

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 18/03314/FULL1

**Ward:**  
**Farnborough And Crofton**

**Address :** Land At Junction With Park Avenue And  
Farnborough Common, Orpington

**OS Grid Ref:** E: 542765 N: 165282

**Applicant :** Mr G Weeks

**Objections: NO**

### **Description of Development:**

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) on Park Avenue junction with Hastings Road A21/Farnborough Park Orpington RETROSPECTIVE APPLICATION

### **Key designations:**

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Sites of Interest for Nat. Conservation  
Smoke Control SCA 11  
Urban Open Space

### **Proposal**

Retrospective planning permission is sought for the replacement of in roadway pop-up barriers with a pair of new gates across highway less than 1.0m in height. The gates open upwards. A low level central stone planter and new lamp and camera post is also included as part of the application.

### **Location and Key Constraints**

The proposed gates are located approximately 25m from the junction of Hastings Road and Park Avenue. The site is located within the Farnborough Park Conservation Area.

### **Comments from Local Residents and Groups**

Nearby owners/occupiers were notified of the application and 1 representations in support was received (no comments included).

### **Comments from Consultees**

Conservation Officer: No objections raised.

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  
G8 Urban Open Space  
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  
55 Urban Open Space

#### Supplementary Planning Guidance

SPG1 - General Design Principles  
SPG2 - Residential Design Guidance

### **Planning History**

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."*

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 currently under consideration separately for the temporary retention of the security hut (under ref. 18/03444).

## Considerations

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

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

### Resubmission

The application now seeks full planning permission following the recent refusal of a lawful development certificate for the works under ref. 17/05691/ELUD.

### 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.

With regards to the proposed gates it is considered that they would complement the area and would not appear out of character with surrounding development or the conservation area generally. The site is located with Urban Open Space. Given the small scale nature of the works it is not considered to result in a loss of open space.

### 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.

No concerns have been raised by the Council's Conservation officer in relation to this proposal.

It is considered that the proposed development would preserve the character and appearance of the 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.

No comments in objection to the proposal have been received. Having regard to the scale, siting, separation distance of the development, it is not considered that a significant loss of amenity would arise.

### CIL

The Mayor of London's CIL is a material consideration and CIL is not payable in this case.

## Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable as it would not 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.

### **RECOMMENDATION: PERMISSION**

#### **Subject to the following conditions:**

- 1 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.**