

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

Application No : 18/03282/FULL1

Ward:
Farnborough And Crofton

Address : 8 - 10 Church Road Farnborough
Orpington BR6 7DB

OS Grid Ref: E: 544311 N: 164255

Applicant : Mr Gengis Kemal

Description of Development:

Single storey rear extension and new shopfronts

Key designations:

Conservation Area: Farnborough Village
Areas of Archeological Significance
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 14

Proposal

Permission is sought for a single storey rear extension to the building to include additional ground floor storage space for the retail units. The proposed rear extensions will have a rear projection of 4.3m, stepping back to 5.1m for part of the extension to No. 8. The roof will be flat with a height of 2.9m.

Elevation alterations include changes to the front doors and fenestration to provide new shopfronts and separate access to the first floor, which is currently used for purposes ancillary to the ground floor.

Location and Key Constraints

The site is located on the western side of Church Road and comprises a two storey building with a retail ground floor use at both premises. The wider area is characterised by commercial uses in and around Farnborough Village, with residential upper floor uses

The site is located within the Farnborough Village Conservation Area.

Comments from Local Residents and Groups

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

Objection:

- The application site is two properties that would need separate applications to change or remove existing shop fronts.
- Work has commenced without planning permission and this should not be allowed in a Conservation Area.
- Inaccuracies on plans
- The theft of light to the communal walk way is dangerous and the building foundations, which are already in place without planning permission, have taken some of the communal land.
- The building has been left to the elements including part of the roof of number 6 [since day 1] and we need to get this situation resolved.
- This proposed extension is 2/3 ft deeper and 6ft wider than previous footprint which will result in total blackout for neighbouring kitchen window from shared access
- In addition they have taken 6 inches from the width of shared access path which will have impact to access to the rear of our property
- Concern raised regarding party wall being left to the elements during the application process

Comment:

- Residents would like to have input as to what shops would be opening

Comments from Consultees

Conservation Officer: The rear alterations would cause no harm to the CA. In terms of the shopfront the proposed design is acceptable in terms of BE8 and some stallriser is kept which is positive. I would prefer a simple panelled door for the upper floor entrances but this could be handled by condition C01.

Advisory Panel for Conservation Areas (APCA): did not inspect the application.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan (2016)

- 4.7 Retail and Town Centre Development
- 4.8 Supporting a Successful and Diverse Retail Sector and Related Facilities and Services.
- 4.9 Small Shops
- 5.1 Climate Change
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 6.3 Assessing the Effects of Development on Transport Capacity
- 7.4 Local Character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
- 8.3 Community Infrastructure Levy

Unitary Development Plan (2006)

- BE1 Design of New Development
- BE8 Conservation Areas
- BE10 Locally Listed Buildings

BE19 Shopfronts

Emerging Local Plan

Draft Policy 33	Access For All
Draft Policy 37	General Design of Development
Draft Policy 39	Locally Listed Buildings
Draft Policy 41	Conservation Areas
Draft Policy 101	Shopfronts and Security Shutters
Draft Policy 115	Reducing Flood Risk

Additional Guidance

Supplementary Planning Guidance 1 - General Design Principles
Supplementary Planning Guidance for the Farnborough Village Conservation Area

Planning History

18/02098/FULL1 - Change of use of ground floors of Nos. 8 and 10 to form 2 one bedroom flats and single storey rear extension. - Refused

18/02662 - Conversion of first and second floors to 2 two bedroom flats with 2 rear dormer extensions, rooflights and elevational alterations - Refused

Considerations

The main issues relating to the application are:

- Resubmission
- Design and character of Conservation Area
- Impact on Neighbouring amenity

Resubmission

Following the refusal of application ref. 18/02098, the current application proposes a larger rear extension to the building along with the provision of elevational alterations to the shopfronts. The previously proposed conversion of the ground floor to residential flats is omitted from the current proposal.

Design and Conservation Area

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

Policy BE1 and H7 of the UDP set out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

Policy BE10 of the UDP requires that alteration to Locally Listed Buildings will be permitted provided that the alterations are sympathetic to the character, appearance and special interest of the building and respect its setting.

Policy BE11 of the UDP relates to Conservation Areas and states that in order to preserve or enhance the character or appearance of conservation areas, a

proposal for new development, for engineering works, alteration or extension to a building, or for change of use of land or buildings within a conservation area will be expected to:

- (i) respect or complement the layout, scale, form and materials of existing buildings and spaces;
- (ii) respect and incorporate in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and
- (iii) ensure that the level of activity, traffic, parking services or noise generated by the proposal will not detract from the character or appearance of the area.

This guidance is reflected in Policy 41 of the Draft Local Plan.

The Supplementary Planning Guidance for the Farnborough Village Conservation Area states:

'3.6 Changes of use will be acceptable only where, in the opinion of the Council, they would have no detrimental effect on the character of the area.'

The proposed rear extension will have a limited impact on the appearance of the building and would be sited to the rear. The extension of the building in a similar manner has not been objected to previously under ref. 18/02098.

The proposed shopfront alterations include the replacement of the windows with larger full length windows along with replacement doors which will be repositioned. The rear alterations are not considered to cause harm to the Conservation Area and the design of the shopfront is acceptable as it retains a stallriser. Details of materials and appearance can be conditioned as appropriate.

Therefore it is considered that the development would preserve the character and appearance of this part of the Farnborough Village Conservation Area, thereby complying with Policies BE1, BE11 and BE19 of the Unitary Development Plan and Policies 37, 41 and 101 of the Draft Local Plan.

Neighbouring Amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The proposed rear extension would create a rear projection of built development proportionate to the extent of development at the neighbouring properties. There is a small side kitchen window at No. 12 however the impact would not be significant, with this window separated from the proposed extension by the side pedestrian

access and the extension having a similar position to the recently demolished rear section of the building.

The proposal is considered to comply with Policy BE1 of the Unitary Development Plan and Policy 6 of the emerging Local Plan with regards to neighbouring amenity.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application and the applicant has not completed the relevant form.

Conclusion

Having had regard to the above it was considered that the proposal is acceptable in that it would not result in a significant impact on the character of the Conservation Area and would not impact detrimentally on the amenities of neighbouring properties.

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

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: To comply with Section 91, Town and Country Planning Act 1990.

- 2 Details (including samples) of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.**

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 UDP and in the interests of visual and residential amenity.

- 4 The extension hereby approved shall only be used as ancillary storage and kitchen areas in connection with the retail use at 8-10 Church Road as detailed in drawing No. CR/01 Rev A and for no other purpose. There shall be no change of use whether allowed by the Town and Country Planning (Use Classes) Order 1987, the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order amending, revoking and re-enacting these Orders.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order that the Council can consider any proposed change of use with regard to current planning policies to prevent any inappropriate use.

5 The flat roof area of the single storey rear extension shall not be used as a balcony or sitting out area and there shall be no access to the roof area.

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