

SECTION '2' – Applications meriting special consideration

Application No : 16/01588/FULL1

Ward:
Mottingham And Chislehurst
North

Address : Bannatynes Health Club 35 Marvels
Lane Grove Park London SE12 9PN

OS Grid Ref: E: 540895 N: 172841

Applicant : Mr Steve Hancock

Objections : YES

Description of Development:

Demolition of detached outbuilding and erection of single storey extension to existing health club to provide spa facilities.

Key designations:

Smoke Control SCA 51

Proposal

- o Single storey extension with 200m² floorspace to provide spa facilities including treatment rooms and 'relax room' to complement the existing health club
- o design of extension will reflect that of host building and will incorporate a curved roof and brick and timber clad panels
- o proposed to demolish an existing outbuilding with a footprint of 88.8m²
- o host building has 2,323m² floorspace and is a part implementation of a planning permission granted for a building with 4,180m² floorspace (ref. 00/03356) - applicants have expressed a willingness to enter into a Section 106 legal agreement to deduct the floorspace of the proposed extension from the unimplemented floorspace and a unilateral undertaking has been submitted to this effect.
- o demolition of the outbuilding and deduction of the unimplemented floorspace are intended to offset harm to the openness of Metropolitan Open Land (MOL) and are advanced by the applicant as very special circumstances to justify inappropriate development.

Location

- o 6.81 ha site is located in the northern most part of the Borough on the boundary between Bromley and Lewisham and is designated Metropolitan Open Land (MOL)

- o site comprises two/three storey purpose built health and fitness club with associated car parking facilities and playing fields
- o line of mature trees and hedgerows and allotment gardens beyond to the west
- o rear gardens of residential properties on Jevington Way beyond open land to the north
- o series of playing fields, sports grounds and small woodland areas to the east towards Mottingham
- o tennis courts to the south-west
- o wider area to north, west and south is predominantly residential and suburban in character with 2 storey semi-detached properties mostly built in the 1920s and 1930s.

Consultations

Comments from local residents

Nearby residents were notified of the application and no representations were received.

Consultations

Lewisham Council have no objections to the proposal.

There are no objections in terms of Environmental Health.

No technical highways objections have been raised.

The Council's Legal Department raises no objections on the basis of the scheme matching that considered under ref. 10/02171 and as there are no changes in circumstances.

Planning Considerations

The application falls to be determined primarily in accordance with the following policies:

Unitary Development Plan

BE1 Design of New Development
G2 Metropolitan Open Land
G7 South East London Green Chain
L9 Indoor Recreation and Leisure

London Plan

3D.10 Metropolitan Open Land

4B.1 Design Principles for a Compact City
4B.8 Respect Local Context and Communities

The National Planning Policy Framework (NPPF)

The site is designated Metropolitan Open Land and Policy G2 states that the construction of new buildings within MOL will be inappropriate and harmful to the visual amenity of the MOL unless they are for specified purposes including agriculture, essential facilities for outdoor recreation and limited residential extensions. The policy further states that permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by inappropriateness or any other harm. It goes on to state that the openness and visual amenity of the MOL shall not be injured by any proposals for development within or conspicuous from the MOL which might be visually detrimental by reasons of scale, siting, materials or design.

If Members are minded to grant planning permission a Section 106 legal agreement will be required to ensure that the proposal is acceptable in planning terms. This agreement would require that prior to any implementation of the remaining development permitted under application reference 00/03566 details of the proposed works shall be submitted to and approved in writing by the Local Planning Authority.

As part of the application process, it was necessary for the Council to give a Screening Opinion as to whether an Environmental Impact Assessment was required. The proposal constitutes Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. After taking into account the selection criteria in Schedule 3 of the Regulations and the terms of the European Directive, it was considered that the proposed development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size and location. This opinion was expressed taking into account all relevant factors including the information submitted with the application, advice from technical consultees, the scale/characteristics of the existing and proposed development on the site. The applicants have been advised accordingly.

Planning History

The site was historically occupied by a sports club and planning permissions were granted in June 1986, December 1986 and March 2000 for extensions that would have resulted in increased floor areas of 343m² (ref. 86/00969), 492m² (ref. 86/03104) and 480m² (ref. 99/02807). The permissions were never implemented.

Planning permission was granted for a detached 2/3 storey building for health and fitness club in January 2001 (application ref. 00/03356). The building would have had a floorspace of 4,180m² and in granting permission Members recognised that permissions granted for extensions to the previous sports club could have resulted in a facility with a greater floor area. The planning permission was only partly implemented and a smaller building with approx. 2,323m² floor area was erected.

A planning application identical to the current proposal was submitted under ref. 10/02171 for demolition of detached outbuilding and erection of single storey extension to existing health club to provide spa facilities. This application was granted permission subject to a Section 106 legal agreement as outlined above, however the application was later withdrawn by the applicant as the legal agreement could not be provided at that time.

Conclusions

The proposal is inappropriate development in MOL. The main issues to be considered in this case are as follows:

- o whether very special circumstances have been demonstrated to justify inappropriate development in MOL
- o impact of the proposal on the character and visual amenities of the area, including impact on the openness of MOL
- o impact of the proposal on the residential amenities of nearby residential properties.

The existing health club building has 2,323m² floorspace and is a part implementation of planning permission ref. 00/03566 granted for a building with a total 4,180m² floorspace. The applicant is prepared to enter into a Section 106 legal agreement to deduct the floorspace of the spa extension (200m²) from the unimplemented floorspace (1837m²). The applicant is also proposing to demolish a single storey outbuilding with a floorspace of 88m². A draft unilateral undertaking has been included as part of the application submission to indicate this intent. It is intended that this will offset potential harm to the openness of Metropolitan Open Land (MOL) and is advanced by the applicant as very special circumstances to justify inappropriate development. The floorspace to be deducted from the unimplemented permission relates to a two/three storey building, therefore whilst the volume to be offset may be comparable the overall permitted footprint of the building may increase. However, the proposal includes demolition of the single storey 88m² outbuilding and will secure the configuration of development on the site within a more compact envelope. It should also be noted that the extension will be located so as to avoid the impact on the main open part of the site and it can be recognised that the implementation of historic permissions for the site would have resulted in a facility with greater floorspace. It should also be considered that that the proposal matches the scheme previously considered acceptable by Members under ref. 10/02171.

It may be considered that the applicants have successfully argued that the proposal will maintain or improve the openness of MOL (as compared to the potential for development on the site) and that this represents very special circumstances to justify inappropriate development. The design of the extension is considered acceptable and its location is such that there will be no unduly adverse impact on the amenities of the area. It is therefore recommended that Members grant planning permission, subject to a legal agreement as described.

Background papers referred to during the production of this report comprise all correspondence and other documents on files ref. 00/03356, 10/02171 and 16/01588, excluding exempt information.

RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT

and the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 4 The outbuilding (garage) identified on the site plan (drawing ref. 09/1768/009 Rev. B) shall be demolished prior to first occupation of the development hereby permitted.**

In order to comply with Policy G2 of the Unitary Development Plan and in the interest of protecting the openness of the Metropolitan Open Land.