

SECTION '2' – Applications meriting special consideration

Application No : 13/04147/FULL1

Ward:
Cray Valley East

Address : Lower Hockenden Farm Hockenden
Lane Swanley BR8 7QH

OS Grid Ref: E: 549405 N: 168960

Applicant : Garnet Properties

Objections : YES

Description of Development:

Demolition of buildings 7, 10 and 11 and erection of part one part two storey building for Class B1, B2 and B8 use

Key designations:

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

Proposal

This application seeks permission for the erection of a part one part two storey building for Class B1, B2 and B8 use. The proposal also involves the demolition of three existing buildings which will be replaced.

The new building would comprise three units with a single floor. The building would feature a shallow pitched roof and be constructed with box profile sheeting on the walls and roof, with three full height access doors and three smaller personnel doors. The office areas will benefit from ground floor windows.

The application documents state that proposed building would have a footprint of 454 sqm and total floor area of 628 sqm. The height will be 5.76m to the ridge and 4.72m to the eaves. The applicant advises that the units were designed on advice from commercial agents who recommended a minimum clear space to the underside of the haunches. This allows for storage for B8 uses and also for storage in connection with other business uses. They advise that units below this size lack the flexibility required by occupiers.

Location

The site is a former farm yard with access onto Hockenden Lane located within the Green Belt. Buildings at the site benefit from permission for Class B1, B2 and B8 use, and the surrounding land is open, with the exception of Meadow House, which is a listed residential property and its curtilage to the north east also fronting Hockenden Lane.

Comments from Local Residents

Objections have been received from a number of local residents raising the following points:

- footpaths around the site have been disregarded by the applicant
- it is not safe to walk to the site
- additional traffic on Hockenden Lane causing danger
- noise and disturbance from vehicles and machinery
- usage will be increased and so therefore will traffic
- recent flooding has been worsened by building work at this site
- site is already an eyesore and this will make it worse

A detailed objection has also been received from consultants acting on behalf of the residents of Meadow House adjacent to the site. This raises the following issues:

- conditions on previous planning permissions have been ignored
- existing buildings could meet an agricultural requirement for the site
- no toilet or rest room facilities have been provided for the employment uses
- increase in height of the building is between 22 and 40% which is significant and offends Green Belt policy
- the height of the building suggests a first floor will be introduced
- it has not been demonstrated that the proposed B1 use will not adversely affect the amenities of residents or the setting of the adjacent listed building
- B2 and B8 uses are inappropriate in a residential area
- Building 7 becomes enclosed on all sides and will be taller and wider
- applicant has failed to consider public footpath to the south or views from highway
- adverse impact on Green Belt and is not sustainable, contrary to national policy
- there is concern regarding flooding following recent storms
- proposal is not sustainable development and fails Green Belt policy criteria
- applicant is seeking to wear down the Council's resistance to the proposal

Comments from Consultees

The Highway Engineer has no objections.

The Environmental Health Officer (EHO) commented on the previous similar application that he had no objections, but requested that conditions from the previous planning permission should be reapplied if necessary. Any further comments will be reported verbally.

Thames Water have no objection, and the Council's Drainage Consultant requests standard conditions and reference to the Environment Agency.

The Environment Agency have no comment on the application

The Highway Drainage Engineer requests conditions to require submission of drainage details

Planning Considerations

The site lies within the Green Belt and the following Unitary Development Plan 2006 (UDP) policies are most relevant:

BE1 General design of development
BE3 Buildings in rural areas
T3 Parking;
EMP2 Office Development;
EMP6 Development outside Business Areas;
G1 Green Belt

The most relevant London Plan (2011) policies are:

6.13 Parking;
7.4 Local character
7.14 Improving air quality;
7.15 Reducing noise and enhancing soundscapes
7.16 Green Belt

The National Planning Policy Framework 2012 (NPPF)

Planning History

The site was formerly a farmyard serving the surrounding farmland although under reference 08/00718/ELUD a certificate of lawfulness was granted in 2009 for buildings 1, 4, 5, 6, 7, 10 and 11 on the site confirming that they had been used collectively as working car repair centre, car body shop repair centre, car storage and parts distribution centre and buildings 2, 3, 12 used collectively as offices and for the storage and maintenance of tree care equipment and for storage and maintenance of non- agricultural equipment and buildings 8 and 9 for storage and maintenance of non- agricultural equipment for the required ten year period.

Permission was granted under reference 09/03041 for the retention of car parking / manoeuvring space to serve existing business and agricultural uses.

Permission was granted under reference 10/02752/FULL2 for Change of use of existing buildings from mixed use for car repairs, storage and maintenance of tree care equipment and other non-agricultural equipment and storage and maintenance of non-agricultural equipment to mixed Class B1 (light industrial/office), Class B2 (general industrial and Class B8 (storage and distribution).

Under reference 11/03498/AGRIC siting and appearance were approved for a detached barn.

Application 13/00330/FULL1 was subsequently refused for a detached agricultural building as the barn approved under 11/03498 was not constructed in accordance with the approved plans. A current application is under consideration for a revision to this building (13/04252/FULL1).

Application 12/03308/FULL1 was refused for a similar but larger building to that proposed in this application. The reasons for refusal were:

The proposed building would constitute inappropriate development in the Green Belt and no very special circumstances have been provided which would outweigh the harm caused, and it is therefore contrary to Policy G1 of the Unitary Development Plan and the National Planning Policy Framework 2012.

The proposed building, by reason of its height, size and design would be harmful to the openness and character of the Green Belt and this rural location in general, contrary to Policies BE1, BE3, and G1 of the Unitary Development Plan and the National Planning Policy Framework 2012.

Conclusions

The primary considerations in this case are whether the proposed building is appropriate development in the Green Belt, and whether the use and building will cause any harm to openness or character, whether the proposal will impact on the amenities of local residents, and whether it will affect highway safety. It is necessary to consider whether the revisions compared to the previously refused application overcome the grounds of refusal for that application.

Proposed Uses

It is unclear as to whether the permission granted under reference 10/02752 for change of use of the existing buildings at the site has been implemented, however their previous lawful uses were for car repairs, body shop, storage and parts distribution. The permitted uses are for B1/B8 (Buildings 7 and 10) and B1/B2/B8 (Building 11). On this basis the principle of a new building falling within use classes B1 and B8 may be considered acceptable,. With regard to the Class B2 element, this can involve uses not acceptable in a residential area and the proximity of Meadow House is a concern, however the fallback position set out in the lawful development certificate 08/00718 means that uses similar to B2 could go in Building 10, closest to Meadow House. In this regard, the proposal results in this use being moved further away from Meadow House, into a new building, which with reference to uses alone, may be considered beneficial. In addition conditions could be imposed to help reduce any impact.

Although Policy EMP6 requires that business uses outside designated Business Areas should not cause any adverse impact on the amenity of surrounding properties. Although the uses proposed could give rise to harm to nearby

residential properties, in this case given the existing and lawful uses at the site it would be difficult to object to the proposal for this reason.

Amount of Development

With regard to the buildings to be replaced, Building 7 is a warehouse type building open on two sides and approximately 4.5m to the ridge, Building 10 is a low single storey enclosed building just over 3m in height, and Building 11 is an enclosed pitched roof building, approximately 5m to the ridge. All of the existing buildings have a single floor.

The existing footprint of Buildings 7, 10 and 11 is given as 560 sqm in the application documents, however previous applications and a scaled measurement from the Ordnance Survey map indicate that this footprint is 513 sqm and this latter figure is used for consideration of the proposal. The volume is given as 2187cubic metres.

The proposed building is 5.76m to the ridge and has a footprint and floorspace of 454sqm. This equates to an overall decrease of 11%. The proposed building is higher than all of the buildings to be demolished and the overall increase in volume is approximately 9%. The consolidation of the three buildings does give rise to an overall increase in size and bulk. The overall size of the building also gives rise to the possibility of additional floorspace being easily created at first floor level in the future, although conditions can be imposed to require consideration of this at a future date.

The NPPF allows replacement buildings provided that they are not materially larger than the building that they replace. In existing Unitary Development Plan policy the Council considers that an increase of less than 10% can in general not be considered to be material. At 9% it may be considered that the proposed building is not materially larger than what it replaces.

Although there is an increase in volume, this is limited to under 10%, and there is a decrease in footprint. Members will wish to carefully consider whether the consolidation of these buildings will result in greater harm to the Green Belt and on balance it is suggested that the proposal complies with relevant policy in the NPPF.

Openness and character and appearance

With regard to the character and appearance of the building, this is not entirely appropriate in this rural Green Belt location. The bulk and design of the building are more akin to that found on an industrial estate in an urban location, and although the existing buildings are not of high quality design, they retain a lower key appearance that is commonly found in a rural farm yard. The height and bulk of the building means it will be visible from a wide area including the public footpath to the south. However, although there may be some harm to openness, character and appearance by virtue of the increase in size and bulk of development at the site, the overall height and size of the proposed building is reduced compared to the previous proposal. Although finely balanced, this may be considered to overcome the previous refusal ground relating to this.

With regard to the impact on the setting of the adjacent listed building, the separation would be sufficient to avoid any unacceptable harm.

Although the building will be visible from the upper floors of Meadow House, this visual impact would not be serious enough to warrant refusal on this ground alone.

There are no concerns in respect of highway safety and there is considered to be sufficient parking and turning area on the site.

Although this proposal remains finely balanced with regard to whether the increased building is materially larger and whether would have a harmful impact on the openness and character of the Green Belt and area in general, Members may agree that this proposal is acceptable for the reasons set out above, subject to suitable conditions. In particular a condition is suggested to limit the Class B2 general industrial floorspace to the current lawful floorspace in the buildings to be demolished to limit any harm to neighbouring properties.

Background papers referred to during production of this report comprise all correspondence on files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
 - 2 ACA04 Landscaping Scheme - full app no details
 ACA04R Reason A04
 - 3 ACA07 Boundary enclosure - no detail submitted
 ACA07R Reason A07
 - 4 ACC01 Satisfactory materials (ext'nl surfaces)
 ACC01R Reason C01
 - 5 ACD02 Surface water drainage - no det. submitt
 ADD02R Reason D02
 - 6 ACH02 Satisfactory parking - no details submit
 ACH02R Reason H02
 - 7 ACH29 Construction Management Plan
 ACH29R Reason H29
 - 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, alterations, walls or fences of any kind shall be erected or made within the application site without the prior approval in writing of the Local Planning Authority.
- Reason:** In the interests of the openness and character of the Green Belt and the amenities of nearby residential properties with regard to Policies G1 and BE1 of the Unitary Development Plan.
- 9 No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in any elevation(s) of the building hereby

permitted, without the prior approval in writing of the Local Planning Authority.

ACI17R 117 reason (1 insert) BE1

- 10 The building hereby permitted shall only be used for purposes within Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and no more than 75 square metres of the total floorspace within the building shall be used for purposes within Class B2.

Reason: In the interests of the openness and character of the Green Belt and the amenities of nearby residential properties with regard to Policies G1 and BE1 of the Unitary Development Plan.

- 11 ACK01 Compliance with submitted plan
ACK05R K05 reason

- 12 The buildings shown to be removed on the approved plans shall be completely demolished and resulting materials removed from the site before any use or occupation of the building hereby permitted.

Reason: In the interests of the openness and character of the Green Belt and the amenities of nearby residential properties with regard to Policies G1 and BE1 of the Unitary Development Plan.

- 13 ACK05 Slab levels - no details submitted

Reason: In the interests of the openness and character of the Green Belt and the amenities of nearby residential properties with regard to Policies G1 and BE1 of the Unitary Development Plan.

- 14 No external plant or machinery shall be installed on the exterior of the building without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of the openness and character of the Green Belt and the amenities of nearby residential properties with regard to Policies G1 and BE1 of the Unitary Development Plan.

- 15 No outside storage of equipment, goods, materials, packaging, machinery or vehicles awaiting servicing, collection or repair and no industrial processes, servicing, testing or repair of vehicles shall take place outside the walls of the buildings hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of the openness and character of the Green Belt and the amenities of nearby residential properties with regard to Policies G1 and BE1 of the Unitary Development Plan.

- 16 The uses hereby permitted shall not operate and no vehicles movements shall take place at the site on any Sunday or public holiday, nor before 08:00 or after 18:00 Monday to Friday nor before 08:00 or after 14:00 on Saturday.

Reason: To protect the amenities of nearby residential properties and in the interests of the openness and character of the Green Belt and to accord with Policies EMP6 and G1 of the Unitary Development Plan.

- 17 There shall be no floodlighting or other external lighting at the site without the approval in writing of the Local Planning Authority. Any approved lighting shall be retained in accordance with the approved details.

Reason: To protect the amenities of nearby residential properties and in the interests of the openness and character of the Green Belt and to accord with Policies EMP6 and G1 of the Unitary Development Plan.

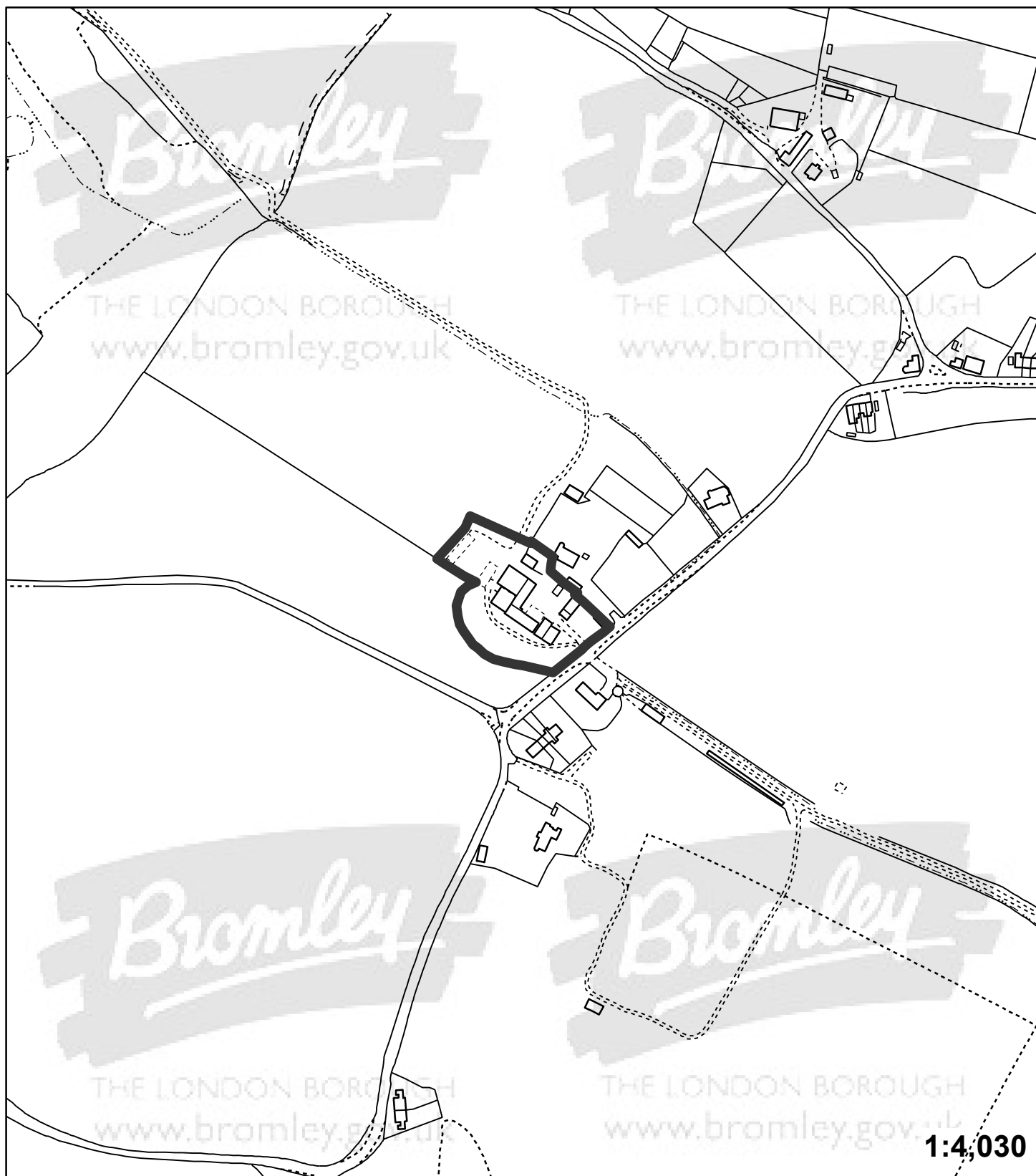
INFORMATIVE(S)

- 1 You should consult the Land Charges and Street Naming/Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk

Application:13/04147/FULL1

Address: Lower Hockenden Farm Hockenden Lane Swanley BR8 7QH

Proposal: Demolition of buildings 7, 10 and 11 and erection of part one part two storey building for Class B1, B2 and B8 use



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

© Crown copyright and database rights 2013. Ordnance Survey 100017661.