

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

**Application No :** 16/01085/FULL1

**Ward:**  
**Bromley Common And  
Keston**

**Address :** Norman Park Lodge Hook Farm Road  
Bromley BR2 9SX

**OS Grid Ref:** E: 541517 N: 167552

**Applicant :** Mr Malcolm Wood

**Objections :** YES

**Description of Development:**

Single storey side extension to existing building to provide enlarged training room, extension to garage to provide workshop in association with existing bike store. Continuation of existing training use including horticultural use of rear garden and kiosk cafe use.

Key designations:

Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding  
Smoke Control SCA 51

**Proposal**

The application seeks consent for the extension of the existing building and the continuation of the existing training use facility, including horticulture use of the rear garden, workshop in association with the existing bike store and kiosk café use.

The proposal would provide 3 full time staff.

The proposed hours of operation would be 07:30-21:30 Monday to Friday, 08:00 - 21:30 on Saturdays, Sundays and Bank Holidays.

**Consultations**

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

- Letter in support of the application. Good to see a derelict building being used for a community use rather than a meeting place for local drug users.
- Will be a much needed asset to all who use Norman Park
- Norman park is devoid of any amenities including a toilet
- Will help with litter in the area

Highways - In reference to the additional information received from the developer on 26 April 2016 regarding the traffic generation and car and cycle parking facilities. No objections are raised as the development would not have a significant impact on the traffic and parking demand in the area.

Please include the following with any permission:

## CONDITON

H03 (Car Parking)  
H22 (Cycle)

Environmental Health - No objections in principle however recommendation that the following informatives are attached:

Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.

If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

Drainage - This site is within the area in which the Environment Agency - Thames Region requires restrictions on the rate of discharge of surface water from new developments into the river Ravensbourne or its tributaries. Please impose standard condition D02 on any approval.

## **Planning Considerations**

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

London Plan (2015)

- 5.3 Sustainable Design and Construction.
- 5.7 Renewable Energy
- 5.13 Sustainable Drainage
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking.
- 7.4 Local Character
- 7.6 Architecture
- 7.17 Metropolitan Open Lane
- 8.3 Community infrastructure levy

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

- BE1 Design of New Development
- G2 Metropolitan Open Land
- C1 Community Facilities
- T1 Transport Demand
- T3 Parking
- T18 Road Safety

National Planning Policy Framework (NPPF)

### **Planning History**

Under reference 05/00641 permission was granted on the 12.05.2005 for elevational alterations and change of use from a dwelling (Class C3) to training centre (Class D1).

### **Conclusions**

The main issues relating to the application are the principle of development, the impact of the proposed works on the character, appearance and openness of the wider area and Green Belt, neighbouring amenity and highways issues.

#### Principle of Development

Chapter 9 of the National Planning Policy Framework (NPPF) 2012 is a material planning consideration. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Policy 7.16 of the London Plan gives the strongest protection to London's Green Belt in accordance with national guidance. Inappropriate development should be refused except in very special circumstances and development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance; such improvements are likely to help human health, biodiversity and improve overall quality of life.

Policy G1 of the UDP states that within the Green Belt permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm. The construction of new buildings on land falling within the Green Belt will be inappropriate, unless it is for the following purposes; agriculture and forestry (unless permitted development rights have been withdrawn); essential facilities for outdoor sport and outdoor recreation and open air facilities and other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. The extension or alteration of a building is also considered an exception, provided that that is does not result in a disproportionate addition over and above the size of the original building.

The main Green Belt issues for consideration are therefore: the appropriateness of this development in the context of the Green Belt; its impact on the openness of the Green Belt and the purpose of including land within it; and whether, if the development is inappropriate in the Green Belt, the harm by reason of inappropriateness or any other harm, would be outweighed by other considerations so as to amount to very special circumstances.

The application site is part of Norman Park, which represents a significant area of open parkland and recreation grounds. Immediately adjacent to the site is an area of allotments. The proposal seeks to extend and alter the existing Norman Park Lodge building, which was granted Planning Permission in 2005 (DC/15/00641) from C3 to a training centre (Use Class D1).

The proposal seeks to utilise the existing building as a training facility, with an ancillary kiosk café and cycle hub. Uses will include the provision of a 'drop-in' facility for disabled people and carers, advice sessions for training and employment enterprises, partnership opportunities with Bromley College, Allotment Holders, Park users and other enterprise groups, gardening and horticulture. The application would also see the extension of the building with a 16sqm addition added to the existing garage and a further single-storey extension of 20sqm to provide additional classroom space.

NPPF Paragraph 90 states that: "Certain forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include the re-use of buildings provided that the buildings are of permanent and substantial construction; and development brought forward under a Community Right to Build Order".

In terms of appropriateness the applicant's agent has asserted in their submission documents that the land is previously developed land and that the complete reuse and extension of developed sites would not constitute inappropriate development in the Green Belt provided that the proposal would not have a greater impact on openness and the purpose of including land within it.

The meaning of paragraph 87 of the NPPF was considered in *Fordent Holdings Limited v Secretary of State for Communities and Local Government* [2013] EWHC 2844 (Admin). It was held that all development including material changes in use in the Green Belt is inappropriate unless it falls in to one of the categories set out in Paragraphs 89 or 90 of the NPPF: Paragraph 89 refers specifically to the facilities and not the use. In *Timmins v Gelding Borough Council* [2015] EWCA Civ 10 the Court of Appeal held that Paragraph 89 of the NPPF applies only to the construction of new buildings, and represents a closed list of exceptions. That is to say, such facilities will only be 'not inappropriate' development if 'it' (ie the facilities themselves) "... preserves the openness of the Green Belt and does not conflict with the purposes of including land within it...".

The courts in the matter of *Europa Oil and Gas Limited v. SSCLG and others* [2013] EWHC 2643 (Admin) have also held that the effect on openness is in part

linked to function, Mr Justice Ouseley noting: "Secondly, as Green Belt policies NPPF 89 and 90 demonstrate, considerations of appropriateness, preservation of openness and conflict with Green Belt purposes are not exclusively dependent on the size of building or structures but include their purpose...."

The notion of openness itself (notwithstanding the matter of use discussed in the preceding paragraphs) is considered to be a defining factor in determining what might be appropriate. The effect of a development on the openness of the Green Belt is primarily a matter of its nature, scale, bulk, and site coverage; that is to say its physical effect on the site and its surroundings.

The reuse of buildings within Green Belt is supported by the NPPF. In this case, the use of the building for training purposes is not so dissimilar to the existing use and is considered to be in accordance with the NPPF and Green Belt Policies. However, the proposed uses would represent an extension of the built form but also an intensification of the existing lawful use. The issue is whether the number, and types of uses proposed would result in an inappropriate intensification which would harm the openness of the Green Belt.

The proposed kiosk café, when compared to the size and percentage of the building, would only represent 10sqm of floor space. This would be open to members of the public, however subject to conditions controlling hours of operation and the type of food supplied; it is considered that this would represent an ancillary form of development in relation to the wider use.

Together with the training element of the proposal, the application would also see the use of building as a cycle hub. The aim of the scheme is to provide access to a bike mechanic, who will service bicycles but also provide training and employment opportunities with structured work placements. The hub will also eventually provide bicycles to hire. The site is regularly used as the starting point/end points for cycle rides as well the 'Park Run' initiative. Furthermore, the lodge sits within a large plot and adjoins allotment gardens. The proposal would see the use of the site for horticulture and gardening projects, particularly within the disabled community. The ultimate plan would be to use the garden for the propagation and growing of plants for sale to the general public. The above uses are considered to partially fall within the training use already permitted, however they do go some way beyond this. The applicant has argued that the proposal falls within the provision of facilities for 'outdoor recreation', and therefore constitutes as appropriate development in accordance within the NPPF. However, whilst the training element of the scheme is considered appropriate, given the existing use of the site, the specific operation of the Cycle Hub, selling of plants and general intensification of the site exterior, including the extension of the built form, is considered to go beyond the lawful use and would have an impact on the openness of the site, thereby constituting inappropriate development.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para 88 of the NPPF states that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations. In this case, the proposal would represent a

use of benefit to the wider community. The primary aim is to establish a centre where people with disabilities can undertake training and engage in work experience, in order to help in their independence and employment. Training will be delivered to users enrolled on bike maintenance, recycling, hire, sales and road safety, food hygiene, customer services and horticulture programs. In order to achieve this, the site requires an accessible space where up to 15 learners, including those in wheelchairs and/or have mobility needs, can access appropriate facilities. The proposal would provide a facility which has significant benefit for the wider community and would bring a vacant and underutilised building back into use. Whilst the scheme would result in an intensification of the site, the training element would have no more than 15 users at any one time. The café element and cycle hub may result in an more ad-hoc drop-in arrangement, however the park is already widely used by the wider community for numerous recreational activities. It is considered that the garden, café and cycle hub would provide a good community facility that would benefit the wider locality. It is therefore considered that given the presence of the existing built development on site, and location of on the periphery of the park, the harm to the Green Belt, by reason of inappropriateness, is outweighed by the wider community benefit and as such constitutes 'very special circumstances'.

The application also seeks the construction of two small extensions. The first extension would adjoin the existing garage and would add 16sqm of additional floor space. The second extension would adjoin the existing main lodge building and would add 20sqm of floor space. The proposed extensions would provide additional training and class room space. Cumulatively, the additions would result in an increase in floor area of 37%. However, the extensions would adjoin existing development and are subordinate in appearance. As such, the extensions are not considered to be disproportionate addition over and above the size of the original building. Their location and scale would not result in harm to the openness of the Green Belt or character and appearance of the locality.

### Neighbouring Residential Amenity

The site is located on the periphery of a large area of park land. The closest residential occupiers are located approximately 90m away. The existing building already benefits from planning permission for a training centre. Subject to the use of conditions restricting hours of operation it is considered that the proposed uses and extensions would not result in harm to neighbouring residential amenities by way of noise or disturbance.

### Highways

The applicant has indicated that there will be no more than 15 trainees on site at any one time and 2 additional staff. This compares to the existing lawful use, which specified that only 14 trainees were to be on site. The applicant has stated that that the increase in traffic would not be significant as none of the 'Service users' will have cars as all of them will travel to the Lodge on public transport. Evidence has been presented in the form of the operation of Bromley College, which includes users with disabilities travelling to the site via public transport. In terms of the

operation, the applicant has clarified that the Café will not be advertised to members of the public, but targeted at those who already use the park.

There are two existing car parking spaces available on site in front of the existing garage. In terms of the cycle parking, there are 4 dedicated cycle bays to the rear, but there is also additional cycle parking in front of the garage, using mobile cycle stands which would be stored in the garage.

The Council's highways officer has reviewed the application and raised no objections on highway or parking grounds. Conditions have been suggested relating to cycle parking and the provision of parking spaces. Conditions relating to parking provision are considered reasonable, however the highway officer has not objected to the level of cycle storage provided. There are 4 existing stands located to the rear and there would be further storage in the form of mobile parking stands, which would be stored within the existing garage. As such, the submission of additional cycle details is considered onerous and unnecessary.

The Council's drainage officer has requested a drainage condition, however given the size of the development, limited area of hardstanding proposed and size of the garden/horticulture area this condition is considered unnecessary.

In summary, the proposed development would result in an intensification of the site being inappropriate in principle. However, in this case the proposed use would represent a community use, which would benefit the wider community. The harm to the Green Belt, by reason of inappropriateness, is therefore outweighed by the wider community benefit and as such constitutes 'very special circumstances'. The impact on neighbouring amenity and the highway from the use is also considered acceptable subject to the conditions listed above.

## **RECOMMENDATION: PERMISSION**

### **Subject to 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.**

- 2 The premises shall have no more than 15 trainees on site at any one time.**

**Reason: To protect the openness and character of the area and in the interest of highway safety and in order to comply with BE1 Design of New Development, G2 Metropolitan Open Land and T3 Parking of the Unitary Development Plan (2006).**

- 3 The use shall only be operational between the hours of 07:30 to 21:30 Monday - Friday and 08:00 to 21:30 Saturdays, Sundays and Bank Holidays.**

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

- 4 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.**

**Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.**

- 5 No primary cooking or cooking requiring the use of ventilation and extraction equipment shall be undertaken on site. If cooking should occur on the premises full details of extraction and ventilation equipment should be submitted to be approved in writing by the local planning authority and fully installed before any cooking takes place.**

**Reason: In order to comply with Policy ER9 of the Unitary Development Plan and to enable to consider the potential impact of any other use that may be proposed.**



- 6 The management and day to day operation of the use hereby permitted shall be carried out only by Mencap and will not be managed or operated by any outside body.**

**Reason:To enable the Council to reconsider the situation in the event of a change of user in the interest of the amenities of the area and Policy BE1 of the Unitary Development Plan.**

- 7 The use hereby permitted shall be used only as a Community training facility (Use Class D1), with ancillary 'cycle hub' and kiosk cafe (Use Class A1) and for no other purpose without the written approval of the Local Planning Authority.**

**Reason:To protect the openness and character of the area and in the interest of highway safety and in order to comply with BE1 Design of New Development, G2 Metropolitan Open Land and T3 Parking of the Unitary Development Plan (2006).**

- 8 The kitchen/kiosk shall be limited to the area indicated on plan No L007 only.**

**Reason:To enable the Council to consider the impacts of an internal expansion of the business premises on the amenities of the area and to comply with Policy BE1 of the Unitary Development Plan.**

**You are further informed that:**

- 1 Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.**

**If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.**