

Committee Date	05.05.2021	
Address	2 Southend Road Beckenham BR3 1SD	
Application Number	21/00429/FULL1	Officer - Seyi Obaye-daley
Ward	Copers Cope	
Proposal	Erection of a single storey storage structure to side with existing balcony to be extended above this space and rear single storey storage shed ancillary use to restaurant. PART RETRPOSPECTIVE.	
Applicant	Agent	
D E Food & Leisure Ltd	Mr Eralp Semi	
214 Footscray Road New Eltham SE9 2EL United Kingdom	214 Footscray Road New Eltham SE9 2EL	
Reason for referral to committee	Enforcement Notice	Councillor call in No
RECOMMENDATION	Application Permitted	
KEY DESIGNATIONS		
Biggin Hill Safeguarding Area Beckenham Town Centre Conservation Area Local Open Space Deficiency London City Airport Safeguarding Beckenham (District Centre) Town Centre Boundaries Smoke Control SCA 21		

Representation summary	Press advert Site notice Letters to adjoining neighbours
Total number of responses	1
Number in support	1
Number of objections	0

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in a harmful impact on the character and appearance of the area
- The character and appearance of the Conservation Area would be preserved
- The development would not adversely affect the amenities of neighbouring residential properties
- The development would have no detrimental impact to the existing highway arrangement

2 LOCATION

- 2.1 The application relates to a two-storey detached property located on the eastern side of Southend Road.
- 2.2 The character of the area is mixed with a variety of commercial uses in the vicinity and the site is also adjacent to a railway line to the south.
- 2.3 It is located within the Beckenham Town Centre Conservation Area and is close to Beckenham Town Centre.



Existing site photos





Proposed Plans



Proposed Front Elevation

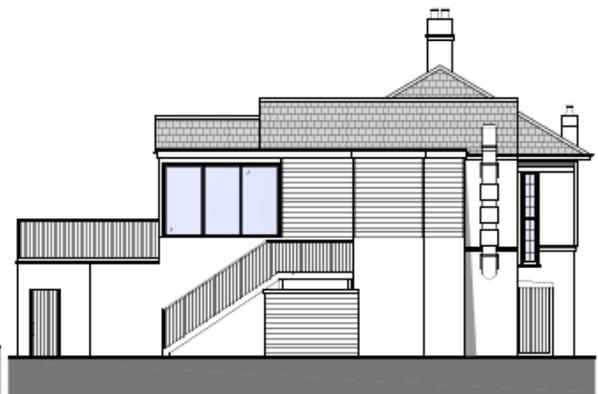


recently erected storage building roof to be replaced with a flat roof to match existing side extension and exterior finish to be rendered and painted to match

Proposed Side (Southern) Elevation



Proposed Side (Northern) Elevation



Proposed Rear Elevation

3 PROPOSAL

- 3.1 Planning permission is sought for the erection of a single storey storage structure to side with existing balcony to be extended above this space and rear single storey storage shed ancillary use to restaurant.
- 3.2 The works are part retrospective with the single storey storage structures to the side and rear having already been constructed.
- 3.3 The storage structure to the side is 2.3m wide, 10.9m deep and incorporates a 0.4m set back from the principle elevation. It has a mono-pitched roof with a ridge height of 2.3m which pitches down to 1.8m at the eaves.
- 3.4 The storage structure to the rear is 2.8m wide, 2.4m deep and has a flat roof height of 1.7m.
- 3.5 The proposed works include alterations to the ground floor storage structure to the side in order to facilitate an extension of the first-floor terraced area above.
- 3.6 The resultant terraced area would be a maximum of 14.5m deep and a maximum of 5.1m wide.
- 3.7 It would be bordered with balustrades that are sited approx. 3.8m above ground level.

4 RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 Under ref. 03/01642/FULL1 planning permission was granted for a single storey side extension and external stairs at side
- 4.3 Under ref. 08/02036/FULL1 planning permission was granted for ground floor side and first floor rear extensions with roof terrace at first floor level/ repositioning of external stair-case/elevational alterations/ground floor seating area and front boundary mesh fence. Change of use from restaurant to drinking establishment (Classes A3/A4) and change of opening hours to close on 1am Monday to Thursday/2am Friday and Saturday and 12am (midnight) Sundays and Bank Holidays.
- 4.4 Under ref. 19/01806/FULL1 planning permission was granted for the erection of a single storey side extension with external terrace above, first floor and two storey rear extension, reconstruction of existing first floor side addition along with internal /external alterations including new window on the front elevation
- 4.5 Under ref. 20/02673/FULL1 retrospective planning permission was refused for the erection of a side single storey storage shed and rear single storey storage shed ancillary use to restaurant for the following reason.

Reason: The extensions as a result of their design and materiality relate poorly to the character and appearance of the host building and wider Beckenham Town Centre Conservation Area, they are therefore harmful in appearance and contrary to Policies 37, 40 and 41 of the Bromley Local Plan (2019); Policy 7.8 of the London Plan and The Beckenham Town Centre Conservation Area Appraisal SPG

5 CONSULTATION SUMMARY

A) Statutory

Highways – No objection

- Please include the following with any permission: OC03 (Parking)

Network Rail

- Ask that the following informative is included should planning permission be granted.
“We would like to make the applicant aware of the risks and remind them of their liability should any objects be dropped/thrown onto Network Rail land and the operational railway. We therefore ask that every effort is made to ensure the safety and performance of the operational railway.”
- Request the details of the works are checked by our Asset Protection team to ensure that the works can be completed safely without risk to the operational railway
- Applicant / developer must also follow the attached Asset Protection informatives (compliance with the informatives does not remove the need to contact ASPRO).

The full list of informatives are available to view on the public access

Enforcement

- The applicant has been served with an Enforcement Notice for the removal of these structures which will be awaiting the decision.
- However, if planning approval is granted then the Notice will be withdrawn.

Conservation and APCA

- No objection

B) Local Groups

N/A

C) Adjoining Occupiers

Support

- Fully support application and the proposed extension to the balcony which will enhance the outside space available at The Pearl

6 POLICIES AND GUIDANCE

6.1 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.

6.2 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.

6.3 The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

6.4 The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (2021).

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

6.6 National Policy Framework 2019

6.7 The London Plan

D1 London's form and characteristics

D3 Optimising site capacity through the design-led approach

D4 Delivering good design

D5 Inclusive design

HC1 Heritage conservation and growth

6.8 Bromley Local Plan 2019

30 Parking

37 General Design of Development

42 Conservation Areas

6.9 Bromley Supplementary Guidance

Supplementary Planning Guidance 1 - General Design Principles

Supplementary Planning Guidance 2 - Residential Design Guidance

7 ASSESSMENT

7.1 Resubmission

7.1.1 This application follows a recent refusal of planning permission under ref. 20/02673/FULL1 for the erection of a single storey side extension with external terrace above, first floor and two storey rear extension, reconstruction of existing first floor side addition along with internal /external alterations including new window on the front elevation. The key changes are as follows:

- Revisions to the roof of the single storey shed to the side
- Extension of the terraced area at first floor level above

7.2 Design – Layout, scale – Acceptable

7.2.1 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.

7.2.2 The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

7.2.3 Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area, are not just for the short term but over the lifetime of the development, and are visually attractive and sympathetic to the local character and history, including the surrounding built environment and landscape setting.

7.2.4 It also seeks to ensure that developments 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.

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

7.2.6 Similarly, policies 6 and 37 aim to ensure that new developments are of good architectural quality and respect the scale, spaces and form of the host property as well as developments in the wider area.

7.2.7 The main considerations for this application with regards to design and scale relates to how the proposed development would impact the character of the property and wider area.

7.2.8 The application site is located on the eastern side of Southend Road which is predominantly made up of a variety of commercial uses.

- 7.2.9 The site is adjacent to a railway line which means the southern elevation of the property appears hugely visible in the appearance of the street.
- 7.2.10 The proposed roof alterations to the single storey side addition and the extension of the first-floor balcony would therefore have some impact to the appearance of the street and the character of the wider conservation area.
- 7.2.11 The proposed roof alteration and balcony above are considered to complement the appearance of the main building and would appear similar to the scheme that was originally consented under ref: 19/01806/FULL1.
- 7.2.12 As a result, the works would appear in keeping with the character of the building and the surrounding area.
- 7.2.13 Whilst the shed structure to the rear is finished in materials that do not appear compatible with the main building, it is located on a discrete elevation that is not widely visible from any public viewing point.
- 7.2.14 In addition, a condition can be implemented with any permission to ensure the works are finished in materials that match the host dwelling.

7.3 Conservation – Acceptable

- 7.3.1 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.
- 7.3.2 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.
- 7.3.3 The Conservation Officer has reviewed the application and has raised no objection to the proposed development.
- 7.3.4 The proposed works would complement the main building and appear similar to the scheme that was originally consented under ref: 19/01806/FULL1.
- 7.3.5 Therefore, subject to the use of materials that are in keeping with the appearance of the main dwelling, it is considered that the proposed development would preserve the character and appearance of the conservation area

7.4 Residential Amenity – Acceptable

- 7.4.1 Policy 37 of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development.

- 7.4.2 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.
- 7.4.3 Given the scale and location of the proposed works, there are no concerns with regards to the impact the proposed works would have on the amenities of adjoining properties.
- 7.4.4 Therefore, having regard to the scale, siting, separation distance, orientation, existing boundary treatment of the development, it is considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would not arise.

7.5 Highways – Acceptable

- 7.5.1 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.
- 7.5.2 The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.5.3 It also states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed
- 7.5.4 London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.
- 7.5.5 The proposed works project a small distance into the rear parking area but would have no substantial impact to the existing parking arrangement.
- 7.5.6 As a result, no technical objections are raised from a highways perspective regarding the proposal in terms of its impact on the on-street parking and road safety.

8 CONCLUSION

- 8.1 Having regard to the above, the development in the manner proposed is acceptable in that it would preserve the character and appearance of the Conservation Area and not harm the amenities of neighbouring residential properties.
- 8.2 Conditions are recommended to ensure the development harmonises with the host property and surrounding area.

RECOMMENDATION: Application Permitted

Subject to the following conditions:

- 1. Standard time limit of 3 years**
- 2. Standard compliance with approved plans**
- 3. Matching materials**

Any other planning condition(s) considered necessary by the Assistant Director of Planning

Informatives

1. We would like to make the applicant aware of the risks and remind them of their liability should any objects be dropped/thrown onto Network Rail land and the operational railway. We therefore ask that every effort is made to ensure the safety and performance of the operational railway.
2. The details of the works should be checked by Network Rail's Asset Protection team to ensure that the works can be completed safely without risk to the operational railway. Please contact AssetProtectionLondonSouthEast@networkrail.co.uk prior to starting any works.
3. The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/or encroaching upon Network Rail's adjacent land and air-space. Therefore, any buildings are required to be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary.

This requirement will allow for the construction and future maintenance of a building without the need to access the operational railway environment. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works as well as adversely impact upon Network Rail's maintenance teams' ability to maintain our boundary fencing and boundary treatments. Access to Network Rail's land may not always be granted and if granted may be subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant.

As mentioned above, any works within Network Rail's land would need approval from the Network Rail Asset Protection Engineer. This request should be submitted at least 20 weeks before any works are due to commence on site and the applicant is liable for all associated costs (e.g. all possession, site safety, asset protection presence costs). However, Network Rail is not required to grant permission for any third-party access to its land.

4. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.
5. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.
6. Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.
7. Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.
8. In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point during or post construction should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation within Network Rail's land boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.
9. Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The

developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

10. The potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.
11. Where a proposal calls for hard standing area/parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.
12. Any trees/shrubs to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. Network Rail wish to be involved in the approval of any landscaping scheme adjacent to the railway. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. If required, Network Rail's Asset Protection team are able to provide more details on which trees/shrubs are permitted within close proximity to the railway.
13. The applicant must identify and comply with all existing rights on the land. Network Rail request all existing rights, covenants and easements are retained unless agreed otherwise with Network Rail.