

SECTION '2' – Applications meriting special consideration

Application No : 18/03444/FULL1

Ward:
Farnborough And Crofton

Address : Land at Junction With Crofton Road
Park Avenue, Farnborough, Orpington

OS Grid Ref: E: 543374 N: 165364

Applicant : Mr Grahame Weeks

Objections: Yes

Description of Development:

Temporary consent for security hut adjacent to new cross carriageway gates a Park Avenue Junction with Crofton Road Farnborough Park Orpington. Duration proposed 2 years (24 months). RETROSPECTIVE APPLICATION

Key designations:

Conservation Area: Farnborough Park
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 11

Proposal

Temporary consent is sought for the retention of the existing security hut for a 2 year time period. The security hut is a single storey green structure with a maximum height of 2.2m, 3.9m in width and approximately 2.4m in depth.

It is stated in the Design and Access statement that the temporary permission is required to agree and finance a new permanent structure in this location.

Location and Key Constraints

The site is located close to the junction with Crofton Road. The security hut is located on Park Avenue, 20m away from this junction. The site is an entrance to Farnborough Park Conservation Area.

Comments from Local Residents and Groups

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

- agree with previous comments from conservation officer
- hut is inappropriate to Farnborough Park even on short term basis
- enforcement proceedings should be taken to remove it as harmful to conservation area
- cannot understand that any hut is necessary for the provision of security which can be provided without guards

- not supported by all residents
- no evidence that security arrangements of this nature have significantly prevented criminal activity
- those who have supported the hut may not be aware that any payments for it and security currently in force are not legally enforceable against any residents who disagree
- funds for a permeant structure will be difficult
- activities of the guards may linger on for ages unless proposal is firmly rejected
- unsightly and not in-keepings
- has appearance of temporary building
- gates could be operated from a remote location as in the past
- no hut at Keston Park which has retained welcoming residential feel

Comments from Consultees

Conservation Officer: Objections to the appearance of the structure and a more sensitive design is required.

APCA- objections due to lack of information or photographs making judgement impossible.

Highways: No objections

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.

According to paragraph 48 of the NPPF (2018) decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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
- The degree of consistency of the relevant policies in the emerging plan to the policies

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.

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

London Plan Policies

- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage assets and archaeology

Unitary Development Plan

- T6 Pedestrians
- T5 Mobility
- T18 Road safety
- BE1 Design of new development
- BE7 Railings, boundary walls and other means of enclosure
- BE11 Conservation areas

Draft Local Plan

- 33 Access for All
- 37 General Design of Development
- 41 Conservation Areas

Supplementary Planning Guidance

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance

Planning History

The Council is currently considering an application for similar gates at the junction of Park Avenue and Crofton Road under ref. 18/03313. Retrospective planning permission was recently refused for Replacement of in roadway pop-up barriers with new across highway (pair of) gates, less than 1.0m in height, central stone planter (low level) and new security hut under ref. 17/05692 for the following grounds:

"1. The proposed security hut, by reason of its poor design, is out of character with the area and results in a visually harmful addition to the Farnborough Park Conservation Area, thereby contrary to Policies BE1 and BE11 of the Unitary Development Plan, and draft policies 37 and 41 of the emerging plan.

2. The proposal involves the provision of a gate across Registered Public Footpath 141 which represents an unauthorised obstruction of the footpath. The proposed pedestrian gate is unacceptable from a highway point of view and thereby contrary to Policies T6 and T5 of the Unitary Development Plan and draft Policy 33 from the emerging plan."

An application is also under separated consideration for the gates under ref. 18/03313 in the same location at the security hut.

An application for the gates facing Farnborough Common is also being considered under ref. 18/03314. A lawful development certificate was recently refused under ref. 17/05691 and deemed to require planning permission for the gates in this current application. The application was not deemed lawful on the following grounds:

"1. The proposal as submitted would not constitute permitted development by virtue of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015."

Considerations

The main issues to be considered in respect of this application are:

- Resubmission
- Design
- Heritage Impact
- Highways
- Neighbouring amenity
- CIL

Resubmission

The current application seeks to address the previous grounds of refusal at the site by seeking a temporary 2 year time period for the existing hut whilst a new permanent structure be agreed and financed.

Design

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.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The proposed security hut is sited in front of the entrance gates and is visible looking into Farnborough Park. Concerns have been raised by the Council's Conservation officer regarding the design of the security hut and it is considered due to its prominent siting, the temporary appearance of the hut would not be in-keeping the wider conservation area. The refusal of the previous application identified visual harm that the structure causes and it is not considered that the granting of a temporary permission would be appropriate in this case.

Heritage Assets

The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

Within or adjacent to a Conservation Area:

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.

Concerns have been raised by the Council's Conservation officer. It is considered that due to the utilitarian appearance which does not respond well to the mature residential conservation area despite the temporary timeframe proposed.

It is considered that the proposed development would not preserve the character and appearance of the conservation area and would be overly dominant and harmful to the character and appearance of this part of the Farnborough Park Conservation Area.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

No concerns have been raised by the Council's Highways officer.

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.

A number of letters but objecting to and in support of the proposal have been received and carefully taken into account as part of the application. Having regard to the scale, siting, separation distance, of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

CIL

The Mayor of London's CIL is a material consideration. CIL is unlikely to be payable.

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is unacceptable as it would impact detrimentally on the character of the conservation area.

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.

Enforcement Action

Given that planning permission has been already refused for the permanent retention of the security hut, if Members are minded to refused the temporary consent as proposed it is further recommended that enforcement action be authorised to remove the structure.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposed security hut, by reason of its poor design, is out of character with the area and results in a visually harmful addition to the Farnborough Park Conservation Area, thereby contrary to Policies BE1 and BE11 of the Unitary Development Plan, and draft policies 37 and 41 of the emerging plan.**

Further recommendation to authorise enforcement action to secure the removal of the existing security hut.