriateness (should the development be considered in line with Policy G1) or any other harm. Having regard to the above, it is recommended that planning permission is granted.

Background papers referred to during production of this report comprise all correspondence on files refs. 12/02601, 12/00686, 09/03528 and 09/01224, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | |
|---|-----------------|--|
| 1 | ACA01
ACA01R | Commencement of development within 3 yrs
A01 Reason 3 years |
| 2 | ACC07
ACC07R | Materials as set out in application
Reason C07 |
| 3 | ACK01
ACC01R | Compliance with submitted plan
Reason C01 |

Reasons for granting permission:

In granting permission the Local Planning Authority had regard to the following policies:

Unitary Development Plan

BE1 Design of New Development

G1 The Green Belt

London Plan

7.16 Green Belt

The National Planning Policy Framework (NPPF).

The development is considered to be satisfactory in relation to the following:

- (a) the relationship of the development to adjacent property
- (b) the character of the development in the surrounding area
- (c) the impact on the openness and visual amenities of the area
- (d) the design policies of the development plan
- (e) the conservation policies of the Unitary Development Plan

and having regard to all other matters raised.

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