

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

**Application No :** 12/02558/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 5 x 4 bed residential dwellings with associated vehicular access and parking, and formation of community car parking area.

**Key designations:**

Conservation Area: Chelsfield  
Areas of Archaeological Significance  
Special Advertisement Control Area  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding  
Local Distributor Roads

**Proposal**

- It is proposed to demolish all existing buildings on this site and erect 5 residential dwellings with new access, internal access road and form a community car parking area and pond.
- The dwellings comprise 5 x four 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 proposes reusing 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

The applicant considers that the proposal complies with the purposes of including land within the Green Belt, including the reduction in built development particularly to the rear of the site where it adjoins open land, the lack of encroachment into the countryside, and the lack of any development on land that is not previously developed. They also suggest that the proposal would allow for the enhancement of the Green Belt and Conservation Area.

## **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 comments in support have been received. Points raised are summarised below:

Objections state that:

- very special circumstances need to be demonstrated as the proposal is inappropriate as proposal will have a greater impact on the Green Belt than the current development
- extent of the development is unacceptable
- buildings fall outside the current footprint
- 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:

- proposal involves less footprint and volume than existing and will increase openness of the Green Belt
- the undeveloped land in the village would remain unaltered
- site is currently underused
- 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 this is a reduction of one house from the previous application but the layout is generally the same. Each of the proposed houses has a double garage and at least 2 parking spaces on the frontage. The site has an existing access onto Chelsfield Lane and it is proposed to utilise this with some alterations. The previous application had the access on a more central position on the frontage which gave a better sightline. This position may restrict the sightline to the left, although no worse than the existing situation. The access comes out onto relatively narrow lanes and is near to the junction of Chelsfield Lane and Warren Road. This junction has relatively poor sightlines so there would be concern about increasing the vehicle trips from the site and it would be helpful to have some evidence that there would be a reduction in traffic using the site with a residential development. An area of the site has been set aside for "village parking". It is unlikely that the Council would wish to take over responsibility for maintenance for this and so there would need to be a mechanism in place to safeguard future maintenance of this area. If the above matters can be agreed then the location of the site may raise issues during the construction phase and a construction management plan would be needed.

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.

The Advisory Panel for Conservation Areas comment that the proposal does not overcome the previous Conservation Area reason for refusal.

The Conservation Officer comments that in terms of Policy BE11, there are some concerns regarding the proposed site layout and intended level of development. Although the adjacent Orlestone Gardens has set a precedent for this type of development, the intended level of development is inconsistent with the historic pattern of the village, as it neither corresponds to the intensive level in the village centre, nor to the dispersed level of the outlying areas. From the conservation perspective, the proposal has some potential to integrate well into the local context. However, there are concerns over the issues identified above and in the present form, the proposed development is not entirely in accordance with conservation and design policies.

Waste services commented on the previous application that no turning area is shown for refuse vehicles and that a minimum 4m access is required.

The Environmental Health Officer previously confirmed that he 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. An informative is also suggested.

Thames Water have no objections to the proposal.

From a trees perspective it is noted that this application is accompanied by an arboricultural report and its findings are accepted. No significant trees would be affected by this proposal. If permission is to be recommended standard conditions together with a landscaping condition are requested.

## **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 of New Development
- 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 ref. 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 ref. 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 suitably demonstrated and the residential development was inappropriate.

In 2003 application ref. 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.

Application ref. 11/03108 was refused for “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.” for the following reasons:

- 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 Policies BE1, BE3 and BE11 of the Unitary Development Plan and the Chelsfield Village Conservation Area Supplementary Planning Guidance.

## **Conclusions**

The primary issues to be considered in the determination of this application are whether the proposal is appropriate development in the Green Belt, and if not 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.

The National Planning Policy Framework 2012 has resulted in alterations to Green Belt policy, specifically that included within appropriate development is now “limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), 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.”

The site is considered to be previously developed. The applicant has provided floorspace and volume figures and considers that these suitably demonstrate that the proposal represents an overall reduction in the footprint and volume of built development comprising buildings and hardstanding. There is some suggestion in

objections received that some of the buildings are temporary and should therefore be excluded from the calculations.

The new development is claimed to be 218sq.m less floor area and 1031cu.m less volume than the current buildings at the site. Assuming that this is correct, on the face of it, and with regard to an appeal decision submitted by the applicant (ref. 2168774 Tandridge District Council - available on the application file) the view could be taken that the proposal does not result in a greater harm to openness, however the test of impact on openness is not limited to consideration of numerical changes.

Within the appeal decision submitted by the applicant, the Inspector makes clear that a major consideration in his decision with regard to impact on the Green Belt is the layout of the buildings. He states at paragraph 24 "Compared to the existing development, the appeal scheme would have half the site coverage and the buildings would be much better located on the site being grouped and sited in a coherent and functional way that relates to the site features and adjoining development.", and then at paragraph 25 "With the closer and more satisfactory grouping of the buildings on the site, I am satisfied that the proposals would not result in sprawl and there would be no further encroachment into the countryside."

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 proposed dwellings will increase the density of development on this site, altering its appearance from the street, and will result in a wider spread of built development whereas the current buildings are close together in one area of the site.

Much of the single storey floorspace is being transferred to two storey development which will additionally have a greater visual impact and consequently affect openness. The dwellings will all attract individual residential paraphernalia and car parking spread across the site. Additionally the proposed car parking area will introduce a hard surface in an area that currently acts as a buffer between the existing car park and the street, thus further increasing the perception of built development when viewed from Chelsfield Lane.

Although a finely balanced matter, because of its layout and design, it is considered that this proposal will result in a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Therefore it is considered to be inappropriate development in the Green Belt and very special circumstances would need to be demonstrated to overcome the 'in principle' harm caused.

With regard to very special circumstances the applicant considers that there will be no harm to the Green Belt with particular regard to the reduction in built development, that a benefit will accrue from the removal of the commercial use, enhanced landscaping, and the provision of car parking for the village.

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. 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, despite the numerical justification put forward by the applicant. 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.

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, despite the reduction in floorspace and the figures provided will result in a more prominent form of development when compared to the existing buildings, being further forward on the site and more apparent from the road. The Advisory Panel for Conservation Areas and the Council's Conservation Officer object to the scheme. 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 Policies BE1, BE3 and 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.

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.

as amended by documents received on 17.09.2012 25.09.2012

## **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 and the National Planning Policy Framework 2012.

- 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 and the National Planning Policy Framework 2012.
- 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 Policies BE1, BE3 and BE11 of the Unitary Development Plan and the Chelsfield Village Conservation Area Supplementary Planning Guidance.

#### INFORMATIVE(S)

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)

**Application:**12/02558/FULL1

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

**Proposal:** Demolition of existing commercial buildings and erection of 5 x 4 bed residential dwellings with associated vehicular access and parking, and formation of community car parking area.

