

Committee Date	29 th October 2020		
Address	Olney Sandy Lane St Pauls Cray Orpington BR5 3HY		
Application Number	20/00312/FULL1	Officer - Lawrence Stannard	
Ward	Cray Valley East		
Proposal	Demolition of existing outbuildings and erection of single storey detached outbuilding for storage, replacement of existing hardstanding, and erection of fence to enclose residential amenity space.		
Applicant	Agent		
Mr Paul Lisney	Mr Ryan Townrow		
33C High Street Chislehurst BR7 5AE	15 Colepits Wood Road London SE9 2QJ		
Reason for referral to committee	Councillor call in		
	Previous application went to committee		No

RECOMMENDATION	Refused
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<p>KEY DESIGNATIONS</p> <p>Areas of Archaeological Significance Biggin Hill Safeguarding Area London City Airport Safeguarding Green Belt Smoke Control SCA 20</p>
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Representation summary	<ul style="list-style-type: none"> • A site notice was displayed from the 29th May for 21 days. • Neighbour notification letters were sent on the 18th March. • A press ad was published on the 1st April.
Total number of responses	0
Number in support	0
Number of objections	0

Update

The application was previously considered at Plans Sub-Committee 3 on the 3rd September where Members resolved to grant planning permission for the development. The original report confirmed that the building would have a height of 2.5m, however it has subsequently come to light that amended plans had been submitted at validation stage showing the building to have a height of 4m.

In view of this discrepancy, the application is being reported back to Members for further detailed consideration. The other aspects of the proposal are the same as previously considered on the 3rd September.

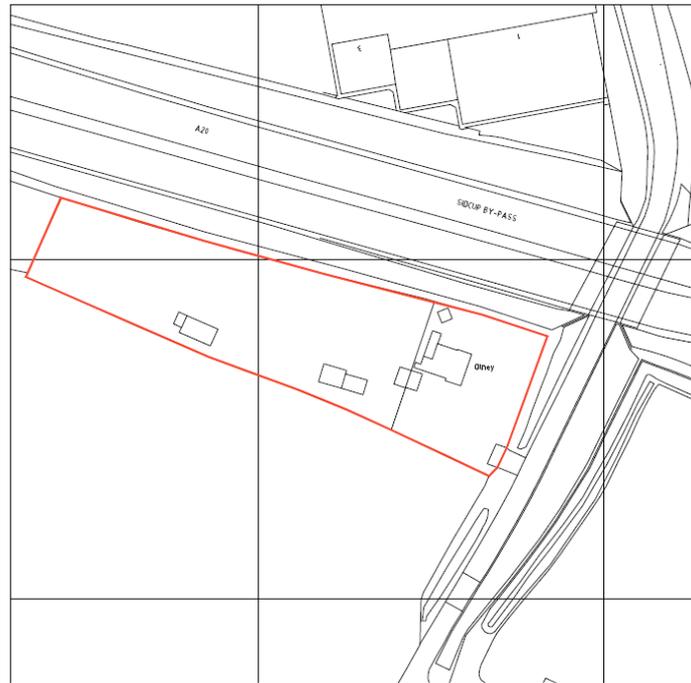
The report and recommendation has been updated accordingly as set out below.

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would result in an unacceptable impact upon the openness and visual amenity of the Green Belt.
- The use of the outbuilding for storage in conjunction with the existing storage use at the site is considered acceptable.
- The development would not adversely affect the amenities of neighbouring residential properties.
- The development would not adversely impact upon Highway safety.

1 LOCATION

- 1.1 The application site lies on the western side of Sandy Lane and is occupied by a detached dwelling at Olney and a separate area to the rear which is currently used for open-air storage, and features a number of existing outbuildings.
- 1.2 The site lies within the Metropolitan Green Belt.



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Figure 1: Site Location Plan

2 PROPOSAL

- 2.1 The application seeks permission for the demolition of the existing outbuildings and the erection of a single storey detached outbuilding for storage, replacement of existing hardstanding, and erection of fence to enclose residential amenity space.
- 2.2 The proposed building would have a maximum width of 26m and depth of 9m, and would feature a flat roof with a height of 4m. The building would be split into 4 separate units internally, each with their own entrance door and garage door, though the agent has confirmed that the whole building would be used for storage in conjunction with the existing open air storage use of the site.
- 2.3 A fence is proposed to enclose the adjacent residential area and separate the area used for storage as granted under ref: 19/03169/ELUD. The fence would be of a close-boarded design with a height of 1.8m, featuring an additional 0.3m high trellis above.
- 2.4 The existing hardstanding area is to be replaced with new hardcore covering the same area.

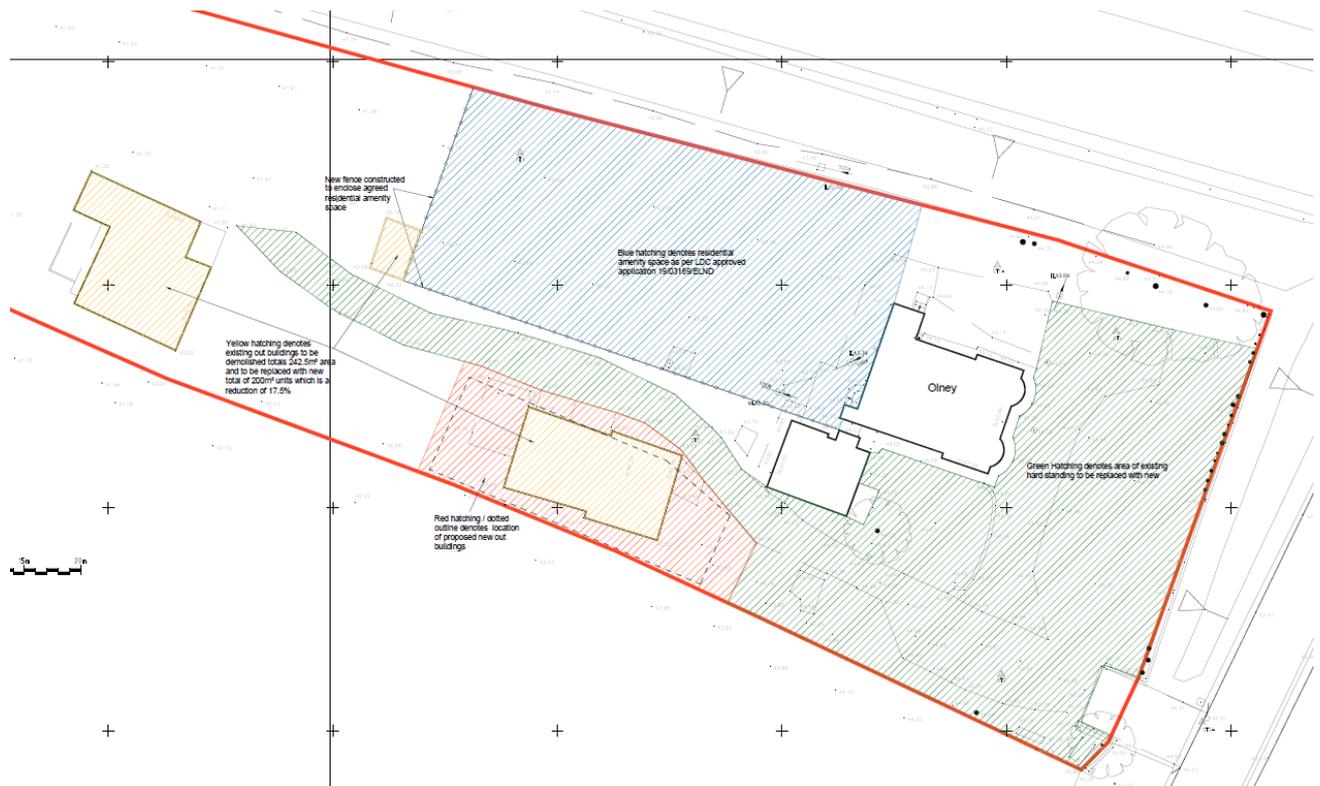


Figure 2: Proposed Site Plan (Existing outbuildings to be demolished in yellow, proposed outbuilding in red)

3 RELEVANT PLANNING HISTORY

3.1 The relevant planning history relating to the application site is summarised as follows;

19/03169/ELUD – The retention of open air storage use (Class B8) at site address – Existing use/ development is lawful.

4 CONSULTATION SUMMARY

A) Statutory

Highways Officer

- The previous pre application was for redevelopment of site to be used for B8 open air storage including security fencing - upgrading of an existing vehicular access to the site and screen planting with possible biodiversity enhancements.
- Whereas this application is to demolish existing outbuildings and erection of single storey detached outbuilding for storage, replacement of existing hard standing, and erection of fence to enclose residential amenity space.
- For the pre-app I had asked the applicant to demonstrate that how articulated lorries will be able to come in, turn around and exit in forward gear from this proposed redeveloped B8 open air storage area. Also these lorries can only go North as there are width restrictions to the South of Sandy Lane. The applicant should also demonstrate that the railway bridge is high enough for these lorries.

- A swept path analysis showing articulated vehicle movements to access / exit the site and within the site were submitted on the 31st July and 11th August. Subject to this, Highways Officers confirmed that these were suitable and no objection was raised subject to conditions.

B) Local Groups

No comments received from any Local Groups.

C) Adjoining Occupiers

No comments received from Local Residents.

5 POLICIES AND GUIDANCE

- 5.1 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.
- 5.2 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.
- 5.3 The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.
- 5.4 The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.
- 5.5 The draft New London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This was version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.
- 5.6 The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan.

5.7 After considering the 'Intend to Publish' Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor identifying directed changes to a number of policies in the draft plan. The SoS considered these changes were necessary to address concerns regarding inconsistencies with national policy. The Mayor cannot publish the New London Plan until the directed changes have been incorporated, or until alternative changes to address identified concerns have been agreed with the SoS. This could affect the weight given to the draft plan with regard to the directed policies.

5.8 At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations. However, where no modifications have been directed the draft London Plan policies are capable of having significant weight (as seen in a recent SoS call-in decision in the Royal Borough of Kensington and Chelsea). Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.

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

5.10 National Policy Framework 2019

5.11 The London Plan

6.13 Parking

7.16 Green Belt

7.4 Local character

7.5 Public realm

7.8 Heritage assets and archaeology

5.12 Draft London Plan

D1 London's form and characteristics

D4 Delivering good design

D5 Inclusive design

5.13 Bromley Local Plan 2019

6 Residential Extensions

30 Parking

32 Road Safety

37 General Design of Development

49 Green Belt

123 Sustainable Design and Construction

5.14 Bromley Supplementary Guidance

Supplementary Planning Guidance 1 - General Design Principles

Supplementary Planning Guidance 2 - Residential Design Guidance

6 ASSESSMENT

6.1 Green Belt – Not Acceptable

6.1.1 Paragraphs 133 - 147 of the NPPF sets out the Government's intention for Green Belt. The NPPF states that 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.

The Green Belt is intended to serve five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.1.2 Paragraphs 143 – 147 deal specifically with development proposals in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

6.1.3 Paragraphs 145 states A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions are stated, the most relevant of which to this application is

- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

6.1.4 The proposed development would construct a new building of approx. 227.65sqm in footprint, though would offset this development by the removal of three existing buildings which have an existing 240sqm footprint. The scheme would therefore consolidate the existing built form from three separate buildings into one, reducing the spread of development across the site and reducing the overall footprint of development.

6.1.5 The consolidation of development on the site should be given substantial weight in the overall balancing exercise and can be considered a Very Special Circumstance. Furthermore, it is noted that the proposed outbuilding would have a reduced footprint of approx. 12.35sqm compared to the existing overall footprint of the three existing buildings. However, it is noted that it appears the smaller outbuilding (approx. 15sqm) has already been removed from the site and would require permission to be rebuilt. Therefore, the overall weight given to the stated reduction is somewhat limited.

6.1.6 The proposed outbuilding would have a height of 4m which would significantly increase the height above that of the existing outbuildings which have a more modest heights (One flat roof with a height of 2.5m, one pitched with a maximum height of 2.6m and

eaves of 1.8m, and one with a dual pitched roof with a maximum height of 3.6m and eaves of 2.7m.).

- 6.1.7 Having regard to the height and flat roof design of the proposed outbuilding, it is considered that this would appear excessive in height, resulting in a disproportionate increase above the existing outbuildings and appearing materially larger.
- 6.1.8 Therefore, whilst the modest increase in footprint is noted it is considered that the proposed outbuilding would constitute inappropriate development and that the very special circumstances would not be sufficient to justify the overall impact that the height and roof design would have on the openness and visual amenity of the Green Belt above that which already exists.
- 6.1.9 The proposed fence would separate the remaining residential area from the area of the site used for storage. Its close boarded design would result in some additional impact on the openness of the Green Belt, particularly given its overall length due to the size of the residential area. The trellis design to the top 0.3m would provide a degree of openness in its design and the impact would be offset somewhat by the reduction in the footprint and bulk of outbuildings on the site. It is considered appropriate to separate the residential use from the storage use, and on balance the overall harm of the fence would not be considered to result in an unacceptable impact to the openness and visual amenity of the Green Belt.
- 6.1.10 The proposed hardstanding would replace existing hardstanding and would cover the same area of the site, predominantly to the front of the site. It is therefore considered this would not harm the visual amenities of the Green Belt.

6.2 Design – Layout, scale – Acceptable

- 6.2.1 The proposed building would have a maximum width of 26m and depth of 9m. The outbuilding would have a smaller footprint compared to the existing three buildings which would be demolished, and would also appear smaller in its maximum height. Therefore the overall scale of the building is considered acceptable.
- 6.2.2 Its design would include a flat roof which is considered appropriate for its setting with the Green Belt and the external materials would consist of facing brickwork which would not detract from the general character of the area. The scale and appearance of the proposed outbuilding is therefore considered appropriate for the site in principle, however this does not outweigh the identified harm to the Green Belt resulting from the height of the development.
- 6.2.3 The proposed close boarded fencing would not appear excessive in its height, and whilst its length would be significant it would provide an appropriate boundary treatment to separate the residential use from the storage use. The fencing is therefore not considered to detract significantly from the appearance of the site and would be an appropriate addition.
- 6.2.4 Having regard to the form, *scale and proposed materials* it is considered that the proposed development would complement the site and would not appear out of character with surrounding development or the area generally.

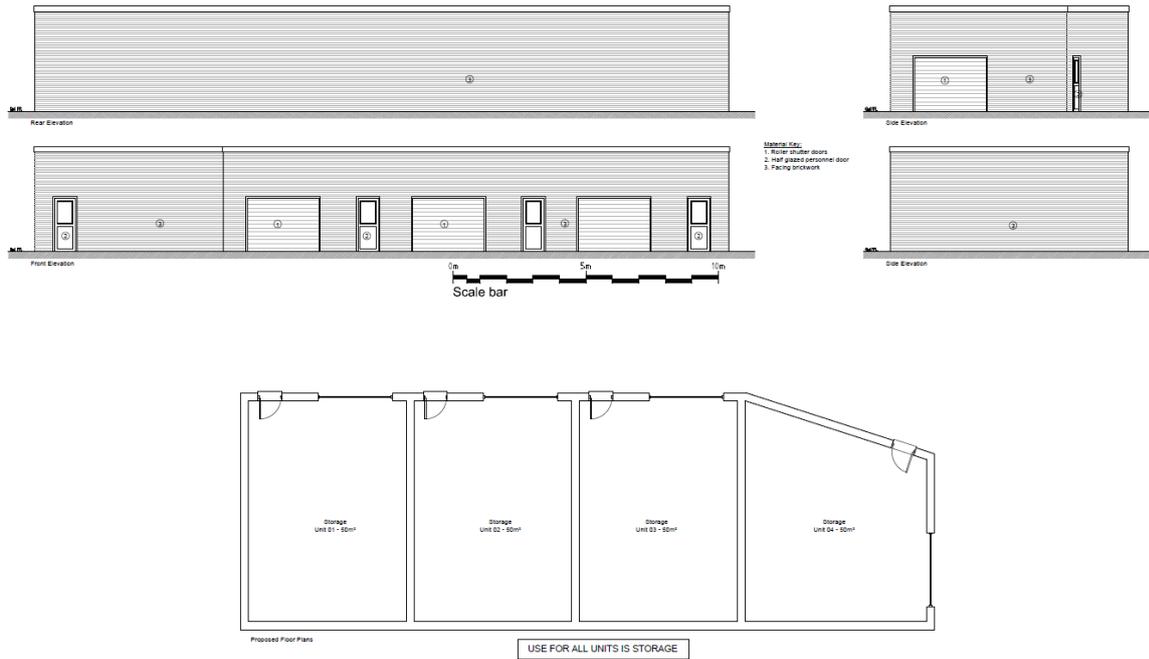


Figure 3: Proposed Outbuilding Elevations and Floor Plans

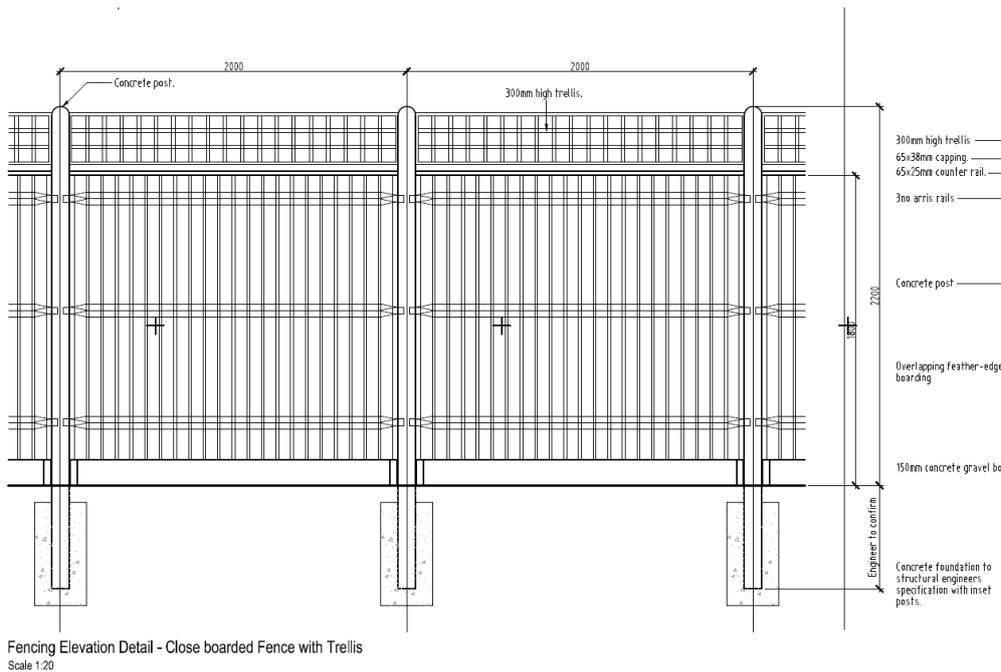


Figure 4: Proposed Fence Elevation

6.3 Principle of Use – Acceptable

6.3.1 With regards to the use of the building, it would be split into 4 separate units internally each with their own entrance door and garage door. However, the agent has confirmed that the whole building would be used for storage in conjunction with the existing open air storage use of the site and the all units (and therefore the outbuilding in its entirety) would be used by the applicant only. A condition is recommended to ensure that this is the case and the use of the outbuilding would remain as storage to accompany the existing use on site.

6.4 Residential Amenity – Acceptable

- 6.4.1 The proposed outbuilding would be set a sufficient distance from the residential property on the site to prevent any serious harm to the amenities of this property. Furthermore, there would be a much greater distance to any other nearby properties and would therefore not be considered to result in any detrimental impact to their amenities.
- 6.4.2 Furthermore, the use would be related to the existing open-air storage use and would therefore not be considered to result in any additional harm to neighbour residents.

6.5 Highways – Acceptable

- 6.5.1 Highways Officers raised no objections to the principle of the development, subject to conditions. However it was requested for it to be demonstrated how articulated lorries would be able to enter the site, turn around and exit in a forward gear from the proposed development prior to determination of the application.
- 6.5.2 A swept path analysis showing articulated vehicle movements to access / exit the site and within the site were submitted on the 31st July and 11th August. Subject to this, Highways Officers confirmed that these were suitable and no objection was raised subject to conditions including a Construction Management Plan

7 CONCLUSION

- 7.1 Having had regard to the above it is considered that the development in the manner proposed is not acceptable in that it would result in an unacceptable level of harm to the openness and visual amenity of the Green Belt.
- 7.2 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: Application Refused

The proposal would constitute inappropriate development in the Green Belt and would result in a detrimental impact on openness and visual amenity. No very special circumstances have been demonstrated to outweigh the harm caused, thereby the proposal would be contrary to Policies 49 and 51 of the Bromley Local Plan and Policy 7.16 of the London Plan.

