

SECTION '2' – Applications meriting special consideration

Application No : 10/03407/FULL1

Ward:
Penge And Cator

Address : 89 Kings Hall Road Beckenham BR3
1LP

OS Grid Ref: E: 536492 N: 170063

Applicant : Octave Homes

Objections : YES

Description of Development:

10 semi-detached three storey four/five bedroom houses with 20 car parking spaces. Reinstatement of 4 tennis courts, and formation of vehicular access and car park for 8 cars to serve the courts

Proposal

- Five pairs of two storey semi-detached houses with accommodation in the roofspace arranged in a crescent in place of the now demolished former two storey cricket pavilion
- design of houses is intended to reflect character of development on Kings Hall Road
- houses will feature cast stone lintels, brick arches, front facing balconies at first floor level and dormer windows to the roofs
- 4 tennis courts will be reinstated and transferred to the Council for community use through a Section 106 legal agreement
- landscaping of 2 hectares of open land which will be transferred to the Council for public use
- payment of £157,500 to be secured through a Section 106 legal agreement to fund the ongoing maintenance of the open land and tennis courts by the Council's Parks and Greenspace Department
- 20 car parking spaces to the houses and 8 car parking spaces to the tennis courts
- reinstatement of white boundary picket fence.

The application is accompanied by a Planning Statement which includes the following points:

- site currently does nothing to enhance character and appearance of area
- site will retain open character with built form confined to north-western side of site in location of former pavilion

- former cricket green would provide attractive open space which would contribute positively to appearance of application site and wider area
- white boundary picket fence will ensure historic appearance of site is maintained and improved
- local residents are keen for some form of development to go ahead on the site which would improve its visual appearance and that of the wider area – site has recently had problems with unauthorised gypsies and anti-social behaviour.

The applicant has set out very special circumstances to justify inappropriate development in Metropolitan Open Land (MOL) as follows:

- community benefit from public access to rejuvenated, attractive open space and its ongoing maintenance
- community benefit from public access to renovated tennis courts – these facilities do not conflict with purposes of including land in MOL
- former derelict cricket pavilion has recently been demolished and addition of new houses has to be mitigated against loss of this building – proposal would only constitute a 17% increase in footprint of development on the site but would vastly improve the appearance of the site and the quality of the open space through exceptional architectural detailing of properties and enhanced landscaping scheme
- provision of recreational resource which will encourage sport and leisure for the local community is consummate with the aims and objectives of Policy G7 concerning the South East London Green Chain
- high standard of design in terms of built form of development and landscaping proposed.

The application is accompanied by the following documents which address technical issues relating to the proposal:

- Sequential Test relating to Flood Risk
- Flood Risk Assessment
- Phase 1 Geo-Environmental Risk Assessment
- Transport Statement
- Pre-assessment report demonstrating compliance with the Code for Sustainable Homes level 3
- Ecology Statement
- Report demonstrating compliance with the London Plan (sustainable design and construction)

Drainage Statement.

Site and Surroundings

- Kings Hall Road Sports Ground fronts Kings Hall Road and is designated MOL and lies within the South East London Green Chain
- north of the site was historically occupied by a cricket pavilion which was fire damaged some years ago and demolished in February 2009 following enforcement action by the Council

- former pavilion provided facilities to support other sports at the site including tennis and was used by a day nursery
- land to the south of the demolished pavilion was formerly a cricket pitch and is historically open but has become overgrown at times during recent years
- there is an area of hardstanding around the site of the former pavilion
- Cator Park, which is also designated MOL, lies to the north and west of the site and includes a children's playground close to its north-western boundary
- there is a bowling green and bowling hall to the west of the site, whilst the remainder of the immediately surrounding area is predominantly characterised by detached and semi-detached inter-war houses fronting Kings Hall Road.

Comments from Local Residents

Nearby residents were notified of the application and representations were received which can be summarised as follows:

- inappropriate development in MOL
- very special circumstances to justify inappropriate development in MOL have not been demonstrated
- harm to adjacent area of MOL by unlawfully removing only means of vehicular access to it / alternative access would result in further harm
- out of character
- excessive bulk / overdominant
- loss of views of open land
- overdevelopment / excessive increase in footprint of development / loss of openness
- open land should be reinstated and revitalised for community benefit
- buildings should be screened to reduce impact on South East London Green Chain and enhance landscape if permission is granted
- landscaping, materials and fencing should be sensitive to South East London Green Chain
- community access arrangements are not properly defined
- insufficient detail on funding of maintenance of tennis courts
- strong legal agreement is required to secure community benefits
- problems with enforcement of access to open land
- local residents would not drive to tennis courts therefore parking spaces are unnecessary
- site should be used for sport
- site should be incorporated into Cator Park
- no change in circumstances since previous residential proposal on site was refused planning permission
- change to demographics of area
- ecological survey is misrepresentative of current situation
- detrimental impact on highway and pedestrian safety
- no designated footpath from street to development

- grasscrete surface dangerous to visually impaired and difficult to negotiate with prams and buggies
- frequent accidents on Kings Hall Road
- attractive scheme which complements Kings Hall Road houses
- site has been an eyesore and a problem for many years and proposal would be a positive development
- proposals for open land and tennis courts are welcomed
- tennis courts will benefit residents and local community and promote active lifestyles
- tennis courts should be used for netball and five-a-side football
- tennis is a narrow interest and there are already ample facilities in the area
- replacement of picket fence is welcomed
- housing is required to fund tennis courts and regeneration of site
- positive contribution to borough housing targets
- alternative is continued degradation of publicly inaccessible site.

It should be noted that the proposal has been amended since the public consultation. Garages to the houses have been removed and the arrangements concerning the open land and tennis courts have been revised.

Comments from Consultees

The application is supported by the Head of Parks and Greenspace.

Stage 1 comments have been received from the Greater London Authority (GLA) which state that the proposal does not comply with the London Plan. The applicant has formally responded to the GLA and a meeting involving the Case Officer, the applicant and the GLA has taken place. At the time of writing the applicant is working towards addressing the concerns of the GLA and a verbal update will be provided at the meeting. If Members are minded to grant permission the application will be referred to the Mayor.

At the time of writing an independent appraisal of an affordable housing viability assessment submitted by the applicant is awaited and a verbal update will be provided at the meeting. Should affordable housing provision be viable then it is anticipated that a payment in lieu of on-site affordable housing will be secured via a Section 106 agreement.

- Council's in-house drainage consultant – no objections
- Environment Agency - no objections
- Thames Water - no objections
- Highways - no objections
- Environmental Health – no objections
- Metropolitan Police Crime Prevention Design Adviser – no objections
- Ecology – no objections.

Any further responses to consultations, including renewable energy and sustainable development comments, will be reported verbally at the meeting.

Planning History

Outline planning permission was refused in December 2009 under application ref. 09/00522 for a three / four storey block comprising 11 one bedroom / 18 two bedroom / 1 three bedroom flats with new vehicular access/ access road / 30 car parking spaces and single storey cricket pavilion with 24 car parking spaces. The grounds of refusal related to overdevelopment, inadequate affordable housing provision and the absence of very special circumstances to justify inappropriate development in MOL.

Planning Considerations

The proposal falls to be considered primarily with regard to the following policies:

UDP

- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T7 Cyclists
- T11 New accesses
- T18 Road Safety
- H1 Housing Supply
- H2 Affordable Housing
- H7 Housing Density and Design
- NE7 Development and trees
- BE1 Design of New Development
- BE13 Development Adjacent to a Conservation Area
- G2 Metropolitan Open Land
- G7 South East London Green Chain
- L1 Outdoor Recreation and Leisure
- IMP1 Planning Obligations

London Plan

- 2A.9 The Suburbs: supporting sustainable communities
- 3A.1 Increasing London's supply of housing
- 3A.3 Maximising the potential of sites
- 3A.6 Quality of new housing provision
- 3A.10 Negotiating affordable housing in individual private residential and mixed-use schemes
- 3C.1 Integrating transport and development
- 3C.23 Parking strategy
- 3D.10 Metropolitan Open Land
- 4A.1 Tackling climate change
- 4A.3 Sustainable design and construction
- 4A.4 Energy Assessment
- 4A.7 Renewable Energy
- 4B.1 Design Principles for a Compact City

4B.8 Respect local context and communities.

The site is designated MOL and Policy G2 of the UDP stipulates that within MOL, 'permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm'.

Paragraph 3.303 of the London Plan states that, 'MOL will be protected as a permanent feature and afforded the same level of protection as the Green Belt.'

Paragraph 1.7 of PPG2 states that the quality of a landscape is not relevant to the inclusion of land within a Green Belt or to its continued protection. The unkempt nature of a site does not represent justification for inappropriate development in MOL.

Policy G7 of the UDP is concerned with the South East London Green Chain and states that development proposals will be required to respect and not harm the character or function of the Green Chain and the Green Chain Walk. Measures to protect this designated area are to include the use of suitable screening, landscaping or in appropriate areas the planting of native vegetation and enhancing of wildlife habitats.

The applicant has indicated that they are willing enter into a Section 106 legal agreement to transfer the open land and tennis courts to the Council and to fund for their ongoing maintenance. Should a payment in lieu of on-site affordable housing be required then this will also be secured via a Section 106 legal agreement.

As part of the application process, it was necessary for the Council to give a Screening Opinion as to whether an Environmental Impact Assessment was required. The proposal constitutes Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. After taking into account the selection criteria in Schedule 3 of the Regulations and the terms of the European Directive, it was considered that the proposed development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size and location. This opinion was expressed taking into account all relevant factors including the information submitted with the application, advice from technical consultees, the scale/characteristics of the existing and proposed development on the site. The applicants have been advised accordingly.

No significant trees would be affected by the proposal.

The applicant has identified the application site as comprising 2.5 ha. and on this basis the residential density will be equivalent to 4 dwellings per hectare.

The main issues to be considered in this case are the impact of the proposal on the character and appearance of the area including the Green Chain and the adjacent conservation area, the impact on the residential amenities of the area and whether

very special circumstances have been demonstrated to justify inappropriate development in MOL.

Conclusions

The proposed houses are inappropriate development in MOL and very special circumstances must be demonstrated if planning permission is to be granted. The houses will occupy a similar location to the former pavilion building and the applicants suggest that the previous existence of a building on this part of the site represents a justification for some form of development, and this argument can be considered to carry some weight. The houses will occupy a larger footprint than the former pavilion building and will have a greater impact on the openness of MOL, particularly by virtue of the bulk of the built form on the site. The very special circumstances advanced by the applicant must therefore outweigh the additional harm that will result from inappropriate redevelopment of the site and the bulkier built form. A substantial benefit of the proposal will be public access to the re-landscaped open land and reinstated tennis courts, which will be transferred to the Council's ownership. Maintenance will be carried out by the Council's Parks and Open Spaces Department through a fund provided by the applicant. The proposal can therefore be considered to result in significant community benefits which can be weighed against the harm to the openness and visual amenity of the MOL.

Members will note the guidance in PPG2 that the condition of the site does not represent very special circumstances to justify inappropriate development in MOL. The site is prominent and has been problematic over recent years and a pragmatic view would be that a scheme which brings the site back into use and addresses these problems will be desirable.

The landscaping works to the site would significantly improve its visual amenity and specific landscaping measures to maintain the character of the Green Chain can be secured by condition. The design of the houses can be considered to be of a high quality and sensitive to the character of Kings Hall Road. The location of the houses is such that there will be no undue harm to the residential amenities of the occupants of nearby dwellings. The design of the houses and their location will ensure that there will be no harm to the adjacent Conservation Area.

In summary regarding the proposed Section 106 legal agreement referred to above, this should concern:

- transfer of open space and tennis courts to the Council
- maintenance fund for the open space and the tennis courts
- payment in lieu of affordable housing, if required (verbal update to be provided at the meeting).

The applicant is considered to have demonstrated very special circumstances to justify inappropriate development in MOL. Subject to consideration of GLA comments to be reported verbally at the meeting and subject to agreement on affordable housing matters the proposal is considered acceptable.

as amended by documents received on 20.01.2011 25.03.2011 02.06.2011

RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT AND REFERRAL TO THE MAYOR OF LONDON

and the following conditions:

- | | | | |
|----|---|--|------------------|
| 1 | ACA01 | Commencement of development within 3 yrs | |
| | ACA01R | A01 Reason 3 years | |
| 2 | ACA04 | Landscaping Scheme - full app no details | |
| | ACA04R | Reason A04 | |
| 3 | ACB01 | Trees to be retained during building op. | |
| | ACB01R | Reason B01 | |
| 4 | ACB02 | Trees - protective fencing | |
| | ACB02R | Reason B02 | |
| 5 | ACB03 | Trees - no bonfires | |
| | ACB03R | Reason B03 | |
| 6 | ACB04 | Trees - no trenches, pipelines or drains | |
| | ACB04R | Reason B04 | |
| 7 | ACD02 | Surface water drainage - no det. submitt | |
| | ADD02R | Reason D02 | |
| 8 | ACH03 | Satisfactory parking - full application | |
| | ACH03R | Reason H03 | |
| 9 | ACH12 | Vis. splays (vehicular access) (2 in) | 3.3 x 2.4 x 3.3m |
| | 1m | | |
| | ACH12R | Reason H12 | |
| 10 | ACH18 | Refuse storage - no details submitted | |
| | ACH18R | Reason H18 | |
| 11 | ACH22 | Bicycle Parking | |
| | ACH22R | Reason H22 | |
| 12 | ACH23 | Lighting scheme for access/parking | |
| | ACH23R | Reason H23 | |
| 13 | ACH29 | Construction Management Plan | |
| | ACH29R | Reason H29 | |
| 14 | ACH32 | Highway Drainage | |
| | ADH32R | Reason H32 | |
| 15 | ACI02 | Rest of "pd" Rights - Class A, B,C and E | |
| | ACI03R | Reason I03 | |
| 16 | ACI20 | Lifetime Homes Standard/wheelchair homes | |
| | ADI20R | Reason I20 | |
| 17 | ACI21 | Secured By Design | |
| | ACI21R | I21 reason | |
| 18 | ACK05 | Slab levels - no details submitted | |
| | ACK05R | K05 reason | |
| 19 | ACK09 | Soil survey - contaminated land | |
| | ACK09R | K09 reason | |
| 20 | ACL01 | Energy Strategy Report | |
| | ADL01R | Reason L01 | |
| 21 | Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the | | |

boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.

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

Reasons for permission:

In granting permission the Local Planning Authority had regard to the following policies of the Bromley Unitary Development Plan and the London Plan:

UDP

T1 Transport Demand
T2 Assessment of Transport Effects
T3 Parking
T5 Access for People with Restricted Mobility
T7 Cyclists
T11 New accesses
T18 Road Safety
H1 Housing Supply
H2 Affordable Housing
H7 Housing Density and Design
NE7 Development and trees
BE1 Design of New Development
BE13 Development Adjacent to a Conservation Area
G2 Metropolitan Open Land
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3C.23 Parking strategy
3D.10 Metropolitan Open Land
4A.1 Tackling climate change
4A.3 Sustainable design and construction
4A.4 Energy Assessment
4A.7 Renewable Energy
4B.1 Design Principles for a Compact City
4B.8 Respect local context and communities.

The development is considered to be satisfactory in relation to the following:

(a) the relationship of the development to adjacent property

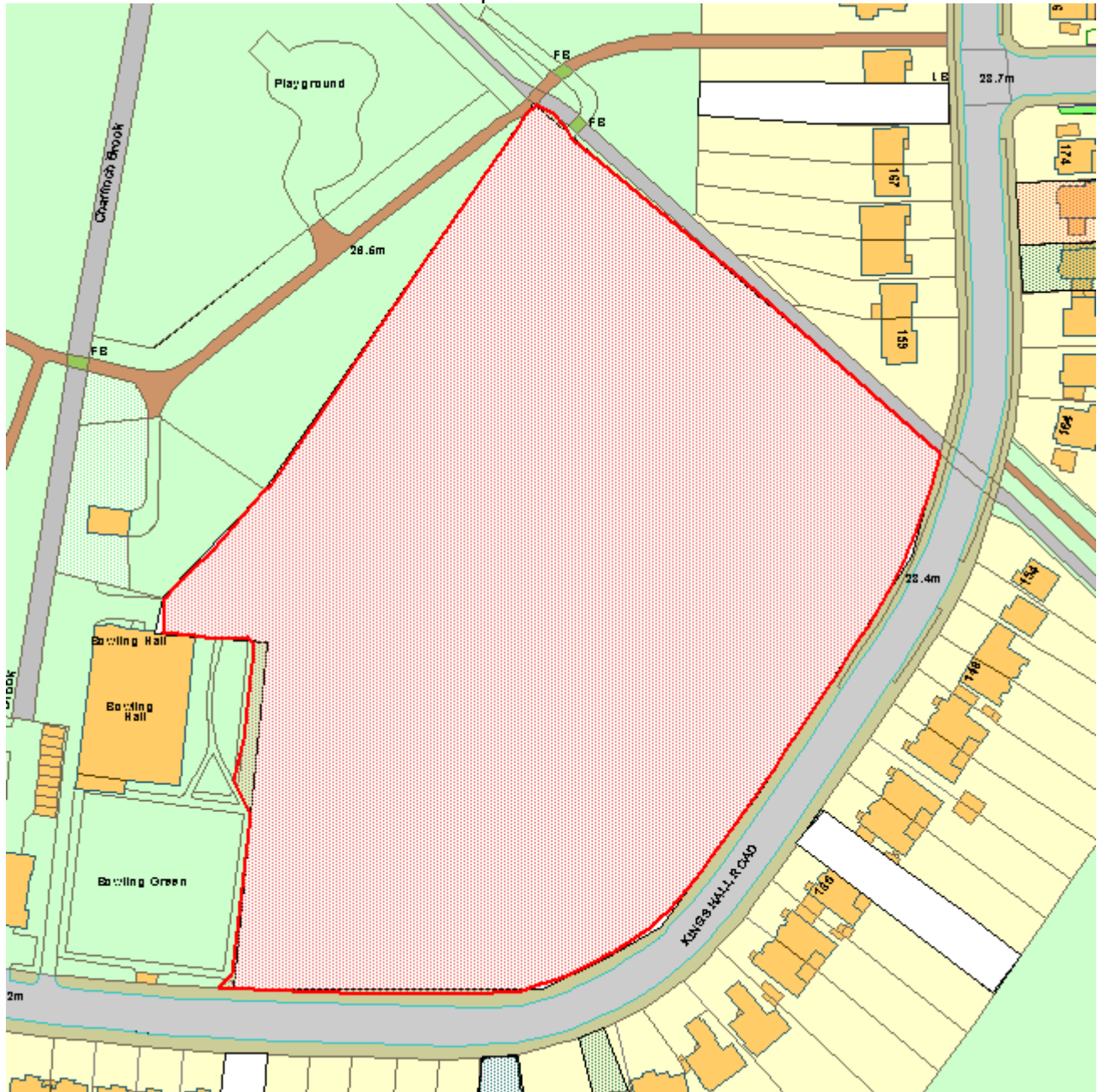
- (b) the character of the development in the surrounding area including the South East London Green Chain adjacent conservation area
- (c) the impact of the proposal on the openness and visual amenities of the Metropolitan Open Land
- (d) the need for very special circumstances to justify inappropriate development in Metropolitan Open Land
- (e) the impact on the amenities of the occupiers of adjacent and nearby properties
- (f) the safety and security of buildings and the spaces around them
- (g) accessibility to buildings
- (h) the affordable housing policies of the Development Plan regarding
- (i) the policies of the Development Plan regarding planning obligations
- (j) the design policies of the development plan
- (k) the transport policies of the development plan
- (l) the energy efficiency and sustainable development policies of the Development Plan

and having regard to all other matters raised.

Reference: 10/03407/FULL1

Address: 89 Kings Hall Road Beckenham BR3 1LP

Proposal: 10 semi-detached three storey four/five bedroom houses with 20 car parking spaces. Reinstatement of 4 tennis courts, and formation of vehicular access and car park for 8 cars to serve the courts



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