

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 13/01829/FULL1

Ward:
Darwin

Address : Foal Farm Jail Lane Biggin Hill TN16
3AX

OS Grid Ref: E: 542935 N: 158831

Applicant : Mr Charles Johnston

Objections : NO

Description of Development:

Demolition of existing unit and erection of canine special care and hydrotherapy unit

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding

Proposal

- The proposal seeks to remove the existing canine special care unit building and erect a new canine hydrotherapy unit.
- The proposed building will have a total length of 13.9m and a width of 8.2m. The roof will be hipped with a gable ended roof that will have a total height of 4.1m.
- The building to be removed has similar dimensions and a varying height of between 2.2m and 3.1m. The existing building is used as a canine special care unit and is in a state of disrepair.
- The use of the building will provide no additional staff at the site and will include sleeping areas, a grooming room, hydrotherapy room, kitchen and associated storage and facilities for canine care.

Location

Foal Farm is located in the Green Belt and is accessed by an access road from the South side of Jail Lane. The surrounding land comprises agricultural uses along with the Cherry Lodge Golf Course to the east.

The site of Foal Farm comprises a collection of single storey buildings which make up the animal rescue centre. The building to be replaced is sited towards the north

of the site and is surrounded by other single storey buildings. At the centre of the building to be replaced is a large mature oak tree, which is not protected by a Tree Preservation Order.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and no representations were received.

Comments from Consultees

No Thames Water objections are raised subject to informatives.

No technical drainage objections are raised. There is no public surface water sewer near to this site. Surface water will therefore have to be drained to soakaways. There are no public foul sewers near to this site and therefore the application must be referred to the Environment Agency Thames region as drainage will be to a septic tank or cesspool. As no details of the foul water drainage system have been submitted, please impose standard condition

The Environment Agency raises no objection to the proposal.

No technical highways objections are raised. The unit is a replacement and is unlikely to generate a significant increase in trips. A standard condition is suggested for controlling delivery times, given the access is opposite a school.

No Environmental Health (Pollution) or Building Control comments have been received. Any late comments will be reported verbally at the meeting.

Planning Considerations

The main policies relevant to this case are Policies BE1 (Design Of New Development), G1 (Green Belt), C4 (Health Facilities) and NE7 (Development And Trees) of the Unitary Development Plan.

London Plan Policy 7.16 Green Belt
London Plan Policy 7.21 Trees And Woodlands

The National Planning Policy Framework and the Council's adopted SPG guidance are also material considerations.

Planning History

Planning permission was granted under ref. 07/04344 for an identical development for a replacement single storey canine special care unit.

Conclusions

The main issues relating to the application are the effect that it would have on the rural character and openness of the Green Belt, the impact on highway safety and

the impact on nearby residential amenities. The impact on trees is also a consideration.

The existing building to be replaced has a simple flat roof with a height of approximately 2.2m, rising to 3.1m at the office adjacent. The overall floor area is approximately 220 sqm. The proposal includes the provision of a replacement building of similar floor space and siting, including a cut-away section around the existing oak tree. The resulting floor area will be approximately 200 sqm.

The proposal includes a pitched roof of 4.1m in height with an eaves level of 2.4m. The Council must consider whether the proposed development is materially larger than what it replaces and the resulting impact on the openness of the Green Belt. The replacement building will occupy a similar footprint to the existing building and the use of the land will not change.

According to Policy G1 of the UDP, the new building will not fall within an appropriate use, and therefore the proposal would be considered contrary to this policy. The NPPF must, however, be considered a material consideration. Para 89 states that the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, can constitute appropriate development in the Green Belt. The NPPF therefore may be considered more supportive of such an application than Policy G1 of the UDP. Planning permission was granted in 2007 for a similar building in the same location and although this is a material consideration, the introduction of the NPPF and other changes in circumstances since the previous permission must be assessed.

The replacement building would not be materially larger than the one that currently exists in terms of footprint and floor area, with a decrease in floor area of approximately 20 sqm resulting from the replacement building. This decrease accounts for the design of the building, which seeks to preserve the oak tree at the site. It is considered that the overall scale of the building would not appear smaller than the existing building however, due to the similar length and width proposed. The existing building also has metal caged sides which softens its appearance whereas the proposed will have a more solid bricked appearance. In addition, the roof will be raised from 2.8m to 4.1m and this additional bulk and height must be assessed in regards to Green Belt policy and the NPPF.

Although the roof height will be increased to provide additional bulk, Members may consider that the development does not result in a materially larger building than the one it replaces, with the dimensions and footprint closely matching the existing building. The siting of the new building has been sympathetically considered, with the existing building removed and the new structure sited amongst the other built development on the site, thereby retaining the large open areas of the site that currently exist. The solid brick appearance is not considered to be materially more harmful to the openness of the Green Belt than the existing metal cage runs due to the sympathetic siting. The proposed use will be the same as existing and this aspect of the development would not further harm the Green Belt or intensify the current use of the land. The proposal is not considered to have a greater impact on the openness of the Green Belt and the purpose of including land within it than the

existing development. The proposal is therefore considered to be appropriate development in the Green Belt, as outlined by guidance in the NPPF.

The proposal is sited a significant distance from neighbouring residential properties and is therefore not considered to impact on neighbouring amenities. The application proposes no additional staff members and therefore is unlikely to create highway safety or parking issues.

The Tree Officer has stated that there is an oak tree in the concrete yard and this tree is shown to be retained. The proposal is likely to be an improvement for the tree if care is taken with the removal of the concrete and putting down its replacement. To ensure that this is done safely, a standard condition is suggested.

On balance, the proposed development is considered not to impact significantly on the openness and rural character of the Green Belt and would not impact on trees, highway safety or residential amenity. The proposal seeks to provide a high-quality rehabilitation unit for canine hydrotherapy that fits in with the existing use of the building and site, replacing a run-down facility for a registered charity. It is therefore recommended that Members grant planning permission.

Background papers referred to during production of this report comprise all correspondence on files refs. 07/04344 and 13/01829, excluding exempt information.

RECOMMENDATION: GRANT PERMISSION WITH/WITHOUT CONDITIONS

- | | | |
|---|--------|--|
| 1 | ACA01 | Commencement of development within 3 yrs |
| | ACA01R | A01 Reason 3 years |
| 2 | ACB18 | Trees-Arboricultural Method Statement |
| | ACB18R | Reason B18 |
| 3 | ACC01 | Satisfactory materials (ext'nl surfaces) |
| | ACC01R | Reason C01 |
| 4 | ACD02 | Surface water drainage - no det. submitt |
| | ADD02R | Reason D02 |
| 5 | ACD04 | Foul water drainage - no details submitt |
| | ADD04R | Reason D04 |
| 6 | ACH29 | Construction Management Plan |
| | ACH29R | Reason H29 |
| 7 | ACK01 | Compliance with submitted plan |

Reason: In order to comply with Policies BE1 and G1 of the Unitary Development Plan and in the interest of the visual amenities and character of the Green Belt and the amenities of the nearby residential properties.

INFORMATIVE(S)

- 1 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed

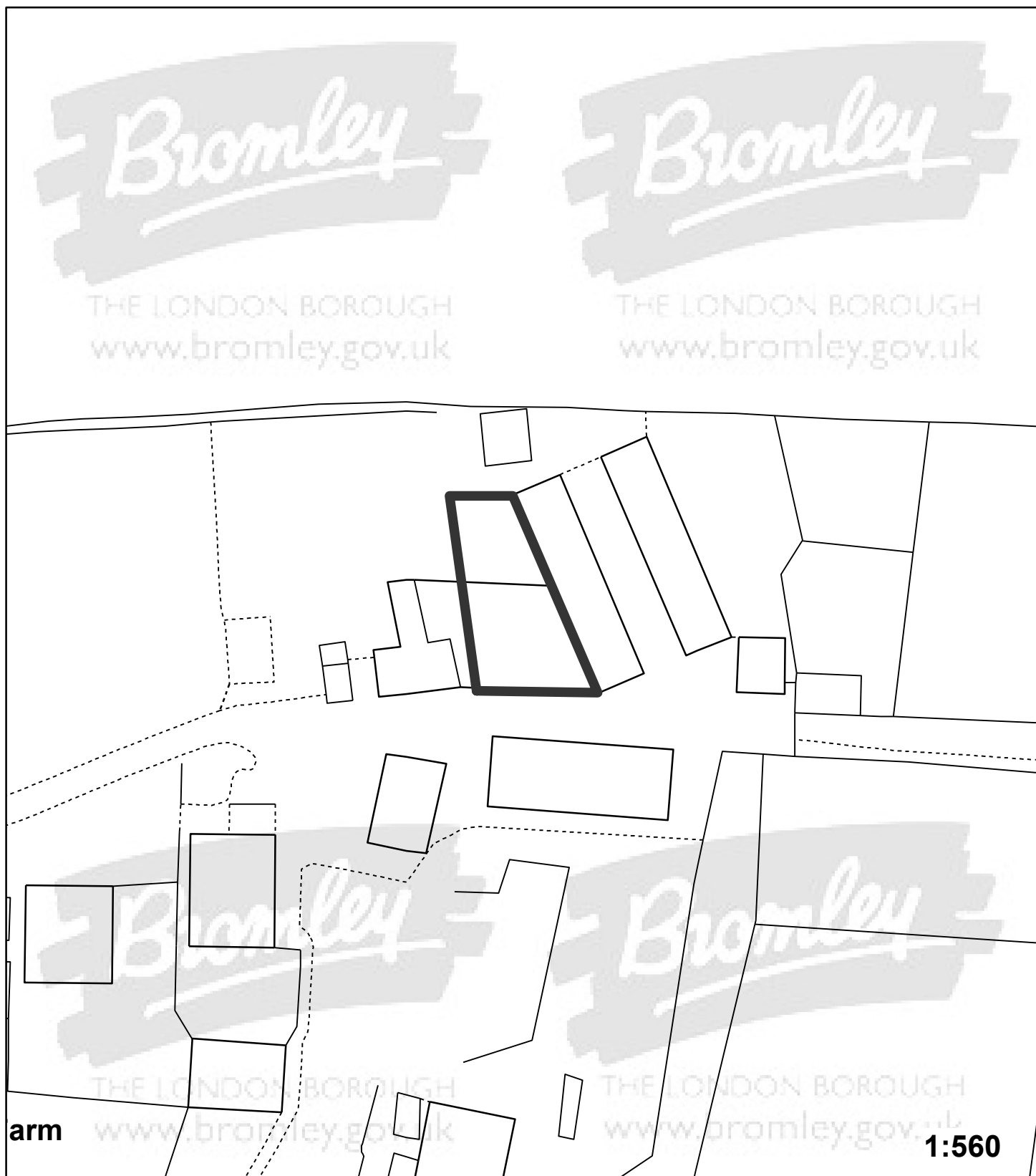
to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 2 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 3 In order to check that the proposed storm water system meets our requirements, we require that the following information be provided:
 - o A clearly labelled drainage layout plan showing pipe networks and any attenuation soakaways.
 - o Where infiltration forms part of the proposed storm water system such as soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
 - o Calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change.

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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