

SECTION '2' – Applications meriting special consideration

**Application No :** 13/01097/FULL3

**Ward:**  
**Bickley**

**Address :** Land South West Side Of Chislehurst  
Railway Station Bickley Park Road  
Bickley Bromley

**OS Grid Ref:** E: 543196 N: 169360

**Applicant :** Network Rail Infrastructure Limited

**Objections :** YES

**Description of Development:**

Change of use from operational railway land to commercial car park providing 47 car parking spaces and 13 lighting columns

Key designations:

Conservation Area: Chislehurst  
Area of Special Residential Character  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Flood Zone 2  
Flood Zone 3  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
London Distributor Roads  
Open Space Deficiency

**Proposal**

- The proposal seeks to change the use of the land from operational railway land to a commercial car park providing 47 car parking spaces
- The proposal will provide a pay and display car park to be used by customers of the adjacent Chislehurst Station.
- The proposal will involve an area of hardstanding to provide 47 car parking spaces running the length of the site. The proposal also includes related paraphernalia such as ticket machines.
- The proposal retains the existing vehicular access onto Summer Hill. Thirteen 6.4m tall lighting columns are also proposed.

**Location**

The site is located on the southern side of the railway and is currently vacant. The site lies within the Chislehurst Conservation Area and is accessed via Summer Hill.

To the south of the site there are detached residential dwellings, with the railway station to the north.

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and representations were received are summarised as follows:

- pollution/noise and disturbance
- increase in vehicular traffic and highway safety issues
- main station car park should be used
- environmental impact
- impact on the character of the conservation area
- security issues and crime risk
- loss of privacy

A letter of support has been received from the London Region Co-Ordinator Alliance of British Drivers on the basis that rail use should be encouraged by such the permission of such car parks.

### **Comments from Consultees**

No technical drainage objections are raised subject to standard conditions relating to surface water drainage.

TfL raises no objections in principle, however electric vehicle charge points and disabled spaces should be provided by way of a condition. Dialogue should be entered into with Network Rail concerning the provision of a new bus stop and toilet on the station site. No provision is made for cycle parking however this may not be needed if existing station cycle parking is adequate.

Technical highways comments have been received. Previously the principle of providing a VMS had been agreed in order to prevent vehicles entering the site once all spaces have been taken. This does not seem to have been included this time and we should have confirmation this is still proposed. A condition would be sufficient. TfL were previously concerned about manoeuvring in the first section of the access and it is not clear if that has been resolved. TfL also raised the issue of the disabled spaces and those required under the London Plan to have electric charging points. It is more sensible to have the additional disabled spaces located near the station entrance rather than in this car park. These, and the spaces with electric charging points, are not shown on any plan. A condition can be imposed to address this. It may also be advantageous to have a right turn pocket in the centre road markings in Bickley Park Road leading to the site and possibly move the central island. It is not clear if it is proposed to widen the access but a Road Safety Audit should be carried out to pick up any issues but that may be best once the location of the VMS has been agreed. A non-standard condition could be imposed. Standard conditions are suggested.

Any Environmental Health or English heritage comments will be reported verbally.

No Thames Water objections are raised, subject to informatives.

The Environment Agency has commented that the proposal will be acceptable subject to a condition requiring a sustainable drainage system to be agreed by the Local Planning Authority.

Crime Prevention Officer has suggested a 'secure by design' condition.

APCA raises no objections.

Any comments from The West Kent Badger Group will be reported verbally.

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

- BE1 Design of New Development
- BE11 Conservation Areas
- BE14 Trees In Conservation Areas
- BE16 Ancient Monuments And Archaeology
- NE5 Protected Species
- NE7 Development And Trees
- T3 Parking
- T4 Park And Ride
- T6 Pedestrians
- T9 Public Transport
- T10 Public Transport
- T18 Road Safety

The above policies are considered to be consistent with the principles and objectives of the National Planning Policy Framework, which is a material consideration.

London Plan Policy 5.1	Climate Change Mitigation
London Plan Policy 5.12	Flood Risk Management
London Plan Policy 5.13	Sustainable Drainage
London Plan Policy 6.4	Enhancing London's Transport Connectivity
London Plan Policy 6.13	Parking
London Plan Policy 7.3	Designing Out Crime
London Plan Policy 7.8	Heritage Assets And Archaeology
London Plan Policy 7.14	Improving Air Quality
London Plan Policy 7.15	Reducing Noise And Improving Soundscapes
London Plan Policy 7.21	Trees And Woodlands

The Supplementary Planning guidance for the Chislehurst Conservation Area is also a consideration.

### **Planning History**

Planning permission was granted under ref. 01/01106 for use of land for storage and parking of commercial vehicles with retention of hardstanding and siting of mobile building (RETROSPECTIVE APPLICATION) for a temporary period.

Planning permission was refused under ref. 07/02958 for use of land for storage and parking of commercial vehicles with retention of hardstanding. The refusal grounds were as follows:

'The intensification of use of this site has had a seriously detrimental impact on the visual and residential amenities of the Chislehurst Conservation Area contrary to Policies BE1, BE11 and EMP6 of the Unitary Development Plan.

The proposal involves the unsatisfactory severance of adjacent garden land and its use for inappropriate commercial purposes, causing harm to the street scene and the Chislehurst Conservation Area, contrary to Policies BE1 and BE11 of the Unitary Development Plan.'

The application was subsequently dismissed on appeal. The Inspector states:

'The incorporation of the appeal site into the existing commercial site has significantly widened the frontage to Summer Hill. The appeal site is clearly visible in the street scene when approaching from either direction where it appears as an uncharacteristic open expanse of hard standing. In addition its development has increased views into the remainder of the site which were previously limited. The steel fencing on the frontage is industrial in appearance and out of keeping in the area where close boarded wooden fencing and brick are more characteristic. The fencing draws attention to the site and to the display of parked commercial vehicles which are themselves intrusive, being clearly visible through the fence. Although the appeal site lies just outside the Conservation Area it has a detrimental effect on views both into and out of it thus failing to preserve or enhance its character or appearance and conflicting with the requirements of Policy BE13 of the London Borough of Bromley Unitary Development Plan (UDP), adopted in 2006.

The site is clearly visible from the house and garden at Holly Rigg. This materially compromises the outlook from this property. Not only has the appearance of the site altered significantly from its former state as garden land but the removal of the original fence and vegetation has increased views of the busy A222 (Summer Hill).

The appellants suggest that as the site is kept tidily its effect is limited. However, in my view the activities themselves and the creation of a hard surface are an incongruous form of development in this location regardless of the tidiness of the operation, which I would not dispute. It is further suggested that evergreen planting could be introduced to screen the activities from the street but even if a suitable screen could be achieved in a reasonable time scale this would not in my view overcome the harm to the character of the area that has resulted from the change of use of the appeal site.

I therefore conclude on the main issue that the proposed development if permitted to remain would have a materially detrimental effect on the character and appearance of the street scene and would fail to preserve or enhance the character or appearance of the adjoining Chislehurst Conservation Area. In consequence it would conflict with the requirements of Policies BE1 and EMP6 of the UDP which taken together expect new business uses outside designated areas to respect the surrounding area, not detract from the street scene and not adversely affect the amenity of surrounding properties.

The Council is concerned that the development could cause noise and disturbance to nearby properties. However, at the time of the site visit, early afternoon on a weekday, the predominant noise was from traffic on the busy A222, Summer Hill. Although I accept that there would be some noise from the site, particularly during manoeuvring of vehicles, I am not persuaded that this would normally be noticeable above the general traffic noise.'

Planning permission was refused under ref. 09/02522 for use of the land for the display of commercial vehicles for sale, retention of hardstanding and siting of mobile building. RETROSPECTIVE APPLICATION and later under ref. 09/02585 for use of land for storage and parking of commercial vehicles/ cars with retention of hardstanding, use of existing building for garaging of commercial vehicles and ancillary storage RETROSPECTIVE APPLICATION. The refusal grounds were as follows:

'The continued use of the land for display, storage, sale of commercial vehicles and associated development, materially detracts from the visual and residential amenities of the area and the character and appearance of this part of the Chislehurst Conservation Area contrary to Policies BE1, EMP6, BE11 of the Council's adopted Unitary Development Plan and Supplementary Planning Guidance for Chislehurst Conservation Area.'

Planning permission was refused under ref. 12/02096 for change of use from operational railway land to commercial car park providing 44 car parking spaces. The refusal grounds were as follows:

'The proposed commercial use and associated development would materially detract from the visual amenities of the area and the character and appearance of this part of the Chislehurst Conservation Area, contrary to Policies BE1 and BE11 of the Council's adopted Unitary Development Plan and Supplementary Planning Guidance for Chislehurst Conservation Area.'

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character of the Chislehurst Conservation Area, the impact that it would have on the amenities of the occupants of surrounding residential properties, the impact on trees and the impact on parking, highway safety and the use of the station. Other

considerations include the impact on protected species and the archaeological importance of the site.

The Supplementary Planning Guidance for the Chislehurst Conservation Area states in relation to the Station/Old Hill sub-unit:

'3.50 The strong characteristic of this Character Sub-unit is the generally 'organic' nature of its development and consequent form relative to the careful planning and layouts, and innovative architecture being utilised in other parts of the Conservation Area. The area contains a cohesive but diverse mixture of building styles with a complex and stimulating layout. Despite the intensity of settlement, extensive woodland still remains in this pocket (such as in private gardens) providing a sylvan atmosphere and green setting, which should be maintained with any future development.'

The Supplementary Planning Guidance states in Para 4.12 that new development may be appropriate on vacant plots subject to existing densities and in relation to hardstandings and changes of use it states:

'4.36 Proposals for provision of driveway access and hardstandings are usually generated by the desire to accommodate motor vehicles on the plot, or to increase the capacity for this use. In some parts of the Conservation Area these desires may be able to be met without detracting from the values of an Area. This will usually require a combination of restraint and careful design. Hard standings on the front of plots can seriously diminish the setting of a building. Where the available area is confined, it may not be appropriate.

4.46 ...On site parking can impact adversely upon open spaces which are contributory to the character and appearance of the Area, such as through the loss of garden settings. Where parking is on street, the cumulative presence of many cars for much of the time can detract seriously from the appearance of an Area.

The site is currently vacant and up until recently was used in connection with a van hire company. This previous use benefitted from planning permission granted in 2003 for a temporary period only. A similar application was refused in 2009 on the grounds that the use and associated hardstanding would detract from the attractive character of the Chislehurst Conservation Area. The Council was also concerned that the use of the site had intensified significantly from the expired 2003 permission. An appeal was dismissed in connection with this use. The van hire company operated from the site without planning permission and therefore the previous presence of car parking and hardstanding on the site does not in itself justify the operation of a similar use.

The proposed use as a car park, along with the hardstanding and other related issues, would be considered harmful to the character and visual amenities of this part of the Chislehurst Conservation Area. The area is currently open and although disused, provides an open space which adds as a gateway to the conservation area and adds benefit to its character. On the basis of the recent planning history,

which includes a very similar proposal refused under ref. 12/02096, the Council and Inspectorate have found the permanent commercialisation of this site unacceptable for this reason. It is noted that the proposed use as a car park would differ from the previously refused vehicle sales use, however the appearance of the site and extensive area of hardstanding proposed would not be dissimilar to that previously considered.

In respect to the amenities of neighbouring residential properties, the development would be sited at the end of the gardens of properties on Woodlands Road and Vale Road. The proposed use of the land as a car park would create additional vehicular movements and however the Inspector previously considered that this would not be greater than the existing situation, with noise created from traffic on Summer Hill. The proposed use is likely to have busy periods at the start and end of the day and therefore the general noise and disturbance added would not be considered seriously more harmful than either the current situation or the previously operating use from the site, as stated by the Inspector.

In addition, the headlights from cars using the site may create light pollution to these dwellings, however the use of acoustic boundary treatment could be conditioned to reduce light pollution. The proposed lighting columns for the car park are considered acceptable, with overspill shields capable of preventing lighting spillage. The lighting raised no Environmental Health comments under the previous proposal and although the car park would require more intense and consistent illumination than the previous use, this is not considered to result in an unacceptably detrimental impact on the neighbouring amenities. The side boundary of the site provides a tall wall and fence which means that the lighting is unlikely to adversely affect most of the properties backing onto the site. This boundary is also well screened with high vegetation for the majority of the length of the site. The nearest property to Summer Hill (Walsingham Lodge) has a lower boundary fence to the rear and therefore lighting may affect this property more. There is one lighting column proposed on this particular part of the site adjacent to Walsingham Lodge, however light spillage will result to the site between Walsingham Lodge and the site, which is currently vacant and will not spill onto the residential curtilage of Walsingham Lodge. Therefore residential amenity would not be greatly affected.

Subject to a demonstration of adequate turning areas, control of vehicles entering the site with a VMS system, provision of vehicle charge points, highway modifications and disabled spaces being provided, no technical highways objections are raised. It is noted that the proposal may be considered to encourage rail use and park and ride facilities, which the Council will support. However the benefits of the proposal would not outweigh the harm described above.

Having had regard to the above it was considered that the proposed development would be unacceptable in that it would result in a detrimental impact on the character of the Chislehurst Conservation Area. It is therefore recommended that Members refuse planning permission.

Background papers referred to during production of this report comprise all correspondence on files refs. 12/002096 and 13/01097, excluding exempt information.

**RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

- 1 The proposed commercial use and associated development would materially detract from the visual amenities of the area and the character and appearance of this part of the Chislehurst Conservation Area, contrary to Policies BE1 and BE11 of the Council's adopted Unitary Development Plan and Supplementary Planning Guidance for the Chislehurst Conservation Area.



**Application:**13/01097/FULL3

**Address:** Land South West Side Of Chislehurst Railway Station Bickley  
Park Road Bickley Bromley

**Proposal:** Change of use from operational railway land to commercial car  
park providing 47 car parking spaces and 13 lighting columns



"This plan is provided to identify the location of the site and  
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