

**LONDON BOROUGH OF BROMLEY**

**ENVIRONMENTAL SERVICES DEPARTMENT**

Committee (SC) on 7th February 2008

REPORT OF THE CHIEF PLANNER

SECTION '1' – Applications submitted by the London Borough of Bromley

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**1. Application No : 07/04298/DEEM1 Ward: Mottingham And Chislehurst North**

**Address : Dorset Road Infant School Dorset Road Conservation Area:NO  
London SE9 4QX**

**OS Grid Ref: E: 542188 N: 172762**

**Applicant : London Borough Of Bromley (Property Division) Objections : NO**

**Description of Development:**

**Removal of existing railings to front and side boundaries and erection of railings and gates to a maximum height of 2 metres fronting Dorset Road**

**Proposal**

The application site is a London Borough of Bromley owned education facility serving pupils from the ages of 4 to 7. The school has a small yearly intake of around 75 children and is located within the centre of Mottingham Village towards the eastern end Dorset Road close to the junction with Mottingham Road.

The proposal seeks permission for the erection of gates and railings to the front and side of the main school building to a maximum height of 2m to replace the existing railings, fence and gate.

## Consultations

Nearby owners/occupiers were notified of the application and no representations were received.

From a highways point of view, there would be no significant impact on the highway.

## Planning Considerations

The principal policies against which to assess this application are BE1 Design of New Development and BE7 Railings, Boundary Walls or Other Means Of Enclosure.

The main issues to consider in this application are, the impact of the railings and gates on the character and appearance of the area, and the possible effect on the prospect and amenity enjoyed by residents of surrounding properties.

Policy BE1 highlights the need for new development to be of a high standard of design and layout complementing the scale, form and materials of adjacent buildings.

Policy BE7 seeks to ensure that any gates or means of enclosure are appropriate in relation to the existing streetscape and character of the area. It also seeks to ensure that any means of enclosure are appropriate to the surroundings and do not adversely impact the local townscape or character.

## Conclusions

The proposed railings are not excessive in their height or design and respect the character and appearance of the locality.

The railings do not have any significant adverse effects on the characteristic features within the street scene and are appropriate in terms of their scale, location and design.

The railings do not have any significant effects on pedestrian or vehicular safety or on the prospect and amenity of adjoining residential properties.

Background papers referred to during production of this report comprise all correspondence on file ref. 07/04298, excluding exempt information.

## RECOMMENDATION: PERMISSION

### Subject to the following conditions:

- |   |        |  |
|---|--------|--|
| 1 | ACA01  | Commencement of development 3 years    |
|   | ACA01R | A01 Reason 3 years                     |
| 2 | ACC01  | Satisfactory materials                 |
|   | ACC01R | Reason C01                             |
| 3 | AJ02B  | Justification UNIQUE reason OTHER apps |

### Policies (UDP)

BE1 Design of new development

BE7 Railings, boundary walls and other means of enclosure

SECTION '2' - Applications meriting special consideration

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**2. Application No : 06/03300/FULL2 Ward : Cray Valley East**

**Address : Multiplex Techniques Ltd Brook Conservation Area:NO  
Industrial Park Mill Brook Road St. Mary  
Cray Orpington Kent BR5 3TX**

**OS Grid Ref: E: 547137 N: 168324**

**Applicant : Howden Joinery Properties Ltd Objections : NO**

**Description of Development:**

**Part change of use of the ground floor to non-retail showroom for the display of kitchens and bathrooms and bedrooms and joinery products to trade customers only.**

**Proposal**

This application was presented to the Plans Sub-Committee on 2<sup>nd</sup> November 2006 wherein, Members resolved to grant permission subject to the completion of a Section 106 agreement to control the use of the building given the nature of the intended use and principally its location within a designated Business Area.

Following lengthy discussions between the relevant parties to complete the S.106, it has come to light that the head landlord of the application site, will not agree to becoming a party to the S.106 agreement. As such, the applicant's agent puts forward that the obligations which would have been included within the S.106 agreement now be the subject of planning conditions, thus removing the need for a legal agreement. The following obligations (to be re-worded as conditions subject to Members approval in principle) are set out below -

- not to allow access to the Trade Specification Area at any time by visiting members of the public other than trade customers;
- not to increase the size of the Trade Specification Area beyond that shown on the submitted plan and with a total floorspace not exceeding 475 sq.m;
- not to allow the Trade Specification Area and ancillary offices to be operated or owned by any other party other than the Owner of the remainder of the site or anyone of any of the companies which are within the same group of companies as the owner;
- not to display within the Trade Specification Area anything other than kitchens, bathrooms, bedrooms and associated joinery items;

- not to allow the site to be used for any other purpose other than Class B8 of the Town and Country Planning (Use Classes Order 1987) when the present owner extinguishes ownership of the site without obtaining appropriate planning permission;
- restriction on the number of trade customer visits to no more than 10 times daily.

In addition, to the planning statement accompanying the application, the agent's letter dated 13<sup>th</sup> December 2007, and example of a personal permission granted to Howden's in Wokingham Borough Council has been submitted to support the application.

The previous report is repeated below and updated where necessary for Members information.

The application site comprises a business unit within the Brook Industrial Park, currently occupied by Howden's joinery and in use as Class B8 (storage and distribution) and Class B1 (offices).

This application seeks permission to change part of the ground floor of the building to provide a 'Trade Specification Area' or non-retail showroom to display kitchen, bathroom, bedroom and other joinery products produced by Howdens to trade customers only.

The proposed use would be a separate operation from the remaining Class B8 storage and B1 office space which would continue to operate by Howdens in the remaining parts of the building. The proposed trade specification area would occupy approx. 475sqm of showroom/display area on the ground floor and its ancillary office function, comprising approx. 358sq.m. would be carried out on the first floor.

The unit would be open between 8am – 6pm Monday to Friday and until 2pm on Saturdays with no opening on Sundays or Bank Holidays. Visits to the trade showroom would be on an invitation basis with an estimated maximum of 3 or 4 visits per day.

Parking for approximately 27 cars is available to the front and along the full length of the site with access from Mill Brook Road. The applicant's agent does not envisage that any additional parking would be required.

A planning statement accompanies the application and is available on for Members information.

## **Consultations**

No local objections have been received in respect of the application.

No technical highway objections are raised to the proposal on the basis that the proposal is restricted to invitation basis only for visitors to the premises.

## **Planning Considerations**

The application site lies within a designated Business Area in the Unitary Development Plan. Policy EMP4 is particularly relevant in this case which states that only proposals

for Use Class B1-B8 uses will be permitted. Consequently proposals in the Business Areas for uses not within these Use Classes B1 to B8 will not normally be permitted.

Under planning ref. 04.04594 permission was granted for a change of use to Class B1 (office) and Class B8 (storage and warehousing) with ancillary trade counter and elevational alterations.

Under ref. 05/02595 permission was granted for the change of use of the whole of the building to Class B8 (storage and warehousing).

## **Conclusions**

Members may be aware that the principle of the use of the premises on this basis has already been accepted in principle subject to a S.106 agreement to ensure tight control over the use of the site.

The main issue in this case is whether the proposed obligations to control the use of the site, as set out in a draft agreement could be satisfied in the form of planning conditions to mitigate any potential impact to the supply of business premises within the designated Business Area and the provisions of Policy EMP4 in the Unitary Development Plan.

The application site is currently in operation by Howdens, with the ground floor being used for Class B8 storage purposes with ancillary Class B1 offices on the first floor. The proposed use would introduce a separate facility providing non-retail showroom/display space to trade customer's only occupying approx. 32% of the overall floor area of the building based on the figures provided by the applicant's agent. The proportion would increase to approx. 56% if the ancillary offices are also included. The remainder of the building will continue to be used by Howdens for Class B8 storage purposes on the ground floor at the rear of the building and Class B1 offices on the first floor.

Policy EMP.4 recognises that although there are many cases of retail uses having become established in the Business Areas, the demand for new business premises is strong and the supply of suitable land for business development in the Borough is limited. Proposals for retail uses in Business Areas will therefore not normally be permitted. The proposed use is quite specific and the applicant's agent has put forward that the showroom area would not be for general members of the public to 'pop in' and buy products but that the display of goods would be specific to and for the benefit of trade customers only. Admission to the display showroom is on an invitation basis only.

Due to unforeseen reasons by the applicant, the landlord of the building will not be party to the completion of a S.106 agreement and the applicant's agent submits that the same level of control can be achieved through the use of planning conditions to restrict the proposed use of the building to Howden's only, restrict the size of the trade showroom area and the goods to be put on display.

Members should be aware however, that a S.106 agreement offers tighter control in comparison with planning conditions, in as much as it can control a wider range of issues including matters of ownership, use of land/buildings and cannot be challenged for a minimum period of 5 years following the grant of planning permission. With regard to the use of planning conditions to control development these can be appealed

once the decision notice has been received by the applicant/agent. Furthermore, personal conditions are rarely used unless appropriate to do so and generally with regard to individuals as the applicant rather than limited companies as in the case of the latter, subsidiary companies and change in company name can result in difficulties enforcing against the condition.

It may be considered that the proposed use would be an associated function to the applicant's operation but, to all intent and purposes a separate, self-contained unit would be created. As a consequence, Members will need to consider whether the use of planning conditions in lieu of a S.106 agreement would be an acceptable means to exercise control and use of the building given the specific nature of the proposal within this designated business area which seeks to resist proposals other than for Class B1, B2 and B8 use in line with the requirements of Policy EMP4 in the Unitary Development Plan. In addition, the Committee will need to consider the implications for other business units within the area, should permission be granted.

Background papers referred to during production of this report comprise all correspondence on files refs. 04/04594, 05/02595 and 06/03300, excluding exempt information.

#### **RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED**

- 0 D00002 If Members are minded to grant planning permission the following conditions are suggested:
- 1 ACA01 Commencement of development 3 years  
ACA01R A01 Reason 3 years
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission and no internal or external alterations to the building shall be undertaken unless previously agreed in writing by or on behalf of the Local Planning Authority.

**Reason:** In order to comply with Policy EMP4 of the Unitary Development Plan to accord with the terms of the application and to ensure that this unit is not used separately unassociated with the main building and so as to prevent an unsatisfactory sub-division into two business units.

- 3 The existing parking spaces on site shall be kept available for use at all times by the existing and proposed use of the building and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or in such a position as to preclude vehicular access to the said land.  
ACH03R Reason H03

- 4 The Trade Specification Area shall not at any time be open to visiting members of the public and shall be used for trade customers only.

**Reason:** In order to comply with Policy EMP4 of the Unitary Development Plan and to accord with the terms of the application.

- 5 The size of the display area shall be limited to no more than 475sq.m. as shown on drawing A1.01 Rev.A received on 11th October 2006 and restricted only to the display of kitchen, bathroom and bedroom equipment/furniture and other associated joinery items.

**Reason:** In order to comply with Policy EMP4 of the Unitary Development Plan and to accord with the terms of the application.

6 The Trade Specification Area and ancillary offices hereby permitted shall be operated and/or owned by the same operator and/or owner(s) of the remainder of the building.

**Reason:** In order to comply with Policy EMP4 of the Unitary Development Plan and to ensure that this unit is not used separately and unassociated with the use of the main building and so as to prevent an unsatisfactory sub-division into two commercial units.

7 This permission shall be personal to Howden Joinery Properties Limited and shall not enure for the benefit of the land and the use hereby permitted shall be discontinued on the date when Howden Joinery Properties Limited cease(s) to occupy the land and shall revert to Class B8 (Storage and Distribution)

**Reason:** In order to comply with Policy EMP4 of the Unitary Development Plan.

8 AJ02B Justification UNIQUE reason OTHER apps

Policy (UDP)

EMP4 Business areas

D00003 If Members are minded to refuse planning permission the following grounds are suggested:

1 The site is located in a Business Area in the Unitary Development Plan and the proposal would be contrary to Policy EMP4 of the Plan which seeks to safeguard sufficient supply of land in the Borough for industrial purposes.

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3. Application No : 07/01851/FULL1 Ward : Orpington

Address : Priory School Tintagel Road Orpington Conservation Area:NO  
Kent BR5 4LG

OS Grid Ref: E: 547332 N: 166105

Applicant : Govers Of Priory School, Bromley Objections : YES  
Mytime And Broomleigh HA

**Description of Development:**

60m x 60m all weather sports pitch with 2 x 15m high floodlighting columns/  
regrading of grass sports pitch/ alterations to internal access road and part one/  
two storey extension for educational/ leisure/ community centre/ indoor sports  
use (Classes D1 and D2) **OUTLINE**

**Proposal**

The Priory School occupies a site of 0.57 ha within the Ramsden Estate and is surrounded by a mixture of predominantly terraced and semi-detached two storey residential dwellings with some blocks of flats to the east of the site.

Outline permission is sought to extend the school buildings and develop the grounds as detailed above in order to provide new and improved facilities which will include the following -

- cyber café for school and community use
- learning centre with ICT facilities for school and community groups and vocational training outside of school hours
- crèche and club room for group use/hire
- new fitness 'sports laboratory'
- enlarged dance studio
- renewal of existing AstroTurf Pitch and laying of new 60m x 60m pitch alongside with floodlighting
- changing rooms for field sports
- improved access to existing parking area.

The proposed hours of use of the floodlighting are as follows:

Monday to Friday:	0830-2200
Saturday:	0900-1900
Sunday:	0900-2000

The proposal is the result of a partnership involving Broomleigh Housing Association, Mytime Leisure Services, The Priory School, The Football Foundation and the London Borough of Bromley. The shared objectives of the partners for the Ramsden area are detailed as follows -

- reduction of crime
- improved childcare
- support in accessing employment
- lifelong education opportunities
- improved health and fitness
- improved personal skills and qualities including confidence and self esteem
- community events
- community services
- community facilities within local walking area.

Bromley Mytime has been involved in the dual use of the Priory School for over 10 years in providing a range of sports and exercise support. The applicant has provided timetables detailing the proposed usage of the sports pitches.

The applicant has submitted details of a community survey carried out in January 2007 demonstrating local interest in the proposed facilities and activities.

The application is accompanied by a Transport Statement which concludes that parking demand is likely to be met within the school site and is unlikely to cause an increase in on-street parking.



The application is also accompanied by a noise assessment which concludes that the proposals will not result in an adverse noise impact.

The application is accompanied by a Playing Field Statement which makes the following points -

- as a sports college, the school has a commitment to improve sports education and facilities
- the college also has a responsibility to improve provision for community learning in sports and the arts
- the existing facilities are used intensively and are in need of refurbishment, however this proposal will serve to address this issue
- a better quality 'G3' astroturf surface is required for football clubs to use the facility
- local football clubs have targets to deliver community links and have identified The Priory School as a suitable location to do so
- the proposal will allow the school to offer a range of sports qualifications and awards to students and local adults
- The Priory School has been working with the police, Broomleigh and Mytime to improve services, reduce crime and disturbances and provide an extended menu of activities and education.

## **Consultations**

Nearby residents were notified of the application and a significant number of representations were received which can be summarised as follows -

- light pollution
- increased noise and disturbance
- proposed hours of operation will disrupt people trying to sleep, particularly children
- offensive language used on sports pitches
- increased activity on the site
- increased traffic and air pollution
- increased demand for parking
- road unsuitable for increased demands
- lack of clarity about existing parking provision
- balls hit into gardens
- detrimental impact on highway and pedestrian safety
- lack of consultation
- existing sports facilities are not used to full capacity
- floodlighting is used when sports pitches are not in use
- floodlighting is used outside of permitted times
- it is questioned whether ancillary facilities are necessary
- upheaval during construction period
- use of the proposed buildings is not clear from application
- proposal may not benefit local community
- inadequate security
- anti social behaviour and damage to adjoining residential properties
- management do not respond to complaints
- regular disturbance from alarm at school

- bar may lead to social problems
- possible loss of trees
- the playing fields adjoining Cockmannings Lane should be used instead.

One local resident has advised that they have no objection to the proposal.

A petition including signatures from a large number of residents of Tintagel Road and Glastonbury Close against the proposal has also been submitted.

Sport England has no objections to the proposal.

Environmental Health has commented that the design of the floodlights is such that light spillage to neighbouring properties will be minimised, but there is no proposal to screen the lights themselves. Similarly, the noise from the use of the pitches cannot be mitigated effectively. It is considered that there will be a loss of amenity, however if Members are minded to grant permission then conditions restricting hours of operation should be imposed.

In terms of drainage, there are no surface water sewers in the vicinity of the site therefore all surface water will have to go to soakaways.

Further responses to consultations will be reported verbally at the meeting.

### **Planning Considerations**

Planning permission was granted under ref. 92/00035 for the construction of an all weather hockey pitch, protective fencing and floodlighting. The use of the floodlights was permitted between 0900 and 2200 hours Monday to Friday and 0900 and 1900 hours on Saturdays.

A variation of condition was approved under ref. 02/01904 permitting use of the floodlights on the all weather hockey pitch on Sundays between 0900 and 1630 hours.

Planning Policy Guidance Note 13 Transport seeks to integrate planning and transport policies to promote accessibility to employment, shops, leisure facilities and services by public transport, walking and cycling to reduce the need to travel, particularly by car. Maximum parking standards are advocated with low provision encouraged in more accessible locations.

Planning Policy Guidance Note 17 Planning for Open Space, Sport and Recreation requires that Local Planning Authorities seek to ensure suitable provision of open space and sports and recreation facilities.

PPG24: Planning and Noise (1994) seeks to ensure that Local Planning Authorities apply consistent standards on noise in assessing developments across the country.

In strategic terms the most relevant London Plan policies are 3A.21, 3D.5 4B.1 4B.3 and 4B.7.

Policy 3A.21 outlines a criteria based approach to the provision of different types of educational facilities and the expansion of existing facilities. The relevant criteria include need, accessibility and compatibility with other London Plan policies.

Policy 3D.5 is concerned with sport and recreation facilities and states that in considering proposals for sports facilities boroughs should ensure good access by public transport, walking and cycling as well as accessibility to all sections of the community. Furthermore, the multiple use of school facilities is encouraged.

Policy 4B.1 sets out strategic principles in terms of design. 4B.3 requires the maximisation of the potential of sites with good, sustainable design consistent with their location, accessibility, etc. whilst respecting local contexts and communities, natural environment and built heritage. Policy 4B.7 requires development to respect local distinctiveness and preserve or enhance the social, physical, cultural, historical and environmental characteristics.

The proposal falls to be determined with regard to Policies T3, T18, BE1, C1, C7, C8 and G8 and of the Bromley Unitary Development Plan.

Policy T3 seeks to ensure that off street parking provisions for new development are no higher than the standards set out in Appendix II of the UDP. The Appendix refers to the need for a Transport Assessment for major trip generating developments.

Policy T18 requires that issues of road safety are considered in determining planning applications.

Policy BE1 requires a high standard of design in new development generally, and seeks to protect the amenities of the occupants of neighbouring properties.

Policy C1 states that proposals which meet identified community or local needs will normally be permitted providing the site is in an accessible location.

Policy C7 states that applications for extensions to existing educational establishments will be permitted provided they are located so as to maximise access by means of transport other than the car.

Policy C8 is concerned with dual community use of educational facilities and states that the Council will permit proposals which bring about the beneficial and efficient use of educational land and buildings provided there are no unsatisfactory impacts in terms of residential amenity, highway safety and demand for on-street parking.

Policy G8 requires that proposals for development within Urban Open Space relate to the existing use and do not exceed the site coverage of the existing development on the site. Furthermore, where built development is proposed, the Council will weigh any community benefits against loss of open space. In all cases the scale, siting and size of the proposal should not result in significant harm to openness.

## **Conclusions**

The main issues to be considered in this case are the impact of the proposal on the visual and residential amenities of the area and the need for sporting and community facilities.

In terms of the impact of the proposal on Urban Open Space, the location of the extension is close to the existing school buildings and should not result in a significant encroachment on the openness of the area. Furthermore, it may be considered that

the proposals on Urban Open Space are acceptable when balanced against the range of community benefits that will result from the proposal.

In terms of noise and disturbance, a number of objections have been based on an assumption that it was proposed to use the sports pitches until 2300 hours, 7 days a week. The applicant has now clarified the proposed hours of use of the floodlighting and is seeking consent for an additional half an hour permitted use on weekday mornings (0830 commencement rather than 0900) and an additional 3 ½ hours permitted use on Sundays (2000 finish rather than 1630). The proposed floodlit sports pitch will result in evening activity in closer proximity to some residential dwellings than is currently the case. However, the applicant has demonstrated that the proposal should not result in undue harm to residential amenities in terms of noise and light pollution.

At the time of writing further clarification is being sought with regards to highways issues and comments will be reported verbally at the meeting. The recommendation below is based upon the assumption that the outstanding issues will be satisfactorily resolved by the time of the meeting, and this recommendation may therefore be subject to change.

Background papers referred to during the production of this report comprise all correspondence on file ref. 07/01851, excluding exempt information.

as amended by documents received on 13.11.2007

## **RECOMMENDATION: PERMISSION**

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

- 1     ACA01       Commencement of development 3 years  
      ACA01R     A01 Reason 3 years
- 2     ACA02       Details required 3 years       appearance and landscaping  
      ACA02R     Reason A02
- 3     ACA03       Compliance with landscaping details  
      ACA03R     Reason A03
- 4     ACC01       Satisfactory materials  
      ACC01R     Reason C01
- 5     ACD02       Surface water drainage - no det. submit  
      ACD02R     Reason D02
- 6     ACH02       Satisfactory parking - no details submit  
      ACH02R     Reason H02
- 7     ACJ23       Details of floodlights  
      ACJ23R     J23 Reason
- 8     ACK05       Slab levels - no details submitted  
      ACK05R     K05 reason
- 9     Details of the ground levels of the proposed sports pitches shall be submitted to and approved in writing by or on behalf of the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

10 Prior to the commencement of the use/development a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of the use of the development.

**Reason:** To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with UDP Policy.

11 Prior to bringing into use of the proposed development a Management and Maintenance Scheme for a period of 25 years to include measures to ensure the replacement of all artificial surfaces within the next 10 years and, management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the school site by the applicant.

**Reason:** To ensure that the new facilities are capable of being managed and maintained to an acceptable standard which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (PPG17 Para 14).

12 Prior to commencement of the development/use details of the design and layout of the facilities, which shall comply with Sport England Design Guidance Notes and include consideration of 'Access for Disabled People 2002', shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The proposed facilities (internal and external) shall be constructed in accordance with the approved design and layout details and be suitable for disabled persons.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interests of the visual amenities of the area.

13 The floodlights shall only be used between 0830 and 2200 on Mondays to Fridays and between 0900 and 1900 on Saturdays and between 0900 and 2000 on Sundays.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interests of the visual amenities of the area.

14 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

BE1 Design of New Development

T3 Parking

T18 Road Safety

C1 Community Facilities

C7 Educational and Pre-School Facilities

C8 Dual Community Use of Educational Facilities

G8 Urban Open Space

Policies (London Plan)

3A.21 Education Facilities

3D.5 Sports Facilities

4B.1 Design principles for a compact city

4B.3 Maximising the potential of sites

4B.7 Respect local context and communities

## INFORMATIVE(S)

- 1 Discharge of surface water from the development to the public sewers will require prior approval from Thames Water Developer Services. They can be contacted on 0845 850 2777. There are public sewers crossing this site, and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Should a building over / diversion application form, or other information relating to Thames Waters assets be required, the applicant should be advised to contact Thames Water Developer Services on 0845 850 2777.
  - 2 Before the use commences, you are advised to contact the Pollution Team of Environmental Health and Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990.
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**4. Application No : 07/03384/FULL6 Ward : Chislehurst**

**Address : 1 Sandy Ridge Chislehurst Kent BR7 5DP Conservation Area:NO**

**OS Grid Ref: E: 543229 N: 170692**

**Applicant : Mr And Mrs Sanger Objections : YES**

### **Description of Development:**

**Side and rear dormer extensions**

### **Proposal**

The application proposes a side dormer extension facing No. 3 Sandy Ridge and a rear dormer extension. The application property is a large detached house on the corner of Sandy Ridge and Walden Road.

### **Consultations**

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows -

- the pitch of the roof is high;
- loss of privacy

### **Planning Considerations**

The application falls to be determined in accordance with policies BE1 and H8 of the Unitary Development Plan.

Policy BE1 requires a high standard of design in new development generally, and seeks to protect the amenities of the occupants of neighbouring properties.

Policy H8 relates to residential extensions and requires that the scale, form and materials should compliment the host dwelling and the surrounding area.

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

## **Conclusions**

Permission was granted in December 1996 under ref. 96/01676 for a new detached house and integral garage at the application site. 'Permitted development' rights were removed under Condition 11 of this planning permission in order to control further development from being carried out at the property.

The applicant initially applied for a Certificate of Lawfulness in March 2006 under ref. 06/00653 for a rear roof extension with Juliet balcony and two side dormers, but this was not granted. An application for alterations to the roof incorporating three dormer windows was then refused in July 2006 under ref. 06/02090 on the grounds that: "*the proposed roof alterations and 3 dormers would result in an obtrusive feature, incongruous and harmful both to the appearance of the existing dwelling and the street scene*". This application was dismissed at appeal. The Inspector commented at the time that "*the extended roof and rear dormer would appear bulky and would unbalance the overall appearance of the roof, making it appear ungainly and disproportionate in the street scene*".

The current proposal appears to be a considerable improvement on the previously refused scheme under ref. 06/02090 and is less bulky in its appearance. The proposed side dormer window is less obtrusive as it is on the flank roof slope facing No. 3 Sandy Ridge and it is also obscure glazed in order to minimise the potential for overlooking. The rear dormer has also been reduced in size. Accordingly, Members may consider the proposal overcomes the previous grounds of refusal and the subsequent appeal decision and would not result in a development that would be unduly harmful to the area in general or the amenities of the neighbouring properties.

Background papers referred to during production of this report comprise all correspondence on files refs. 06/00653, 06/02090 and 0703384, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

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

- |   |        |                                     |
|---|--------|-------------------------------------|
| 1 | ACA01  | Commencement of development 3 years |
|   | ACA01R | A01 Reason 3 years                  |
| 2 | ACC04  | Matching materials                  |
|   | ACC04R | Reason C04                          |

3	ACI12	Obscure glazing (1 insert) in the south-west roof slope
	ACI12R	I12 reason (1 insert) BE1 and H8
4	AJ01B	Justification GENERIC reason FULL6 apps

5.                    **Application No : 07/03723/FULL1**                    **Ward :**  
**Bickley**

**Address : 98 Plaistow Lane Bromley BR1 3AS**                    **Conservation Area:NO**

**OS Grid Ref: E: 541204 N: 169687**

**Applicant : Bromley Cricket Club**                    **Objections : YES**

**Description of Development:**

**Erection of dismantable Air hall covering 2 existing hard courts to provide indoor tennis facilities during winter months**

**Proposal**

This site is occupied by Bromley Cricket Club and is designated in the Unitary Development Plan as Urban Open Space. It lies on the southern side of Plaistow Lane, close to its junction with Orchard Road and Upper Park Road, and is surrounded by residential properties. The club also includes hockey pitches, outdoor tennis courts and 3 squash courts within the pavilion building.

It is proposed to erect a dismantable airhall covering two existing hard tennis courts located immediately adjacent to the car park and close to the pavilion building, in order to provide indoor tennis facilities between September and April. It would be dismantled between the months of May and August.

The airhall would be bubble-shaped and would have a maximum height of 11m. The equipment cabin would be located behind a row of trees adjacent to Plaistow Lane

**Consultations**

Letters of objection have been received from nearby residents, including Sundridge Residents' Association, the main points of which are summarised as follows:

- likely noise disturbance from use of airhall
- use of airhall should be limited to 3 or 4 months rather than 8 months
- detrimental visual impact on open area
- permission has already been granted for extensions to the pavilion and extra car parking



- could lead to future proposals for a permanent structure
- illumination at night.

From an environmental health point of view, it is considered that the equipment required for the use of the airhall could be operated on site without detriment to neighbouring residents so long as a condition were imposed which restricted the noise level of the equipment.

No objections are raised to the proposals from a highways point of view, as maximum usage of the courts during September to April would be similar to that which currently occurs during the summer months, and the proposals would not, therefore, affect maximum traffic volumes.

### **Planning Considerations**

The proposals fall to be considered with regard to Policies G8 and BE1 of the Unitary Development Plan.

Policy G8 allows for built development on land designated as Urban Open Space only where the development is related to the existing use, or is small-scale and supports the outdoor recreational uses, or any replacement buildings would not exceed the site coverage of existing development on the site. The primary objective of this policy is to protect the open nature of the site.

Policy BE1 requires new built development to be of a high standard of design and layout, and to protect residential amenity.

Permission was recently granted under ref. 06/04051 for extensions to the club house and additional car parking which have not yet been implemented.

The main issues in this case are the impact of the proposals on the open character of this area of Urban Open Space, and on the amenities of the occupiers of adjoining properties.

### **Conclusions**

The proposed airhall is directly related to the existing recreational use of the site, and would provide improved tennis facilities during the autumn/winter/early spring months at times of inclement weather.

The airhall would, out of necessity, be fairly large in size, but would be located close to the existing buildings, and would not, therefore, encroach onto the main playing fields further to the south, thereby reducing its impact on the open nature of the site. It would be of a temporary nature, but would be in situ for more than half the year, and given that permission has very recently been granted for extensions to the clubhouse building and increased car parking on this site, Members need to carefully consider whether such a large semi-permanent structure is appropriate in this prominent location.

With regard to the impact on neighbouring properties, the proposed structure would be situated a reasonable distance from the nearest dwellings, and, subject to safeguarding conditions preventing any noise disturbance, the proposals are unlikely to have a detrimental impact on residential amenity. The proposals are aimed at improving

existing facilities, and are not intended to result in any material change in the intensity or nature of the use of the club, thereby protecting residential amenity.

Background papers referred to during production of this report comprise all correspondence on files refs. 06/01344, 06/04051, 07/03723 and 07/04034, excluding exempt information.

as amended by documents received on 12.12.2007

## **RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED**

- 0 D00002 If Members are minded to grant planning permission the following conditions are suggested:
- 1 ACA01 Commencement of development 3 years  
ACA01R A01 Reason 3 years
- 2 Prior to the commencement of any development, details of the external appearance of the proposed airhall, including its material and colour, shall be submitted to and approved by the Local Planning Authority, and the development shall be implemented in accordance with the approved details.  
ACC01R Reason C01
- 3 Prior to the commencement of any development, details of any associated mechanical equipment, including location, external appearance, means of enclosure and noise emission, shall be submitted to and approved by the Local Planning Authority, and the development shall be implemented in accordance with the approved details.  
ACC01R Reason C01
- 4 The airhall shall only be erected during the months of September to April inclusive, and shall be dismantled during all other times of the year.  
ACA07R Reason A07
- 5 The operation of the plant shall not result in any increase of the L(A)90 (15 min) when measured at any point on the boundary of the site and shall contain no tonal characteristics.  
ACJ16R J16 reason
- 6 AJ02B Justification UNIQUE reason OTHER apps
- 6 Policies (UDP)  
G8 Urban Open Space  
BE1 Design of New Development

D00003 If Members are minded to refuse planning permission the following grounds are suggested:

- 1 The proposed air hall would have a detrimental impact on the visual amenities of the surrounding area due to its size, prominent location and semi-permanent nature, thereby contrary to Policies G8 and BE1 of the Unitary Development Plan.

**6. Application No : 07/03852/FULL1 Ward : Chislehurst**

**Address : Haddon Beechcroft Chislehurst Kent Conservation Area: BR7 5DB Chislehurst**

**OS Grid Ref: E: 543249 N: 170518**

**Applicant : Mr And Mrs Kerr Objections : YES**

**Description of Development:**

**Demolition of existing dwelling and erection of a detached two storey five bedroom dwelling with basement accommodation**

**Joint report with application ref. 07/03854**

**Proposal**

This property occupies a triangular plot within Chislehurst Conservation Area, and is located on the western side of Beechcroft at the point where the road bends westwards. The site has a wide frontage and tapers to a point at the rear giving a triangular-shaped rear garden. The site is bounded to the north and south-west by two storey detached dwellings known as Stonywood and The Thicket respectively.

It is proposed to demolish the existing bungalow on this site, and erect a detached two storey five bedroom dwelling with basement accommodation and integral double garage. The proposed dwelling would be set back 3.5m from the northern flank boundary with Stonywood, and between 5.1 and 7.4m from the south-western flank boundary with The Thicket. The dwelling has been designed to align with the curve in the road and would retain the existing vehicular access close to the northern boundary of the site.

**Consultations**

Several letters of objection have been received to the proposals from local residents, whose main points of concern are summarised as follows:

- excessive size of dwelling on this high-level site leading to overdevelopment of the site and loss of open aspect
- building may be elevated above the existing
- provision of additional first floor kitchen suggests possible future conversion into 2 dwellings
- detrimental impact on Conservation Area
- dwelling breaches the building line
- possible impact on trees.

The Advisory Panel for Conservation Areas raise no objections to the proposals, subject to the approval of suitable materials, and no significant trees would be affected by the proposals.

No objections are raised to the proposals from a highways or drainage point of view, and Thames Water has no objections in principle.

## **Planning Considerations**

The site is located within Chislehurst Conservation Area, within which the Council has a statutory obligation to preserve or enhance the character and appearance of the conservation area.

The proposal falls to be considered with regard to policies H7, BE1, BE11 and BE12 of the Unitary Development Plan.

Policy H7 requires the scale and form of new residential development to be in keeping with the surrounding area, and the privacy and amenities of adjoining occupiers to be adequately safeguarded.

Policy BE1 requires a high standard of design in new development generally, and seeks to protect the amenities of the occupants of neighbouring properties.

Policy BE11 relates to the borough's conservation areas, and expects new development to respect or complement the layout, scale, form and materials of existing buildings and spaces.

Policy BE12 relates to the demolition of buildings within conservation areas, and seeks to resist the loss of buildings which are considered to make a positive contribution to the character or appearance of the conservation area, or where there is no acceptable scheme for redevelopment.

Outline permission and Conservation Area Consent were refused in 2002 (refs. 02/03203 and 02/03204) for the replacement of the bungalow with 2 detached two storey five bedroom dwellings.

Further outline and conservation area consent applications (refs. 03/00044 and 03/00045) submitted in 2003 for a similar development, were refused on grounds relating to the cramped overdevelopment of the site, and an appeal was subsequently dismissed in 2004.

In dismissing the appeal, the Inspector found that the principle of the demolition of the existing building would be acceptable, subject to an acceptable redevelopment scheme, but that the outline plan form had been contrived to fit the proposed size of buildings onto the site which would result in an unsatisfactory form of development. He did, however, accept that the provision of 2 dwellings on the site would make better use of previously developed land and thus be acceptable in principle.

## **Conclusions**

The main issues in this case are the impact of the revised proposals for a single replacement dwelling on the site, on the character and appearance of this part of Chislehurst Conservation Area, and on the amenities of nearby residents.

The provision of a two storey dwelling on this site may be considered acceptable in principle as it would be in character with other surrounding two storey dwellings,

however, careful consideration is needed regarding the overall size and siting of the dwelling and its impact on the surrounding area.

The proposed dwelling would cover a similar sized footprint as the existing bungalow, but would provide increased separations to the side boundaries. The height of the dwelling would be similar to the adjoining dwellings at Stonywood and The Thicket, and would step down slightly as the house angles away to the south-west.

Although the house would clearly appear more dominant in the street scene than the existing bungalow, its design is considered to complement the neighbouring properties, and it would provide generous separations between them in order to retain the spacious character of this part of Chislehurst Conservation Area. Members will of course need to consider whether the overall size of the dwelling, which involves ground works and an increased bulk to the front elevation to establish the basement, is appropriate to the setting.

With regard to the impact on neighbouring properties, there would be no first floor flank windows immediately adjacent to the adjoining properties, and the dwelling would not project significantly to the rear of either of the adjoining houses. Furthermore, the separations maintained to the side boundaries should reduce any impact on outlook from adjoining properties.

On balance, it is considered that the proposals would not have an adverse impact on the character and appearance of Chislehurst Conservation Area nor on the amenities of neighbouring properties.

Background papers referred to during production of this report comprise all correspondence on files refs. 02/03203, 02/03204, 03/00044, 03/00045, 07/03852 and 07/03854, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

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

- |   |        |  |
|---|--------|--|
| 1 | ACA01  | Commencement of development 3 years      |
|   | ACA01R | A01 Reason 3 years                       |
| 2 | ACA07  | Boundary enclosure - no detail submitted |
|   | ACA07R | Reason A07                               |
| 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 | ACC01  | Satisfactory materials                   |
|   | ACC01R | Reason C01                               |
| 8 | ACC03  | Details of windows                       |
|   | ACC03R | Reason C03                               |
| 9 | ACH03  | Satisfactory parking - full application  |
|   | ACH03R | Reason H03                               |

- |    |        |  |   |
|----|--------|--|---|
| 10 | ACH09  | Restriction on height to front and flank |   |
|    | ACH09R | Reason H09                               |   |
| 11 | ACH16  | Hardstanding for wash-down facilities    |   |
|    | ACH16R | Reason H16                               |   |
| 12 | ACI13  | No windows (2 inserts)                   | first floor northern and south-western flank dwelling |
|    | ACI13R | I13 reason (1 insert)                    | BE1   |
| 13 | ACK05  | Slab levels - no details submitted       |   |
|    | ACK05R | K05 reason                               |   |
| 14 | AJ02B  | Justification UNIQUE reason OTHER apps   |   |

Policies (UDP)

H7 Housing density and design

BE1 Design of new development

BE11 Conservation areas

BE12 Demolition in Conservation areas

**7. Application No : 07/03854/CAC**

**Ward :  
Chislehurst**

**Address : Haddon Beechcroft Chislehurst Kent  
BR7 5DB**

**Conservation Area:  
Chislehurst**

**OS Grid Ref: E: 543249 N: 170518**

**Applicant : Mr And Mrs Kerr**

**Objections : YES**

**Description of Development:**

**Demolition of existing dwelling CONSERVATION AREA CONSENT**

**Joint report with application ref. 07/03852**

**RECOMMENDATION: GRANT CONSERVATION AREA CONSENT**

**subject to the following conditions:**

- |   |        |  |
|---|--------|--|
| 1 | ACG01  | Listed Building Conservation Area Consen |
|   | ACG01R | Reason G01                               |
| 2 | AJ05B  | Justification CONSERV AREA CONSENT       |

Policies (UDP)

H7 Housing density and design

BE1 Design of new development

**8. Application No : 07/03882/FULL6 Ward : Penge And Cator**  
**Address : 101 Chaffinch Road Beckenham Kent Conservation Area:NO BR3 4LX**  
**OS Grid Ref: E: 536623 N: 169786**  
**Applicant : M Hughes Objections : YES**

**Description of Development:**

**First floor side/rear extension**

**Proposal**

The application is situated on the north eastern side of Chaffinch Road and comprises a two storey semi detached property. The property is located in a residential area predominantly characterised by semi detached houses built in the 1930s with a number of terraced properties in the wider locality. Opposite the host dwelling there is a train line and there is also a tram link nearby.

Permission is sought for a first floor side extension which shall be sited directly upon the existing single storey garage with a width of about 2.6m taking it to the boundary line with the neighbouring property at No 103 Chaffinch Road the length shall be about 7.1m hence the extension shall be in line with both the front and rear building line. The first floor rear extension shall be sited directly upon the utility room and part of the garage and located behind Bedroom 3 as it shall be infilling the area. The width of the first floor rear element shall be about 3.7m and a width of about 3.5m. The roof over the proposal shall continue the gable end which the host dwelling currently has.

**Consultations**

Nearby owners/occupiers were notified of the application and representations were received. These are summarised below -

- not in keeping with the character of the area
- loss of light to garden
- leads to a lowering of spatial standards

The Environment Agency had no objections to the proposal

Drainage had no comments to make with respect to the proposal

Thames Water had no comments to make with respect to the proposal

Any further comments will be reported verbally at the meeting.

### **Planning Considerations**

The main issue to be considered in this case is the impact of the proposal on the amenities of adjoining neighbours.

The main policies relevant to this case are Policies H8, H9 and BE1 of the Unitary Development Plan (July 2006), which relate to the design of residential extensions and development in general.

Policy H8 requires that design of residential extensions should be in keeping with the local area in terms of scale, form and materials used. Any development should protect the privacy and amenities of adjoining properties, including daylight and sunlight.

Policy H9 requires that for proposals of two or more storeys in height a minimum side space of 1 metre must be retained for the full height and length of the flank wall. Where higher standards of separation exist the proposal shall be expected to provide a more generous side space. Development should provide adequate spacing to prevent a cramped appearance and safeguard the privacy and amenity of adjoining neighbours.

Policy BE1 sets out the design principles that would be applied when considering proposals for new development. Development should respect the scale, form and materials of adjacent buildings and should not detract from the attractive townscape that the Council wishes to secure.

### **Conclusions**

The main issues to be considered in this case is the impact of the proposal on the amenities of adjoining neighbours.

In this instance the proposal does not meet Policy H9 'Side Space' which states, "for a proposal of two or more storeys in height, a minimum 1 metre side space from the side boundary of the site should be retained for the full height and length of the flank wall of the building" as in this particular case the proposal would be built entirely up to the boundary line. It is noted that this policy states that when considering new residential development, the council will normally require this separation. In this case there is a large separation between the boundary separating the host dwelling from No. 103 and the actual positioning of the property at No. 103, that the proposal would appear to not lead to a lowering of spatial standards nor result in a loss of amenity to local residents.

Accordingly, members may agree that taking in to account the specific location of the property in relation to its neighbours and its position in the street scene in general that this application is acceptable and that adequate separation between buildings is retained and that the policy and amenity of adjoining neighbours is safeguarded. However members will need to consider this matter with specific reference to the provision of Policy H9 and H8.



Background papers referred to during production of this report comprise all correspondence on file ref. 07/03882, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

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

- |   |        |   |
|---|--------|---|
| 1 | ACA01  | Commencement of development 3 years         |
|   | ACA01R | A01 Reason 3 years                          |
| 2 | ACC04  | Matching materials                          |
|   | ACC04R | Reason C04                                  |
| 3 | ACI13  | No windows (2 inserts) north-east extension |
|   | ACI13R | I13 reason (1 insert) BE1 and H8            |
| 4 | AJ02B  | Justification UNIQUE reason OTHER apps      |

Policies (UDP)

BE1 Design of new development

H8 Residential extensions

H9 Side space

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**9. Application No : 07/03957/FULL1 Ward : Darwin**

**Address : Christmas Tree Farm Cudham Road Conservation Area:NO  
Downe Orpington Kent BR6 7LF**

**OS Grid Ref: E: 543324 N: 161508**

**Applicant : Mr H Barritt Objections : YES**

### **Description of Development:**

**Replacement barn  
RETROSPECTIVE APPLICATION**

### **Proposal**

The proposal is to the eastern boundary of the site. A footpath runs adjacent to the barn. As the description indicates the barn has been erected.

The applicant indicates that an existing building was destroyed by fire last summer. He also indicates that he has tried to replace what was there in to order to protect the existence of the farm and the animals.

## Consultations

Nearby owners/occupiers were notified of the application and no representations have been received to date.

The Downe Residents Association comment as follows -

- they are disappointed that the replacement barn was erected prior to obtaining planning approval.
- the original barn was more of a large shed
- the colour does not match the other buildings
- they question the footprint and height of the building and the increased volume is prominent in the open landscape
- impact on the public footpath

No objections are raised to the proposals from the Environment Agency.

## Planning Considerations

Relevant policies are BE1 (Design of New Development) G1 (Green Belt) and NE6 (World Heritage Site) of the Unitary Development Plan.

## Conclusions

The purpose of the proposed development is to replace the provide barn facilities that already existed at the farm.

As such it is considered that the development is ancillary to the main use of the site and therefore conforms with the aims and objectives of Green Belt policy. The replacement barn would appear to be of similar design to the existing barn and constructed in sympathetic (albeit modern) materials. The colour of the building could be conditioned in order that the building matched the others at the site.

Notwithstanding the comments received in respect of the height of the building. Members may consider that this application is acceptable given that the proposed development would not have a significant impact on the open nature, visual amenities and character of the land.

Background papers referred to during production of this report comprise all correspondence on file ref. 07/03957, excluding exempt information.

## RECOMMENDATION: PERMISSION

### Subject to the following conditions:

- 1 ACA01 Commencement of development 3 years  
ACA01R A01 Reason 3 years
- 2 Details of the colour of the building shall be submitted in writing to the council within 2 months of the decision notice of the development hereby approved and

the building painted within 2 months of the Local Planning Authority's written approval and maintained as such thereafter.

ACC01R Reason C01

3 AJ02B Justification UNIQUE reason OTHER apps

3 Policies (UDP)

BE1 Design of new development

G1 Green Belt

NE6 World Heritage Site

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**10. Application No : 07/04180/FULL6 Ward : Chislehurst**

**Address : 37 Holbrook Lane Chislehurst Kent BR7 6PE Conservation Area: Chislehurst**

**OS Grid Ref: E: 544951 N: 170028**

**Applicant : Mr And Mrs Roberts Objections : NO**

#### **Description of Development:**

**Front porch. First floor side extension and part one/two storey rear extension with rear balcony**

#### **Proposal**

The application proposes a number of extensions to the existing property, including a front porch, first floor side extension and part one/two storey rear extension with a rear balcony. The application property is sited on the eastern side of Holbrook Lane opposite the northern entrance to Poyntell Crescent. The site adjoins Scadbury Park Nature Reserve at the rear.

The property is located within the Chislehurst Conservation Area, Sub-Unit 11, which includes Holbrook Lane and its subsidiary streets. Holbrook Lane and the various roads leading from it, is characterised by large contemporary houses on spacious plots set amongst mature trees. Given that these streets are not through routes and are not visible from the key parts of the Conservation Area, the retention of its wooded setting provides a supportive backdrop, which performs a useful subsidiary role within the Conservation Area.

#### **Consultations**

Nearby owners/occupiers were notified of the application and no representations were received.

From a conservation point of view, the front elevation is now considered to be acceptable. However, the rearward projection is still quite large. There are objections from APCA in terms of the bulk of the extension as viewed from the roadside, which will detract from the views through to Scadbury Park and the general skyline.

In terms of trees at the site, there are no objections to the current proposal.

## **Planning Considerations**

The application falls to be determined in accordance with policies BE1, BE11, BE14 and H9 of the Unitary Development Plan.

Policy BE1 requires a high standard of design in new development generally, and seeks to protect the amenities of the occupants of neighbouring properties.

Policy BE11 relates to conservation areas and requires new development to preserve or enhance the character or appearance of conservation areas.

Policy BE14 is concerned with trees in conservation areas and recognises that trees make an important and valuable contribution to conservation areas and the Council will resist proposals where their health or visual amenity is threatened.

Policy H9 relates to side space and requires a minimum side space of one metre to be provided for proposals of two or more storeys in height.

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character of the Chislehurst Conservation Area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

An application for a front porch, first floor side extension and part one/two storey rear extension with balcony was refused in August 2007 under ref. 07/02234 on the following grounds -

- the proposed development, by reason of its design, scale and bulk would appear over-dominant and would harm the character and appearance of both the host property and this part of the Chislehurst Conservation Area”;
- the provision of a large balcony area over the ground floor extension would give rise to undesirable overlooking of the adjoining dwellings adversely affecting their amenity and would neither preserve nor enhance the character and appearance of the Chislehurst Conservation Area; and
- the ground floor extension at the rear would, by reason of its close proximity, prejudice the well-being of the Silver Birch trees at the site which are considered to be of significant amenity value and would hence be detrimental to the visual amenities of the area.

An appeal against the Council's refusal of planning permission has been lodged and is in progress. The current application is a revised scheme. The principle differences between this application and the previously refused scheme are the reduction in height of the side extension as viewed from the roadside, the reduction in depth of the ground floor rear extension and the alterations to the balcony.

The part one/two storey side extension has been reduced in height and now appears subservient to the host dwelling through the inclusion of a double hipped roof. In addition, the front element is also set back from the forward most part of the building by approximately 2.2m. A side space of approximately 1.6m has been maintained between the proposed flank wall and the northwest boundary of the site. From a heritage and urban design point of view, the alterations to the front elevation are considered acceptable, however APCA are concerned with the loss of the view through to Scadbury Park.

At the rear of the property, the extension at ground floor level projects by approximately 5 metres for the most part, increasing to a depth of 6.8m on the south-eastern side of the dwelling adjacent to the neighbouring property to the south, No. 39. Under ref. 07/02234, the extension at ground floor level was approximately 6.8m deep across the entire width of the rear of the property. Although part of the ground floor rear extension still measures 6.8m (approximately) in depth, this would be sited approximately 1.7m away from the boundary with No. 39 and there is a good separation between the proposed extension and this property. Additionally, there is a good degree of screening along the side boundary between No. 39 and the application property, which is mostly sited within the neighbouring garden.

At first floor level, the extension would project at the rear to a depth of approximately 3.4m, which is considered acceptable in terms of the impact on the amenities of the occupants of the surrounding residential properties. The neighbouring property to the north of the site, No. 35, has recently had a proposal for a part one/two storey rear extension approved under ref. 07/00799, which would extend to a maximum depth of 4.8m.

The proposed balcony area has been substantially reduced in size from the previously refused scheme and does not now project beyond the rear building line at first floor level, which therefore reduces the potential for overlooking. In terms of the second grounds of refusal under ref. 07/02234 and the alterations that have been made to the current scheme, this part of the proposal is considered satisfactory.

With regards to trees at the site, in particular the impact of the development on the Silver Birches in the rear garden, there are no objections to the proposal. The applicant has not made a formal application to fell these trees, however it has been confirmed by the Tree Officer that a Tree Preservation Order would not be appropriate in this instance, therefore the third grounds of refusal under ref. 07/02234 would no longer be applicable.

Under ref. 07/02234, only one dormer window was proposed at the rear of the property, together with a roof light. This has now been altered to include two dormer windows, however, it is considered that the siting of the dormer windows is an improvement in terms of their positioning on the rear roof slope.

Having had regard to the above, it is considered that the changes that have been made to the current proposal are acceptable and overcome the previous grounds of refusal under ref. 07/02234.

Background papers referred to during production of this report comprise all correspondence on files refs. 0704180 and 07/00799, excluding exempt information.



The application site relates to the Nugent Industrial Estate, Cray Avenue for which outline planning permission was granted under ref. 03/01807 (subsequently amended under ref. 05/00663) for the redevelopment to provide a mixed use development comprising retail shops (Class A1), food and drink (Class A3), business units (Class B1), residential units (Class C3) and associated highway works and car parking.

This application relates to car parking space on the site and seeks a variation in Condition 7 attached to planning permission ref. 07/02689, which currently reads as follows -

“No more than 363 car parking spaces shall be provided within the development in total. A maximum of 321 of these spaces shall be provided for the retail, business and other ancillary uses.”

The applicant seeks a variation in the wording of this condition to allow an increase in the number of car parking spaces available for Phase 1 of the development. Phase 2 of the development, which includes an extension to Block C, comprises an additional 44 car parking spaces to those permitted originally (Phase 1). The proposal therefore seeks to construct the Phase 2 car parking spaces to be used in connection with Phase 1, until the completion of Phase 2. On completion of Phase 2, the total amount of car parking on the site will in effect not be increased from that originally permitted. The proposed variation of this condition is sought due to maximise the number of shoppers able to visit the existing Phase 1 development at any one time. In order to take account for the increase in car parking on the site, it will be necessary to amend the wording of condition 8 as follows:

“No more than 407 car parking spaces shall be provided within the development in total. A maximum of 365 of these spaces shall be provided for the retail, business and other ancillary uses”

## **Consultations**

Objections to the variation to other conditions relating to the site submitted under refs. 06/00492, 06/00495 and 06/02388, 07/02689, 07/02997 and 07/03580 have been received from Indigo Planning on behalf of Arlington Investments who manage the Walnuts Shopping Centre in Orpington. A summary of their objections are listed below-

- the latest applications are in a long line of revisions which, by stealth, totally transform the original proposals from something broadly consistent with the relevant draft UDP policies into a major out of centre retail park which will materially and increasingly pose a significant threat to the vitality and viability of Orpington town centre, contrary to national guidance
- although the proposed modifications to the UDP (October 2005) recommended deletion of the proposal site (and associated requirements), the reasoning behind this deletion assumes that the permitted mixed-use scheme would be built as approved. As such, the restrictions that it was considered necessary to impose when the application was approved should still apply.

At the time of writing the report, no objection had been received from Indigo Planning with respect to the current application.

Highways engineers have requested information as to why the additional spaces are required in advance of Phase 2, along with the implications this may have when Phase 2 is implemented. Following the submission of this information, no technical highways objections are raised to the proposed Phase 2 car parking advance or revised layout.

TfL has been consulted but at the time of writing the report, no comments had been received.

Any further representations will be reported verbally at the Committee meeting.

Any comment from a legal point of view will be reported verbally at the meeting.

### **Planning Considerations**

Under ref. 05/03387 permission was granted to extend Block C to allow for the provision of 2 new retail units comprising a total of 2,480sq.m. of which 893sq.m. is permitted for the sale of unrestricted goods. This permission also included a net increase of 44 car parking spaces on the site (Phase 2).

Under ref. 06/00922 permission was granted (subject to the updating of the s106 agreement affecting this site) for the removal of conditions 16 and 31 attached to permission ref. 05/00663.

Proposals for a new extension to Unit 3 to provide a loading bay and a variation on the delivery times to the site was refused under application ref. 06/02388 on the grounds of unacceptable impact to the amenities of nearby residential properties. This application was subsequently allowed on appeal.

Under ref. 07/02198 a Lawful Development Certificate was granted for the occupation of existing unit 3 as two separate units for a single operator in compliance with condition 17 of application ref. 06/00495. This application proposed the split of the total floor space into 2 units, both occupied by a single operator with shared staff facilities.

Under ref. 07/02689 planning permission was granted increase of floor area to Unit 6 of 74 sq.m to include a mezzanine area to be used as an additional retail area.

Under ref. 07/02997 planning permission was refused to vary condition 17 of planning permission ref. 06/00495 to allow the use of Units 3A and 3B as a single retail unit.

Under ref. 07/03580, planning permission was refused to vary Condition 8 of planning permission ref. 07/02689 to allow 780 sq.m of mezzanine floor space to be used for storage and ancillary staff accommodation at Unit 1.

The principle of a mixed use development been established through the grant of outline permission under ref. 03/01807 (which is also subject to a S106 agreement) and as such, Proposal 9a in the draft UDP has since been deleted in the adopted version (July 2006).

National planning guidance is also relevant. PPS6 – Planning for Town Centres places a greater emphasis on proving quantitative need over qualitative need and also supports the sequential approach to site selection. PPS6 confirms at para 1.7 that “it is not the role of the planning system to restrict competition, preserve existing commercial



interests or prevent innovation”. However, it is apparent that the current trend of certain retailers seek opportunities to open larger out-of-centre stores, which could thus threaten the smaller town centre stores in the future. Furthermore, PPS6 states that the relevant retail tests apply to proposals of any size, and also for applications to remove existing planning conditions, which would create additional floor space or change the range of goods sold, thereby changing the character of the development.

Policy S7 in the UDP acknowledges the scope for accommodating additional retail or leisure floor space in the Borough’s town centres and the Council therefore considers that to protect previous investment, and to safeguard their viability and diversity, town centres should remain the focus for retail and leisure developments in the Borough.

Policy T3 of the UDP stipulates the parking requirements for new development. Off-street parking spaces will be expected to be required in line with the Council’s Parking Standards. Further provision may be acceptable where it can be demonstrated that lesser provision would lead to unsafe highway conditions.

Policy T18 in the UDP relates to issues of highway safety. Any proposal should be considered in line with this policy and any potential impact on road safety will be assessed to ensure that road safety is not adversely affected.

In addition, to the UDP policies cited above, under the provisions of the Planning and Compulsory Purchase Act 2004 (c.5), Local Planning Authorities are obliged to take into account the relevant policies contained within the Mayor’s London Plan (Feb. 2004) when determining planning applications. In this case, Policy 3D.2 confirms that need and the sequential approach are to be addressed and that out-of-centre schemes should be considered in line with relevant central Government advice.

## **Conclusions**

The principle of a mixed-use development on the site has been accepted through the grant of outline permission under ref. 03/01807. At the present time, most of the units are open for business.

The principal issue regarding this application is whether the grant of the variation would have a detrimental impact on the character and appearance of Nugent Shopping Park, issues of highway safety or impact on the vitality and viability of Orpington Town Centre.

With regard to this application, the variation of condition 7 to allow an increase in the Phase 1 car parking would allow for a larger number of shoppers to visit the existing Phase 1 development at any one time. This advance in the Phase 2 car parking serves to provide improved on-site car parking facilities during a busy time of year, along with the recent opening of Marks & Spencer at Units 3A and 3B. Phase 2 of the development has at present not been implemented.

The total number of parking spaces permitted on the site (407 spaces) can be conditioned to incorporate both the Phase 1 and Phase 2 parking provision, thus preventing an additional 44 spaces being constructed in the future. On balance Members may consider that to allow this additional car parking in advance of the implementation of the remainder of the Phase 2 development on the site would not result in a significant change in the character of the site and would not impact upon the

vitality and viability of Orpington Town Centre in general, in light of the fact that there will be no net increase in parking from that already permitted for Phases 1 and 2 collectively.

Background papers referred to during production of this report comprise all correspondence on files refs. 05/03387, 06/00492, 06/00495, 06/02388, 07/02198 and 07/02689, 07/02997, 07/03580 and 07/04202, excluding exempt information.

**RECOMMENDATION: PERMISSION SUBJECT TO A DEED OF VARIATION ON THE EXISTING S106 AGREEMENT ATTACHED TO REF. 05/00663**

**and the following conditions:**

- 1     ACB01       Trees to be retained during building op.  
      ACB01R     Reason B01
- 2     ACB05       Replacement tree(s) elsewhere on site  
      ACB05R     Reason B05
- 3     ACH04       Parking bays/garages  
      ACH04R     Reason H04
- 4     ACH25       Satisfactory servicing facilities  
      ACH25R     Reason H25
- 5     ACJ10       Ventilation system for restaurant/take-a  
      ACJ10R     J10 reason
- 6     No structure, plant, equipment or machinery shall be placed, erected or installed on or above the roof or on external walls without the prior approval by or on behalf of the Local Planning Authority.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 7     No more than 407 car parking spaces shall be provided for the development in total. A maximum of 365 of these spaces shall be provided for the retail, business and other ancillary uses in Phases 1 and 2 of the development on this site.

**Reason:** In the interests of highway safety and in accordance with the terms of the original permission.

- 8     The scheme hereby permitted shall comprise not more than 16,218 sq. m of retail floor space (Class A1 and Class A3/A4/A5) which shall be subject to the following restrictions unless agreed in writing by the Local Planning Authority.

- (i)    Not more than 6,765sq. m of retail floor space including the floor space covered by (ii) where in Class A1 use and (iii) within this condition shall be used for the sale of retail products without restrictions;
- (ii)   There shall be no fewer than four smaller units. None of the smaller units shall exceed 400 sq. m.
- (iii)  The sale of food and drink products shall not exceed 1,500 sq. metres out of a total of 6,765 sq. metres detailed in (i) above.
- (iv)   The retail floor space hereby permitted and not falling within (i), (ii) and (iii) above shall not be used for retailing any of the following goods:

- (a) food and drink other than for consumption on the premises
- (b) men's and women's fashion clothing and footwear
- (c) fashion accessories

- (d) jewellery
- (e) cosmetics and toiletries
- (f) pharmaceutical products
- (g) pets and pet food
- (h) toys
- (i) cameras

**Reason:** In order to comply with Policy S7 in the Unitary Development Plan and in accordance with the terms of the permission granted under application ref. 05/03387.

- 9 Within the development hereby permitted there shall be a restriction on the size of Unit 3, or subdivision or amalgamation, so that the maximum size is no more than 3,600 sq. metres of retail floorspace.

**Reason:** In order to prevent overdevelopment of the site and in accordance with the terms of the original permission.

- 10 Within the development hereby permitted there shall be a restriction on the size of all other Units, or subdivision or amalgamation, so that the maximum size is no more than 3,000 sq. metres.

**Reason:** In order to prevent overdevelopment of the site and in accordance with the terms of the original permission.

- 11 No deliveries and/or loading/unloading of goods or the movement of goods from the service areas of Unit 3 shall take place outside the hours of 07.30 to 18.00 hours Monday to Saturdays (inclusive) and 10.00 to 12.00 hours on Sundays and Public Holidays.

**Reason:** In the interests of the amenities of local residents.

- 12 No deliveries and/or loading/unloading of goods or the movement of goods from the service areas of all other Units shall take place outside the hours of 07.30 to 18.00 hours Monday to Fridays and outside 07.30 to 13.00 hours on Saturdays, nor at any times on Sundays and Bank Holidays.

**Reason:** In the interests of the amenities of local residents.

- 13 No additional floorspace, roof space or mezzanines (other than that already permitted under this application) shall be provided within any of the retail units hereby permitted without the prior written approval of the Local Planning Authority.

**Reason:** In accordance with the terms of the original permission.

- 14 Retail sales at the units hereby permitted shall not be open for business outside the hours of 07.30 and 22.00 hours Monday to Saturday and for a period of no more than 6 hours between 10.00 and 17.00 hours on Sunday or Bank Holidays.

**Reason:** In the interests of the amenities of the local residents.

- 15 The premises used for Class A3/A4/A5 purposes hereby permitted shall not open for business other than between the hours of 07.00 and 23.00 hours on any day.

**Reason:** In the interests of the amenities of the local residents.

- 16 The development shall comprise not less than 68 residential dwellings, comprising a mix of one and two bedroom units. Forty percent of these residential dwellings shall be made available as affordable housing units.

**Reason:** In accordance with the terms of the original permission.

- 17 There should be a floodable void beneath the buildings at the lower end of the site.

**Reason:** To prevent flooding being caused or worsened elsewhere and to reduce damage to property.

- 18 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that

order), no wall or other permanent obstruction shall be constructed to obstruct or within any voided area beneath the buildings.

**Reason:** To ensure the voids remain thereafter and thus ensure no significant loss of flood storage or obstruction to flood flow.

19 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that order), no wall or other solid boundary treatment shall be constructed within the site that could obstruct flood flows or remove storage for floodwaters.

**Reason:** To ensure no significant loss of flood storage or obstruction to flood flow.

20 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

S7 Retail and Leisure Development outside existing centres

PPS6 Planning for Town Centres

Policy (The London Plan)

3D.2 Town Centre Development

### INFORMATIVE(S)

- 1 This proposal also requires consent under the Water Resources Act 1991, and application must be made to Environment Agency, Kent Area Office, Orchard House, Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH.
- 2 Your attention is drawn to the following legislation and Government advice concerning means of access for people with disabilities:
  - The Disability Discrimination Act 1995
  - Approved Document M of the Building Regulations 1991 "Access and Facilities for Disabled People" made under the Building Act 1984 (1999 Edition)
  - Department of Education and Science, Design Note 18 - Access for the physically disabled to educational buildings
  - Special Educational Needs (SEN) and Disability Act 2001.
- 3 The applicant is advised to contact Thames Water as a matter of urgency to ascertain if there is capacity in public sewers to accept increased discharge resulting from the development hereby permitted.
- 4 The applicant is advised to contact the Environment Agency as a matter of urgency as this development is within 8m of the River Cray and its floodplain.
- 5 The grant of outline planning permission does not entitle the applicant/development to obstruct or interfere with a public right of way. Enforcement action may be taken against any person who obstructs or damages a right of way. Development, insofar as it affects public footpaths 166 and 168 should not be started; and these rights of way should be kept open for public use until a necessary order under S257 of the Town and Country Planning Act 1990 for any diversion or extinguishment of the rights has come into effect. Nor should it be assumed that because planning permission has been granted any order will invariably be made or confirmed. The applicant will be required to arrange for and meet the Council's costs in the making or any order(s) for the diversion or extinguishment of these public footpaths and/or the creation of any new rights of way.

- 6 In respect of footpath 166, as this lies outside the site, the route should not be directly affected by development. However due to its close proximity to the development, the applicant/developer should note the need to safeguard pedestrians using the route and that it must not be damaged or obstructed either during, or as a result of development.
- 7 In respect of footpath 168 the applicant should note that the defined minimum width of the route through the site is 2.0m and that ideally should retain an open aspect on either side when development is complete. Where this is not possible/practicable then it will be necessary for an increased usable width of 3.0m to be made available to protect the amenity value of the route.
- 8 This letter does not convey any approval or consent that may be required under any enactment, byelaw, order or regulation other than the Town and Country Planning Act 1990.
- 9 The references to Class A1 and Class A3/A4/A5 in these conditions relate to Classes of the Town and Country Planning (Use Classes) Order 1987 as amended by statutory instruments Nos. 1567 (1991), 610 (1992), 657 (1992), 724 (1994), 297 (1995), 293 (1999), 84 (2005) and 85 (2005) or any provision equivalent to those classes in any statutory instrument revoking and re-enacting that order with or without modification.
- 10 The reference to Business Use in the conditions relates to use within Classes B1 of the Town and Country Planning (Use Classes) Order 1987 as amended
- 11 Water Resources: The site rests directly on a major aquifer (the Chalk) and Thames Water would recommend that all necessary precautions should be taken in order to limit the risk of surface water and groundwater contamination and aquifer disturbance. The guidelines within the Environment Agency's Policy and Practice for the protection of Groundwater should be adhered to.
- 12 The River Cray is designated 'main river' and under the jurisdiction of the Environment Agency for the purposes of its land drainage functions. The written consent of the Environment Agency is required under the Water Resources Act 1991 and associated Byelaws prior to the carrying out of any works in on over or under the channel of the watercourse or on the banks within eight metres of the top of the bank or within eight metres of the landward toe of any flood defence where one exists. For maintenance reasons the Agency will not normally consent works which obstruct the eight metre Bye Law Margin. You should contact the Agency's Development Control Team to discuss and progress this matter (tel: 01732 875587).
- 13 You will be aware that the requirements of the conditions attached to planning application refs. 05/03387, 06/00492, 06/00495 and 06/02388 are on going and if any of the details are to be varied, you should inform Joanna Kidd (Development Control) on 0208 461 7720 before the work is carried out.
-

**12. Application No : 07/04287/FULL1 Ward : Bickley**  
**Address : 3 Sundridge Avenue Bromley BR1 2PU Conservation Area:NO**  
**OS Grid Ref: E: 541562 N: 169514**  
**Applicant : A M C New Homes Limited Objections : YES**

#### **Description of Development:**

**Demolition of 3 Sundridge Avenue and 111 Plaistow Lane and erection of terrace of 9 three storey five bedroom houses with accommodation in roof space and undercroft access to basement parking area comprising 18 car parking spaces refuse and cycle store.**

#### **Proposal**

The application site is currently occupied by two detached bungalows at 111 Plaistow Lane and 3 Sundridge Avenue together with an area of garden belonging to 107 Plaistow Lane.

The application seeks permission for the demolition of the two existing bungalows and replacement with a terrace of nine three storey five bedroom houses with accommodation in the roof space and undercroft access to a basement car park with 18 parking spaces and a refuse and recycling store.

The application site is located at the junction of Sundridge Avenue and Plaistow Lane and faces towards the Widmore Road Green which in itself forms a junction with Widmore Road, a main distributor road leading into Bromley Town Centre.

The land rises from Sundridge Avenue from the southern most corner to the northern most corner with No. 3 being situated on a plateau above the surrounding front garden area. No. 111 Plaistow Lane is located on a smaller plot and is adjoined to the western boundary by No. 107 which is a large 2 / 3 storey Victorian house which is considered to be of architectural merit and is a Locally Listed building. It is proposed to retain this property. Plaistow Lane rises steeply from an east west direction from its junction with Sundridge Avenue and this is reflected within the site where the ground rises steeply towards 111 Plaistow Lane. The ground continues to rise between 11 and 107 Plaistow Lane.

#### **Consultations**

Letters of objection, including one from the Sundridge Residents' Association have been received from local residents. The main points of objection can be summarised as follows:

- the existing road junction gets extremely congested already and to allow further development would result in increased congestion for local residents
- the proposal represents a cramped overdevelopment of the site there are no town houses in this location and the proposal is inferior to the existing buildings on site

- the design is completely out of character with the adjoining building at No. 107
- the houses would result in significant overlooking and cause loss of prospect, privacy and amenity
- the proposal is detrimental to the visual amenity of the area and the adjoining conservation area this is thinly disguised as a block of 4 storey development as there is accommodation in the roof causing overlooking and overdevelopment

From a drainage point of view, the Environment Agency – Thames Region require restrictions on the rate of discharge of surface water from new developments into the River Ravensbourne or its tributaries this can be dealt with by a standard condition on any approval.

From an environmental health perspective, there is no mention of renewable energy provision and if the site is in excess of 1000 sq.m a renewable energy report should be submitted if the application is likely to be successful.

From a highways point of view, the current application would provide previously agreed off-site highway works and any permission should be subject to a Grampian type condition to the effect that the development hereby permitted shall not be commenced until a scheme to widen the footway fronting and in the vicinity of the site in Sundridge Avenue in order to provide adequate sightlines has been approved in writing by the Local Authority.

From a trees and landscaping perspective, the scheme should ensure the retention of the pine tree and four sycamores as these are covered by TPO 2021. A revised tree survey plan was received on the 18<sup>th</sup> January to allow for the retention of all the trees covered within the TPO.

The Advisory Panel for Conservation Areas, (APCA) have been consulted on the application and any comments received from them will be reported verbally at the meeting.

### **Planning Considerations**

Under planning application ref. 04/02839 planning permission was refused for the demolition of No. 3 Sundridge Avenue and the erection of 4 terraced townhouses and a block of 6 flats with access from Sundridge Avenue and 13 parking spaces. It was considered to constitute an overdevelopment of the site, by reason of the amount of site coverage by buildings and hard surfaces, out of character with the area and harmful to the amenities of local residents. The proposed development was considered to intensify the use of the existing access into the site with inadequate sightlines likely to lead to conditions prejudicial to the free flow of traffic and general safety along the highway. The proposed traffic management measures on Sundridge Avenue were considered inappropriate in their location and insufficient as a measure of reducing traffic speeds. The proposal was also considered unacceptable due to the loss of mature trees on site harmful to the visual amenities of the area.

The proposal falls to be considered with regard to Policies BE1 (General Design), BE13 (Development Adjacent To A Conservation Area), H7 (Housing Density and Design), H9 (Side Space), T3 (Parking), T11 (New Accesses), T18 (Road Safety), BE1 (Design Of New Development), NE7 (Development and Trees), ER4 (Sustainable and Energy

Efficient Development) and ER13 (Foul and Surface Water Discharges From Development) of the adopted Unitary Development Plan (July 2006)

It also falls to be considered under Policies 3A.1 (Increasing London's Supply Of Housing), 3A.2 Borough Housing Targets), 3C.1 (Integrating Transport and Development), 4B.1 (Design Principles For a Compact City), 4B.3 (Maximising The Potential of Sites), 4B.6 (Sustainable Design and Construction), 4B.7 (Respect Local Context and Communities) of the London Plan.

Policy H7 and BE1 requires the scale and form of new residential development to be in keeping with the surrounding area, be of a high standard of design and to adequately safeguard the privacy and amenities of adjoining occupiers.

Policy H9 draws attention to the need to respect the spatial standards of the surrounding area and retain satisfactory standards of separation between existing properties.

Policy BE13 draws attention to the need to preserve and enhance conservation areas and highlights the need for all proposals adjacent to conservation areas to ensure the character and appearance of the conservation area is maintained.

Policy T3 seeks to ensure that all off street parking provisions for new developments meet the requirements outlined in Appendix II of the Unitary Development Plan.

Policy T7 seeks to increase and promote the cycle network in Bromley by ensuring that new development would not adversely impact upon cyclists and that in new residential development secure cycle storage will be sought.

Policy T18 states that in determining planning applications, the Council will consider as appropriate the potential impact on road safety and will seek to ensure road safety is not adversely affected.

Policy ER3 promotes the need for all new developments to provide adequate space for recycling and waste collection to enable the Council to meet its recycling targets.

Policy ER4 sets out the Council's outlook towards incorporating renewable energies into developments. The appropriateness/design and location of methods for generating renewable energy should pay special attention to the character and appearance of locally & statutorily listed buildings and buildings within conservation areas.

Policy ER.13 requires development to ensure there is adequate drainage, sewage and surface water run off provided and accommodated on site. It should also employ sustainable drainage methods, unless there is an overriding reason for not using such an approach.

Policies 3A.1 & 3A.2 of the London Plan relate to housing provision within the London Boroughs. They state that the Boroughs should be seeking to increase their housing provision with amongst other routes redevelopment in town centres, suburban heartlands and small-scale residential infill.

Policies 4B.1, 4B.3 & 4B.6 of The London Plan relate to ensure high quality design within the London Boroughs. They state that all new development should maximise the



potential of sites and fulfil the criteria for good sustainable, urban design whilst respecting the natural environment and built heritage.

Policy 4B.7 of The London Plan relates to the protection of London's environment and local context. This states that local distinctiveness should be respected by all proposals and preserve or enhance the social, physical, cultural, historical and environmental characteristics of an area.

Government guidance, and that contained within the London Plan, require Councils to maximise the best use of urban land where appropriate when considering new residential developments, but without compromising the quality of the environment.

## **Conclusions**

The proposed design is unsympathetic to the surrounding area failing to complement the existing buildings in the locality, particularly to the locally listed building at 107 and would be harmful to the appearance of the adjacent Sundridge Avenue Conservation Area, in general.

Policy BE13 stipulates that where proposals adjoin conservation areas, there is a need to preserve and enhance the setting of the area ensuring proposals do not detract from the views into or out of the area.

The characteristics of the area are predominantly that of detached dwellings of two storeys on spacious plots. In this case the proposal for a terrace of 3 storey town houses represents a substantial increase in the size and scale, in terms of its bulk, footprint and height when compared with surrounding development.

With regard to the impact on residential amenity a reasonable degree of separation would be maintained between the flank units of Plot 1s and 9 to the adjoining properties of Nos. 107 Plaistow Lane and 5 Sundridge Avenue. However given the layout of the development to follow the curve of the junction between Plaistow Lane and Sundridge Avenue the orientation and the outlook from the rear windows at a three storey height would predominantly face the private rear gardens at No. 5. Whilst trees are to remain along the north eastern boundary, they are primarily deciduous and during the winter months the development would be quite exposed, and prospect for overlooking and visual impact would be significantly increased.

On balance, the proposal is considered to be contrary to Policies BE1 and H7 as the design and layout fails to complement the scale, form and materials of adjacent buildings. The proposed 3 storey height of the buildings results in overlooking, loss of outlook and privacy to surrounding properties and as such it is considered that the development would be detrimental to local visual and residential amenity.

Background papers referred to during production of this report comprise all correspondence on files refs. 04/02839 and 07/04287, excluding exempt information.

as amended by documents received on 11.01.2008 18.01.2008

## **RECOMMENDATION: PERMISSION BE REFUSED**

**The reasons for refusal are:**

- 1 The development of this prominent corner site with 3 storey terraced dwellings would be out of character with adjoining properties and would introduce a discordant and disruptive feature into the frontage detrimental to the appearance of the street scene in general contrary to Policies BE1 and H7 of the Unitary Development Plan.
  - 2 The proposal would be detrimental to the amenities that the occupiers of adjoining properties might expect to be able to continue to enjoy by reason of visual impact and loss of prospect and privacy, contrary to Policy BE1 and H7 of the Unitary Development Plan.
  - 3 The proposed design of the replacement buildings would harm the character and appearance of the adjacent Sundridge Avenue Conservation Area and the setting of the Locally Listed building and the proposal is therefore contrary to Policies BE1 and BE13 of the Unitary Development Plan.
- 

**13. Application No : 07/04293/FULL6 Ward : Biggin Hill**

**Address : 69 Melody Road Biggin Hill Westerham Conservation Area:NO  
Kent TN16 3PH**

**OS Grid Ref: E: 541118 N: 158360**

**Applicant : Mr M Persson Objections : YES**

**Description of Development:**

**Single storey extension to existing garage (amendment to extension permitted under ref. 07/01445 for front access, stairway and flank retaining wall**

**Proposal**

This proposal is for an amendment to a single storey extension to existing garage permitted under ref. 07/01445. The amendment will change the front access, stairway and flank retaining wall.

**Consultations**

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

- the garage will require building regulations

- the garage is now larger due to the re-location of the stairs and therefore concern is raised over its use
- proposed staircase is out of keeping with the area and unsightly.

The owners/agents have confirmed that there will not be any encroachment over the boundary with No. 67.

## Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

Policy BE1, Design of New Development, states that all proposals should be of a high standard of design and layout, and should be attractive, complement the scale, form, layout and materials of the adjacent buildings and respect the existing street scene.

Policy H8, Residential Extensions, states that the design and layout of proposals should respect the host dwelling, compatible with development in the surrounding area and space between buildings should be respected or maintained when these contribute to the character of the area.

## Conclusions

The main issues relating to the application are the effect that it would have on the character and appearance of the host building, the character of the area and the impact that it would have on the amenities of the surrounding properties.

This proposal is an amendment to a previous permission under ref. 07/01445. The access way and staircase has been brought forward of the garage extension creating a walkway on top of the new garage extension. Members may care to note that the works are being carried out.

Concern has also been raised about the appearance of staircase as it may not be considered to be in-keeping with the area. This is because the other front stairs run alongside the garages, which may lead to this proposal have an adverse effect on the character and appearance of the area and street scene generally.

It is clear that there will be an effect on the street scene as a result of this proposal and a judgement needs to be made as to whether this impact is unduly harmful.

Accordingly, in this instance Members Views are requested bearing in mind that works have been undertaken and concerns raised locally.

Background papers referred to during production of this report comprise all correspondence on file ref. 07/01445, excluding exempt information.

## **RECOMMENDATION: MEMBERS VIEWS ARE REQUESTED**

- |   |        |  |
|---|--------|--|
| 0 | D00002 | If Members are minded to grant planning permission the following conditions are suggested: |
| 1 | ACA01  | Commencement of development 3 years  |

- |   |        |  |
|---|--------|--|
|   | ACA01R | A01 Reason 3 years   |
| 2 | ACC04  | Matching materials   |
|   | ACC04R | Reason C04   |
| 3 | AJ01B  | Justification GENERIC reason FULL6 apps  |
|   | D00003 | If Members are minded to refuse planning permission the following grounds are suggested:   |
| 1 |        | The proposal would be an overdevelopment of the site, out of character with the area and detrimental to the amenities of adjoining residents, contrary to Policies BE1 and H8 of the Unitary Development Plan. |
- 

**14. Application No : 07/04315/FULL1 Ward : Darwin**

**Address : 9 Moselle Road Biggin Hill Westerham Conservation Area:NO Kent TN16 3HS**

**OS Grid Ref: E: 542550 N: 158334**

**Applicant : Mr And Mrs D Harriot-Gayle Objections : YES**

**Description of Development:**

**2 Two storey four bedroom detached replacement houses with integral garages**

**Proposal**

This application was submitted to the Plans Sub Committee held on the 9<sup>th</sup> January 2008. Members may recall that this application was deferred to seek an alternative scheme for a pair of semi-detached dwellings in order to provide a greater side space to both flank boundaries. The applicant has requested that the matter is represented to the committee as originally submitted.

This proposal seeks full planning permission for a redevelopment of this site for the erection of 2 detached dwellings. They will be linked by way of the integral garages.

The existing site consists of 1 detached bungalow with a substantial rear garden area. The properties on either side are also bungalows.

**Consultations**

Objections have been received in respect of this application and the comments include the following -

- impact on privacy
- loss of daylight and sunlight
- overdevelopment of the site
- out of character with the road
- parking congestion in the road
- covenant on the land to restrict the number of units of a parcel of land

Any comments from a highways point of view will be reported verbally.

### **Planning Considerations**

It is noted that a previous application at the site under ref. 07/02820 was refused for the following reasons -

The proposed dwellings would result in a cramped and overdominant development of the site, out of scale and character with adjoining development and contrary to Policy BE1 of the Unitary Development Plan.

The proposal would be detrimental to the amenities that the occupiers of adjoining properties might expect to be able to continue to enjoy by reason of visual impact, overlooking and loss of prospect, contrary to Policies H7 and BE1 of the Unitary Development Plan.

The proposed 2 storey development, located 1 metre from the boundary of the site would seriously affect light and prospect to the flank windows of the adjoining property at number 11, of the detriment of the enjoyment of that property by its occupants, contrary to Policy BE1 of the Unitary Development Plan.

This application seeks to address these concerns.

In strategic terms the most relevant London Plan policies are 2A.1 (Sustainability criteria), 4B.1 which sets out strategic principles of design, 4B.3 requires maximising the potential of any site with good, sustainable design consistent with its location, accessibility, etc whilst respecting local contexts and communities, natural environment and built heritage. 4B.7 requires development to respect local distinctiveness and preserve or enhance the social, physical, cultural, historical and environmental characteristics.

In terms of the unitary development Plan the principle policies that the proposal falls to be determined with seems to be Policies H7, T3, T18 and BE1.

Policy H7 aims to ensure that new residential development respects the existing built and natural environment, is of appropriate density and respects the spatial standards of the area as well as amenities adjacent occupiers, and allows adequate light penetration into and between buildings.

Policy T3 seeks to ensure that off street parking provisions for new development are to approved standards.

Policy T18 requires that issues of road safety are considered in determining planning applications.

Policy BE1 requires a high standard of design in new development generally, and seeks to protect the amenities of the occupants of neighbouring properties.

Central Government advice contained in Planning Policy Statement 3 which seeks more efficient use of land whilst not compromising the quality of the environment.

## **Conclusions**

The main issues in this case are whether this type of development is acceptable in principle in this location, the likely impact of the proposed scheme on the character and appearance of the surrounding area, and on the amenities of neighbouring residential properties.

Central Government Advice Planning Policy regarding Housing, seeks more efficient use of land but at the same time not comprising the quality of the environment. This application needs to be assessed in the light of this guidance and appears to be the nub of whether the development is acceptable at this site.

On this basis, consideration must be made as to whether proposals are acceptable at this site and whether the development fits within its environment. Furthermore, an assessment needs to be made as to whether the development would protect the amenities of the of the adjacent properties.

This revised application now indicates a side space of 1.8m to the boundary with No. 11 Moselle Road. There is some concern in respect of the impact on the existing flank windows of No. 11 Moselle Road should the development proceed. However, the separation has now increased from the refused scheme.

It should that the side space between the proposed houses is less than the normally required 1m to each boundary. However, the properties are proposed to be linked at ground floor level and this relationship may be regarded as acceptable in this case.

The height of the proposed units has been reduced with the height in the region of 7m to the apex, this being as opposed to 7.6m in the original submission.

It is clear that there will be an impact on nearby properties as a result of this proposal and a judgement needs to be made about whether the impact is unduly harmful.

However, Members will need to consider whether the proposal sufficiently overcomes or addresses the previous refusal. On balance, Members may consider the scheme is acceptable.

Background papers referred to during production of this report comprise all correspondence on files refs. 07/02820 and 07/04315, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

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

- |   |        |  |
|---|--------|--|
| 1 | ACA01  | Commencement of development 3 years      |
|   | ACA01R | A01 Reason 3 years                       |
| 2 | ACA04  | Landscaping Scheme - full app no details |

- 3 ACA04R Reason A04
  - 3 ACA07 Boundary enclosure - no detail submitted
  - ACA07R Reason A07
  - 4 ACC01 Satisfactory materials
  - ACC01R Reason C01
  - 5 ACH03 Satisfactory parking - full application
  - ACH03R Reason H03
  - 6 ACI02 Rest of "pd" Rights - Class A, B,C and E
- Reason:** In the interests of the visual and residential amenities of the area.
- 7 ACK05 Slab levels - no details submitted
  - ACK05R K05 reason
  - 8 ACI17 No additional windows (2 inserts) flank units
  - ACI17R I17 reason (1 insert) BE1
  - 9 ACI12 Obscure glazing (1 insert) to the first floor flank elevations
  - ACI12R I12 reason (1 insert) BE1
  - 10 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

- BE1 Design of new development
- H7 Housing density and design
- T3 Parking
- T5 Access for people with restricted mobility
- T18 Road safety

Policies (The London Plan)

- 4B.1 Design principles for a compact city
- 4B.3 Maximising the potential of sites
- 4B.7 Respect local context and communities

**15. Application No : 07/04322/FULL1 Ward : Penge And Cator**

**Address : 81 High Street Penge London SE20 Conservation Area:NO  
7HW**

**OS Grid Ref: E: 535256 N: 170453**

**Applicant : Sol Lueshing Ltd Objections : YES**

**Description of Development:**

**Three storey/single storey rear extension and mansard roof to rear elevation, and 3 rooflights to front**

## **Proposal**

The application site is located on the north side of High Street. It has a width of 5.5m and is approx. 20m in depth. The property is a mid-terrace building with a ground floor vacant shop and a maisonette on the upper floors. The surrounding area is characterised by predominantly terraced buildings, with some semi-detached properties opposite. St. John's Church is situated to the east of the application site.

The application proposes a three storey/single storey rear extension to the property, with a mansard roof to the rear of the main roof of the property. The extension will measure approximately 5.2m in depth and 4.4m in width (max) when scaled from the submitted plans. To the rear, the single storey rear extension will measure approx. 2.5m in length and 1.8m in width, with a flat roof of 2.6m in height. The three storey extension will be located adjoining a similar extension at No. 79. A 1m side space will be retained to the flank boundary with No. 83. The roof will be sloped with a height of 7.4m.

The proposed mansard roof will be built level with the main roof ridge and will span the entire width of the roof. Three rooflights are proposed in the rear facing roof slope of the mansard roof. A second floor flank window facing No. 79 is proposed, with a window on each floor on the rear elevation.

## **Consultations**

No local objections have been received in relation to the current application.

No Environmental Health objections are raised, subject to the submission of ceiling heights to determine the useable floor space. These plans have been requested and at the time of writing the report, no plans had been submitted by the applicant.

Any subsequent comments received will be verbally reported at the meeting.

## **Planning Considerations**

The principal policies against which to assess this application are Policies BE1 and H8 of the Unitary Development Plan. These concern the design of new development and residential extensions.

Under ref. 86/01763 planning permission was granted for the conversion of the upper floors to flats and a three storey rear extension at No. 79. Under ref. 92/00757 planning permission was granted to change the use of the ground floor shop to a café (Class A3) at No. 81.

Under ref. 07/02390 planning permission was refused for a three storey/ single storey rear extension and mansard roof and alteration to rear elevation of existing roof. The grounds for refusal were as follows:

“The proposal, by reason of its excessive rearward projection and height, would result in a material loss of amenity due to overlooking, loss of light and prospect for the occupiers of No. 83 High Street Penge, contrary to Policies BE1 and H8 of the Unitary Development Plan.”



At the time of writing the report, enforcement action was being processed in respect of the fact that building works have commenced.

The current application reduces the depth of the three storey extension by approximately 1m, with a reduction of the roof to 7.4m in height (a reduction of approx. 1m from the previous application). The extension remains 1m from the flank boundary with No. 83 and the proposed flank window is proposed to be obscure glazed to prevent overlooking. This can be safeguarded by way of a standard condition.

## **Conclusions**

The main issues of concern in this instance are the impact of the proposed development on the character and appearance of the area and the impact on the residential amenities of neighbouring properties.

The current application proposes a three storey rear extension with a mansard roof to the rear. The three storey rear extension will have a sloped roof and will be located approximately 1m from the flank boundary with No. 83. The height and depth have been reduced and the height will be 2.0m lower than the roof height of the existing three storey extension at No. 79.

The depth of the extension will be a total of approximately 5.2m and this, coupled with the reduced height, is not considered to significantly result in a loss of light and prospect to the kitchen and garden of No. 83. The rear gardens of these properties are north facing.

The existing small single storey rear extension has also been included on the plans.

The height and depth of the extension may be considered large; however, the extension will have a rearward projection of approx. 1m less than the extension at No. 79 and has been reduced in height in respect of the neighbouring property at No. 83 by approximately 1.0m from the previously refused scheme. Given that the properties are north facing, no significant loss of light would result. The proposed second floor flank window can be obscured by condition to prevent overlooking.

On balance, Members will need to consider whether the reduction in the height and depth of the extension sufficiently overcomes the previous ground of refusal (ref. 07/02390) without significant detriment to the local visual and residential amenity.

Background papers referred to during the production of this report comprise all correspondence on files refs. 07/02390 and 07/04322, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

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

- |   |                 |  |
|---|-----------------|--|
| 1 | ACA01<br>ACA01R | Commencement of development 3 years<br>A01 Reason 3 years              |
| 2 | ACC04<br>ACC04R | Matching materials<br>Reason C04                                       |
| 3 | ACI12           | Obscure glazing (1 insert) the first and second floor flank elevations |

	ACI12R	I12 reason (1 insert)	H8		
4	ACI17	No additional windows (2 inserts)	flank	three storey rear extension	
	ACI17R	I17 reason (1 insert)	H8		
5	AJ01B	Justification GENERIC	reason FULL6 apps		

**16. Application No : 07/04414/FULL1 Ward : Biggin Hill**

**Address : Land Adjacent 26 Merryhills Close Conservation Area:NO Biggin Hill Westerham Kent**

**OS Grid Ref: E: 541650 N: 159089**

**Applicant : Mr And Mrs K Allen Objections : YES**

**Description of Development:**

**Erection of 2 three bedroom terraced dwellings adjoining No 26 Merryhills Close with integral/attached garages, associated off street parking/erection of detached garage adjacent No 28 Merryhills Close**

**Proposal**

The application site is located on the north-eastern side of Merryhills Close, and comprises a section from the rear garden of No. 32 Hillcrest Road (fronting Merryhills Close adjacent to No. 26), and includes the residential curtilage of No. 28 Merryhills Close. The immediate surrounding area comprises three storey terraced dwellings on narrow plots. The site is currently vacant and has been cleared.

There are two elements to this proposal. Firstly, 2 three storey, three bedroom end of terrace dwellings adjoining No. 26 Merryhills Close, and secondly, a detached garage adjacent to No 28 Merryhills Close to provide additional off-street parking for this property.

The two end of terrace dwellings will both provide three bedrooms, with an integral garage and utility room at ground floor level, and residential accommodation above. The dwellings are consistent with the building line of the terrace, and will measure approx. 8m in height, and have flat roofs. The dwelling adjoining No. 26 will measure approx. 6m in width, providing an access way through to the rear of No. 26. The rear garden will measure approx. 4.4m in width and approx. 16.5m in depth, projecting at a 45<sup>0</sup> angle from the rear of the property and extending steeply uphill. The end of terrace dwelling will measure approx. 5.4m in width, and will have a second garage attached to the north-eastern flank wall. The rear garden will again project at a 45<sup>0</sup> angle from the

rear of the property and extend steeply uphill, however will measure approx. 10.4m in width and approx. 12m in depth.

The detached garage adjacent to No. 28 will sit within the curtilage of this property, directly adjacent to the boundary with the end of terrace property proposed. It will measure approx. 6.5m in depth, approx. 2.95m in width and approx. 2.1m in height with a flat roof (when scaled from the submitted drawings).

This application is a revised proposal, following the withdrawal of an application for the erection of 2 three bedroom terraced dwellings adjoining No. 26 Merryhills Close with integral garages and associated off street parking submitted under ref. 07/03385.

Members may wish to note that a retrospective application for the erection of a two tier rear decking area with associated access staircases and peripheral balustrading at No. 32 Hillcrest Road (the rear section of which forms part of the application site) is also to be found on this agenda.

## **Consultations**

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

- loss of privacy through overlooking
- noise and disturbance
- proposed dwellings will close gap in street scene affecting character of area and outlook and will restrict emergency access to properties on Hillcrest Road
- noise and smells associated with building works, and potential danger of works given children playing in vicinity
- increased pressure on parking demand
- development will create a cramped and unattractive environment
- increased pressure on local schools
- trees destroyed
- potential for subsidence
- badger sets and other wildlife within area
- notice of development by certificate B not served
- access to development not possible without crossing land associated with No. 30 Merryhills Close
- development requires access over the right of way associated with No. 28 Merryhills Close which is not available at present

Clarification in regard to the final point raised above has been sought with the applicant's agent, and any further comments will be reported verbally at the meeting.

From a technical Highways point of view, no objections are raised subject to safeguarding conditions.

In respect of Highways Drainage comments, no objections are raised.

Thames Water was notified of the application and raised no objection to the development.

## **Planning Considerations**

Under ref. 07/03385 an application was submitted for the erection of 2 three bedroom terraced dwellings adjoining No. 26 Merryhills Close with integral garages and associated off street parking. This application was withdrawn following concerns from a Highways point of view that the proposed parking layout would not be usable, and on this basis that the proposed development would not have provided adequate off-street parking to meet with the Council's standards.

The main policies relevant to this case are Policies BE1 and H7 of the Unitary Development Plan. Policy BE1 sets out the design principles that would be applied when considering proposals for new development - development should respect the scale, form and materials of adjacent buildings and should not detract from the attractive townscape that the Council wishes to secure. Policy H7 requires the scale and form of new residential development to be in keeping with the surrounding area, and the privacy and amenities of adjoining occupiers to be adequately safeguarded.

## **Conclusions**

The previous application submitted under ref. 07/03385 was withdrawn following concerns regarding the usability of the proposed parking layout. An integral garage and one forecourt space was proposed for each property, with a detached garage adjacent to No. 28. While the parking layout for the proposed dwelling attached to No. 26 raised no concerns from a Highways point of view, it was considered that the layout for the end of terrace dwelling and No. 28 may not work in practice, as vehicles parked on the forecourt of No. 28 could block access to the parking for the proposed end of terrace dwelling, or vice versa. The revised proposal under consideration here has attempted to overcome this concern by providing an additional garage for the proposed end of terrace dwelling, and again a detached garage adjacent to No. 28, with a greater separation between the two properties. This layout is more likely to work in practice, as provided vehicles are parked within the garages the access to No. 28 and the proposed end of terrace dwelling will not be obstructed. If this layout is to work however, the proposed garage adjacent to No. 28 will need to be completed, and it is considered necessary to impose a condition to this effect.

It is noted that the proposed dwellings are consistent with the height and building line of the existing terrace and it is considered that they would be similar in appearance to the other properties on Merryhills Close, albeit with a greater width. The dwellings will serve to close the gap between No. 26 and 28, retaining a separation of approx. 4.3m, and as the street scene is characterised by terraced dwellings on narrow plots, it is not considered that the development would result in significant visual harm to the character of the area. It is considered that the proposed dwellings would provide adequate amenity space for future occupiers, and will sit on wider plots than would generally be found elsewhere in Merryhills Close. In addition, given the separation with properties adjoining the rear of the application site on Hillcrest Road it is considered that the development would be unlikely to give rise to the loss of residential amenity through overlooking and loss of privacy.

Members may consider therefore that on balance, the proposal is acceptable.

Background papers referred to during production of this report comprise all correspondence on files refs. 07/04414 and 07/03385, excluding exempt information.

## RECOMMENDATION: PERMISSION

### Subject to the following conditions:

- 1     ACA01       Commencement of development 3 years  
      ACA01R     A01 Reason 3 years
- 2     ACA04       Landscaping Scheme - full app no details  
      ACA04R     Reason A04
- 3     ACA07       Boundary enclosure - no detail submitted  
      ACA07R     Reason A07
- 4     ACC01       Satisfactory materials  
      ACC01R     Reason C01
- 5     ACC03       Details of windows  
      ACC03R     Reason C03
- 6     ACI02       Rest of "pd" Rights - Class A, B,C and E

**Reason:** In order to prevent overdevelopment of the site.

- 7     ACI12       Obscure glazing (1 insert)     in the north-eastern flank elevation  
      ACI12R     I12 reason (1 insert)     BE1
- 8     ACK01       Compliance with submitted plan

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the buildings and the visual amenities of the area.

- 9     The garages and parking spaces shall be constructed in accordance with the approved plans and be available for use before the development hereby permitted is first occupied

**Reason:** In order to comply with Policy T3 of the Unitary Development Plan.

- 10    AJ02B       Justification UNIQUE reason OTHER apps

Policies (UDP)

BE1 Design of new development

H7 Housing density and design

### INFORMATIVE(S)

- 1     There are public sewers crossing this site, and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Should a building over/diversion application form, or other information relating to Thames Water's assets be required, the applicant should be advised to contact Thames Water Developer Services on 0845 850 2777.

17.                    **Application No : 07/04428/FULL6                    Ward : Orpington**

**Address : 83 Park Avenue Orpington Kent BR6 Conservation Area:NO 9EG**

**OS Grid Ref: E: 546478 N: 165504**

**Applicant : Mr And Mrs Mason                    Objections : YES**

**Description of Development:**

**Part one/two storey side/rear extension.**

**Proposal**

This application is for a part one/two story side and single storey rear extensions.

The proposed part one/two storey extension would project approximately 3.7m beyond the eastern flank of the existing property. The single storey rear element would project a maximum 3.5m across the rear elevation of the existing dwelling and to the rear of the part one/two storey side extension.

**Consultations**

Nearby owners/occupiers were notified of the application. An objection was received on the basis that the single storey rear element is of excessive height and depth and that it will lead to loss of light to the kitchen and conservatory at No. 81 Park Avenue, which is located to the west of the application site. In relation to the revised plans, an objection is raised which says that the removal of 500 sq mm off the corner of the single storey rear extension, nearest to the boundary with No. 81, does not in any way address the issues of excessive height and depth. This will still lead to tunnelling and loss of light to the kitchen of No. 81 and the visual amenities currently enjoyed.

**Planning Considerations**

Policies BE1, H8 and H9 of the Unitary Development Plan apply to the development and should be given due consideration. These policies seek to ensure a satisfactory standard of design, maintain an adequate side space separation in respect of two storey development and to safeguard the amenities of neighbouring properties.

**Conclusions**

In relation to the part one/two storey side extension, this is considered acceptable on the basis that a public footpath is located adjacent to the eastern boundary of the site. As such there is no likelihood that this aspect will lead to any cramped appearance or possibility of terracing, in spite of the lack of side space. Members may consider the proposed single storey rear extension acceptable on the basis that the separation between the application site and the adjoining property at No. 81 Park Avenue is adequate and that a volume of extension can be erected in this position within 'permitted development'.

Background papers referred to during production of this report comprise all correspondence on file ref. 07/04428, excluding exempt information.

as amended by documents received on 10.01.2008

## **RECOMMENDATION: PERMISSION**

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

- |   |        |   |            |  |        |        |      |  |  |
|---|--------|---|------------|--|--------|--------|------|--|--|
| 1 | ACA01  | Commencement of development 3 years     |            |  |        |        |      |  |  |
|   | ACA01R | A01 Reason 3 years                      |            |  |        |        |      |  |  |
| 2 | ACC04  | Matching materials                      |            |  |        |        |      |  |  |
|   | ACC04R | Reason C04                              |            |  |        |        |      |  |  |
| 3 | ACI13  | No windows (2 inserts)                  | western    |  | single | storey | rear |  |  |
|   |        | extension                               |            |  |        |        |      |  |  |
|   | ACI13R | I13 reason (1 insert)                   | H8 and BE1 |  |        |        |      |  |  |
| 4 | AJ01B  | Justification GENERIC reason FULL6 apps |            |  |        |        |      |  |  |

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**18. Application No : 07/04526/FULL1 Ward : Copers Cope**

**Address : 2 Stanley Avenue Beckenham Kent BR3 6PX Conservation Area:NO**

**OS Grid Ref: E: 538275 N: 169004**

**Applicant : South East Living Objections : YES**

### **Description of Development:**

**Demolition of 2 Stanley Avenue and 84-86 Overbury Avenue and erection of 2/3 storey block comprising of 9 two and three bedroom flats with 13 car parking spaces, vehicular access onto Stanley Avenue and Overbury Avenue, 2 detached carports, cycle and refuse store**

### **Proposal**

The application site comprises Nos. 84-86 Stanley Avenue and No. 2 Overbury Avenue which are two flats and a house converted from one large house. The site is on a prominent corner location and the surrounding area primarily consists of a mixture of two storey houses with Broadway Court, a three storey block of flats approx. 45m southwest of the site.

The application seeks full planning permission following the recently permitted application for details pursuant to an outline permission (ref. 06/04074) and consists of a total of 9 two and three bedroom flats (7 two bedroom and 2 three bedroom).

It is proposed to demolish No. 2 Stanley Avenue and Nos. 84-86 Overbury Avenue and erect a 2 / 3 storey block fronting Overbury Avenue. There will be a vehicular access from Stanley Avenue serving 9 car parking spaces and cycle store. A second vehicular access from Overbury Avenue is proposed, serving the remaining 4 car parking spaces and refuse store.

The current application seeks full planning permission for a block of 9 two and three bedroom flats. Dimensions for height, width and depth of the block remain as allowed on appeal. The proposal, however includes the introduction of a small bay to the northeast elevation along with a sunken roof terrace that does not alter the external appearance of the building. The 2 car ports have been altered in their design to incorporate pitched roofs and solid brick flanks. The height of the car ports will be approx. 3.0m, approx. 0.2m taller than the car ports previously permitted and will also house cycle storage space. No additional balconies are proposed.

A second area of car parking is proposed with access from Overbury Avenue. This area will serve 4 car parking spaces and refuse store, which has been repositioned. Under the previous application, the refuse and cycle store were positioned together at the south end of the site adjacent to the single area of parking. The proposed refuse store will have a height of approx. 2.7m, and will measure 4.0m x 4.5m in width and length. Front boundary electric gates have been included to serve the main parking area from Stanley Avenue. The gates are proposed to be 1.8m in height, set back from Stanley Avenue in order to achieve an appropriate visibility splay.

The design of the building has a traditional appearance and the layout matches that of the previously permitted scheme, along with balconies on the upper floors. The building has a height of approximately 12.2m and maintains a generous side space to all boundaries.

## **Consultations**

A large number of representations were received from local residents in respect of the previous applications and several have been submitted in response to this application. The points raised may be summarised as follows:

- roof terraces increase the development to 4 storey
- balconies on street elevations would result in overlooking
- loss of mature hedging
- car ports are visually intrusive.
- detrimental impact on highway and pedestrian safety
- out of character
- overdevelopment
- excessive bulk
- increase in traffic, congestion and demand for on-street parking
- increased noise and disturbance
- close to Clare House School, which generates traffic and pressure on parking
- proposal does not overcome grounds of refusal for previous applications
- proposed building will appear dominant and obtrusive due to its prominent location



- the proposal will set a precedent for similar development in the area
- loss of trees and shrubs
- there is an oversupply of flats and a shortage of family housing in the area
- loss of light and prospect
- loss of privacy
- design statement is inaccurate
- flats will attract transitory residents
- increased pressure on utilities and services
- block would relate poorly to neighbouring houses
- loss of house of historic interest (used by David Bowie for rehearsals)
- loss of wildlife habitat
- loss of attractive period buildings

No environmental health (pollution) objections are raised, subject to standard conditions.

Thames Water comments previously received – No objection is made in terms of sewerage and water infrastructure, however these comments are only applicable for the layout, scale and means of access for the proposal.

Drainage comments previously received - note that the site is within an area in which the Environment Agency require restrictions on the rate of surface water discharge from new developments into the River Ravensbourne or its tributaries. Whilst Thames Water had no objection in principle the applicant be required to show there is no threat of surcharge, flooding or pollution and to ensure the separation of foul and surface water sewerage.

Technical highways comments have been received. No objection is raised to the proposed increase in parking provision or the introduction of a second access from Overbury Avenue. Access onto Overbury Avenue was not considered to be detrimental to highway safety by the Inspector at appeal (ref. 06/02377). Amended plans have been requested to enlarge the cycle store and to amend the proposed gates to provide an adequate visibility splay. These amended documents were received on 21/01/08.

No technical objections are raised in respect of trees on the site.

No Waste Services objections are raised.

Any subsequent comments received will be verbally reported at the meeting.

### **Planning Considerations**

Planning permission was refused for a three storey block comprising 12 two bedroom flats with 12 car parking spaces and refuse storage (ref. 06/02377) on the following grounds:

‘The proposed development, located as it is on this prominent corner site, would be out of character and scale with the local street scene and would constitute a cramped overdevelopment of the site at an excessive residential density and if permitted would establish an undesirable pattern for similar flatted development along Stanley Avenue, resulting in a retrograde lowering of the standards to

which the area is at present developed, contrary to Policy H7 of the Unitary Development Plan.

The proposal would be overdominant and would be detrimental to the amenities that the occupiers of adjoining properties might reasonably expect to be able to continue to enjoy by reason of visual impact, loss of prospect and increased noise and disturbance, contrary to Policies BE1 and H7 of the Unitary Development Plan.

The proposed development, by reason of the lack of affordable housing provision, would be contrary to Policy H2 of the Unitary Development Plan.

The proposed vehicular access and parking fronting Overbury Avenue, which would be located close to the junction between Overbury Avenue and Stanley Avenue, would not be in the interests of good highway planning and would have a detrimental effect on road safety, contrary to Policies T3 and T18 of the Unitary Development Plan.'

Planning permission was also refused for a development proposing the 'Demolition of 2 Stanley Avenue and Nos. 84-86 Overbury Avenue and erection of three storey block comprising 9 two and three bedroom flats with 10 car parking spaces/ cycle storage and refuse storage (OUTLINE)' under ref. 06/04074. This scheme was refused on the following grounds:

The proposed development would be out of character and scale with the local street scene and would constitute a cramped overdevelopment of the site at an excessive residential density, contrary to Policies BE1 and H7 of the Unitary Development Plan.

The proposal would be overdominant and would be detrimental to the amenities that the occupiers of adjoining properties might reasonably expect to be able to continue to enjoy by reason of visual impact, loss of prospect and increased noise and disturbance, contrary to Policies BE1 and H7 of the Unitary Development Plan.

In this latter case, the applicant was considered to have overcome the original refusal grounds 3 and 4 relating to affordable housing provision and highway safety but the other objections remained.

Both decisions were subsequently appealed against, with the proposal for a block of 12 flats dismissed and the application for a block of 9 flats allowed.

In respect of the proposal for 9 flats which was allowed, the Inspector states that "*the visual bulk of the proposed building would be similar to the existing situation and would not be harmful to the street scene*" and a similar view to the other appeal was expressed with respect to the impact on living conditions.

In respect of the proposal for 12 flats, which included two car parking areas, one of which accessed from Overbury Avenue, the Inspector states that "*the access onto Overbury Avenue would be in close proximity to its junction with Stanley Avenue. It would however serve only 6 parking spaces, the intensity of its use would be similar to that of a large house, and the distance from the junction would be similar to others in*

*the area. In my opinion, therefore, the access onto Overbury Avenue would not result in any material reduction in highway safety on the avenue.”*

Prior to the outcome of these appeals, a third application was determined under ref. 07/00435 for the “Demolition of No. 2 Stanley Avenue and Nos. 84-86 Overbury Avenue and erection of 2/3 storey block comprising 9 two and three bedroom flats with 10 car parking spaces cycle storage and refuse storage (OUTLINE).” This application was refused on the following grounds:

The proposed development would be out of character and scale with the local street scene and would constitute a cramped overdevelopment of the site at an excessive residential density, contrary to Policies BE1 and H7 of the Unitary Development Plan.

The proposal would be overdominant and would be detrimental to the amenities that the occupiers of adjoining properties might reasonably expect to be able to continue to enjoy by reason of visual impact, loss of prospect and increased noise and disturbance, contrary to Policies BE1 and H7 of the Unitary Development Plan.

The details pursuant to this outline permission allowed on appeal were permitted under ref. 07/03141.

In strategic terms the most relevant London Plan policies are 4B.1 which sets out strategic principles of design, 4B.3 requires maximising the potential of any site with good, sustainable design consistent with its location, accessibility, etc whilst respecting local contexts and communities, natural environment and built heritage. 4B.7 requires development to respect local distinctiveness and preserve or enhance the social, physical, cultural, historical and environmental characteristics.

The proposal falls to be determined with particular regard to Policies H7, T3, T11, T18 and BE1.

Policy H7 aims to ensure that new residential development respects the existing built and natural environment, is of appropriate density and respects the spatial standards of the area as well as amenities adjacent occupiers, and allows adequate light penetration into and between buildings.

Policy T3 seeks to ensure that off street parking provisions for new development are to approved standards.

Policy T11 seeks to ensure that new accesses do not prejudice general highway safety.

Policy T18 requires that issues of road safety are considered in determining planning applications.

Policy BE1 requires a high standard of design in new development generally, and seeks to protect the amenities of the occupants of neighbouring properties.

Central Government advice contained in Planning Policy Statement 3 ‘Housing’ seeks more efficient use of land whilst not compromising the quality of the environment.

## Conclusions

The principle of redevelopment has already been established by the grant of permission under ref. 06/04074. The main issue to consider in this case is the amendments to the refuse and cycle stores, the second area of parking with access onto Overbury Avenue, the introduction of a bay window and sunken roof terraces, and the proposed access gates.

The footprint and main dimensions have been retained from the previously allowed appeal scheme. The second car parking area enables a total car parking provision of 13 spaces. Taking into account the Inspectors comments regarding a previously dismissed appeal on the site, no objection is raised to the provision of a second car parking area accessed from Overbury Avenue.

The relocation of the refuse store results in a structure positioned forward of the building line in close proximity to Overbury Avenue. This structure initially had a height of 3.0m, and was significant in its length and width. Following negotiations with the applicants, amended plans have been received which reduces the height of the refuse store to approx. 2.7m and relocates it further from Overbury Avenue by approx. 2.8m. The cycle store has been enlarged (5.0m x 5.0m compared to the initial 5.0m x 4.3m) and the access gates on Stanley Avenue have been set back from the highway in order to achieve a satisfactory visibility splay following consultation with Highways Engineers. In addition, the proposed railings at the entrance on Overbury Avenue have been reduced to 0.6m in height for highway safety reasons. Members will, however, need to consider whether the bulk and siting of the refuse store would result in a detrimental impact on the street scene and prospect from No. 78 Overbury Avenue.

The number and location of parking spaces, along with the design and bulk of the 2 car ports is considered to be acceptable in light of the planning history of the site. As such, Members may consider the scale, design and appearance of the car ports indicated on the plans to be acceptable in light of the recently allowed appeal. The provision of 13 car parking spaces for 9 flats, although an over-provision, is considered to be acceptable in this case.

The appearance of the block is traditional, with a series of roof hips and gables. Previous contemporary designs have not been favoured by the Council and this design is considered suitable in this case. The proposed sunken roof terraces will not alter the external appearance of the building and will not result in any overlooking.

The scale of the block also conforms with that previously allowed on appeal. The dimensions of the block, number of units and footprint are identical to the outline permission and these details are considered acceptable. No objection was raised by the Inspector with regards to the bulk of the building, with the structure not considered to have a harmful effect on the character and appearance of the area.

On balance, the proposal is considered to be acceptable, in light of the recently allowed appeal scheme. The amendments to the permitted scheme are not considered to impact detrimentally on the character of the area, the amenities of neighbouring properties or on aspects of highway safety.

Background papers referred to during the production of this report comprise all correspondence on files refs. 06/02377, 06/04074, 07/00435, 07/03141 and 07/04526, excluding exempt information.

as amended by documents received on 21.01.2008

## **RECOMMENDATION: PERMISSION**

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

- |    |        |  |                      |
|----|--------|--|----------------------|
| 1  | ACA01  | Commencement of development 3 years      |                      |
|    | ACA01R | A01 Reason 3 years                       |                      |
| 2  | ACA04  | Landscaping Scheme - full app no details |                      |
|    | ACA04R | Reason A04                               |                      |
| 3  | ACA07  | Boundary enclosure - no detail submitted |                      |
|    | ACA07R | Reason A07                               |                      |
| 4  | ACB01  | Trees to be retained during building op. |                      |
|    | ACB01R | Reason B01                               |                      |
| 5  | ACB02  | Trees - protective fencing               |                      |
|    | ACB02R | Reason B02                               |                      |
| 6  | ACB03  | Trees - no bonfires                      |                      |
|    | ACB03R | Reason B03                               |                      |
| 7  | ACB04  | Trees - no trenches, pipelines or drains |                      |
|    | ACB04R | Reason B04                               |                      |
| 8  | ACB16  | Trees - no excavation                    |                      |
|    | ACB16R | Reason B16                               |                      |
| 9  | ACC01  | Satisfactory materials                   |                      |
|    | ACC01R | Reason C01                               |                      |
| 10 | ACC03  | Details of windows                       |                      |
|    | ACC03R | Reason C03                               |                      |
| 11 | ACD02  | Surface water drainage - no det. submitt |                      |
|    | ACD02R | Reason D02                               |                      |
| 12 | ACH03  | Satisfactory parking - full application  |                      |
|    | ACH03R | Reason H03                               |                      |
| 13 | ACH11  | Visibility splays (new buildings) (3 in) | — 3.3m x 2.4m x 3.3m |
|    | ACH11R | Reason H11                               |                      |
| 14 | ACH16  | Hardstanding for wash-down facilities    |                      |
|    | ACH16R | Reason H16                               |                      |
| 15 | ACH18  | Refuse storage - no details submitted    |                      |
|    | ACH18R | Reason H18                               |                      |
| 16 | ACH22  | Bicycle Parking                          |                      |
|    | ACH22R | Reason H22                               |                      |
| 17 | ACH23  | Lighting scheme for access/parking       |                      |
|    | ACH23R | Reason H23                               |                      |
| 18 | ACH24  | Stopping up of access                    |                      |
|    | ACH24R | Reason H24                               |                      |
| 19 | ACI10  | Side space (1 insert)                    | 2.8m south-western   |
|    | ACI10R | Reason I10                               |                      |
| 20 | ACK05  | Slab levels - no details submitted       |                      |
|    | ACK05R | K05 reason                               |                      |

21 The refuse store hereby permitted shall be constructed 4.0m from the site boundary with Overbury Avenue.

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

22 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

H7 Housing density and design

T3 Parking

T11 New accesses

T18 Road safety

BE1 Design of new development

### INFORMATIVE(S)

1 RDI16 Layout of crossovers, etc

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**19. Application No : 07/04563/FULL3 Ward : Hayes And Coney Hall**

**Address : 40 Hayes Street Bromley BR2 7LD Conservation Area:NO**

**OS Grid Ref: E: 540513 N: 166366**

**Applicant : Italia Coffee And Pizza Objections : YES**

### **Description of Development:**

**Change of use of ground floor from retail (Class A1) to restaurant (Class A3) with ventilation duct at rear**

### **Proposal**

The application site comprises a terraced property on the western side of Hayes Street, set within a parade of shops and restaurant/café uses. The surrounding area is a mix of residential and retail. On the opposite side of Hayes Street there is a community hall, church and public house. The plot measures approximately 6m in width by 28m in depth.

This application seeks permission for the change of use of the ground floor from retail (Class A1) to a restaurant/café (Class A3). It is proposed to operate the premises as a mix of café and restaurant. The operating hours proposed are 0800 – 1900 on Mondays to Fridays, and 0830 – 1900 on Saturdays. No Sunday opening is proposed.

The proposal includes ventilation ductwork at the rear. This ductwork is located in close proximity to the rear wall of the property and extends to a point 1m above eaves level. The ductwork has a diameter of approx. 0.4m.

In addition, a covering letter submitted by the applicant states that the proposal intends to increase the range of facilities and services available to the local community and that there is not an over-provision of similar uses within the parade.

## **Consultations**

Local representations received can be summarised as follows-

- proliferation of Class A3 uses on the parade
- inadequate parking in the locality
- excessive litter, noise and disturbance
- ventilation system should be adequate for the use.

Objections have also been received from the Hayes Village Association and the Hayes Community Council on the grounds that the parade contains sufficient A3 use.

Technical highways comments have been received and no objection is raised. Given that the proposal will close at 7pm, no significant highways issues are anticipated during the evenings.

No objection is raised from Environmental Health.

Any subsequent comments received will be verbally reported at the meeting.

## **Planning Considerations**

Planning permission was refused under ref. 07/00800 for the change of use of the premises from retail (Class A1) to restaurant (Class A3) on the following grounds:

“The proposal would result in the unacceptable loss of a retail unit contrary to Policy S5 of the Unitary Development Plan which provides that changes of use of this nature in Local Parades will not normally be permitted unless the use would contribute to the range of shopping and community facilities.

In the absence of evidence to support a long-term vacancy or lack of demand for A1 use, the proposed change of use would be contrary to Policy S5 of the Unitary Development Plan.”

This application was subsequently dismissed on appeal. The Inspector stated:

*“The Centre is not over-served by catering facilities for shoppers in the daytime. The provision of an additional catering facility within the Centre would, in principle, be an acceptable change to the area. I agree with the appellants that it is likely to attract further people to the Centre during the daytime who may then patronise the existing retail and other premises on Hayes Street.”*

The Inspector continues to state:

*"I share the concerns of local residents that an increase in activity in the evening and night is likely to arise from the proposed restaurant. In my judgement, due to the proximity of the uses, this would cause a material increase in disturbance to existing residents and so be harmful to their living conditions."*

The Inspector therefore concludes:

*"Whilst I have found in favour of the principle of the proposed use insofar as it could contribute to the vitality of the Centre, it is my overall conclusion that the proposed opening hours are inappropriate for the premises. I am satisfied that the proposed duct would not appear incongruous. I am satisfied that there would not be any material increase in pressure for parking in the area."*

The proposal was therefore considered unacceptable at appeal due to the proposed use outside of key shopping hours (i.e.10am to 10pm) and the resulting detriment to neighbouring amenities.

Elsewhere on the parade, changes of use from A1 to A3 have been refused in the past, notably at Nos. 22 and 24, where changes of use to restaurants were proposed in 1986 and 1993 respectively. At No. 22, the proposed change of use to a restaurant was subsequently dismissed on appeal (ref. 86/01255).

At the time of writing the report, an application was under consideration under ref. 07/04565 for the conversion of the upper floors (40A Hayes Street) to form 2 one bedroom flats.

In considering the application the main policies are BE1, ER9, S5, S9, T3 and T18 of the Unitary Development Plan. These concern the design of new development, ventilation systems, Local Neighbourhood Centres, food and drink premises and the provision of adequate car parking and road safety.

## **Conclusions**

The main issues in the determination of this application are the impact of the proposal on the character of the local shopping centre and the impact on the amenities of nearby residential properties.

In addressing the dismissal of the recent appeal, the applicant has reduced the proposed opening hours to prevent opening in the evenings (the previous application proposed opening as late as 2200 hours on Mondays to Saturdays, and up to 1800 hours on Sundays). The applicant has also proposed opening from 0800, as opposed to 1000 hours under the previous application in an attempt to increase activity during regular shopping hours. The Inspector did not object to the principle of an additional Class A3 use on the parade. Indeed, it was considered that patrons of the café may then be encouraged to visit the existing retail units on the parade during shopping hours.

With regard to the proposed ventilation ducting, this element of the proposal has not altered from the previously refused scheme. Given that the Inspector did not raise objections to the appearance or siting of the ducting, this may now be considered acceptable without significant harm to local visual and residential amenity.



Members will have to make a judgement as to whether the proposed change of use would result in a detrimental impact on the retail character of the shopping parade or the amenities of nearby properties; however, in light of the appeal decision the application is on balance considered to be acceptable.

Background papers referred to during production of this report comprise all correspondence on files refs. 07/00800, 07/04563 and 07/04565 excluding exempt information.

## **RECOMMENDATION: PERMISSION**

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

- 1     ACA01        Commencement of development 3 years  
      ACA01R     A01 Reason 3 years
- 2     ACJ26        Ventilation system for restaurant/take-a  
      ACJ26R     J26 reason
- 3     The use shall not operate before 0800 and after 1900 Monday to Fridays and before 0830 and after 1900 on Saturdays and shall not operate on Sundays.

**Reason:** In order to comply with Policy S5 of the Unitary Development Plan and in the interest of the amenities of the area.

- 4     The premises shall be used for a café/restaurant (Class A3) and for no other purpose (including a takeaway service or any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

**Reason:** In order to comply with Policy S5 of the Unitary Development Plan and in the interest of the amenities of the area.

- 5     AJ02B        Justification UNIQUE reason OTHER apps

### Policies (UDP)

BE1 Design of New Development

ER9 Ventilation

S5 Local Neighbourhood Centres, Parades And Individual Shops

S9 Food And Drink Premises

T3 Parking

T18 Road Safety

### INFORMATIVE(S)

- 1     You are advised that advertisement consent may be required for any alteration to the signage displayed at the premises.

**20. Application No : 08/00025/FULL6 Ward : Biggin Hill**

**Address : 32 Hillcrest Road Biggin Hill Westerham Conservation Area:NO  
Kent TN16 3TY**

**OS Grid Ref: E: 541685 N: 159098**

**Applicant : Mr And Mrs K Allen Objections : YES**

**Description of Development:**

**Erection of two tier rear decking area with associated access staircases and peripheral balustrading RETROSPECTIVE APPLICATION**

**Proposal**

The application seeks retrospective permission for the erection of two tier rear decking area with associated access staircases and peripheral balustrading to the rear of No. 32 Hillcrest Road.

The site is located on the western side of Hillcrest Road; the rear gardens face in a south-westerly direction. The rear garden to this application site does not benefit from natural screening to each boundary.

**Consultations**

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows -

- loss of privacy to master bedroom, patio and garden
- increase in noise and cooking smells
- views from rear of property have been spoilt
- boundary fence intrusive
- concerned that the structure is dangerous as it is constructed with scaffolding with no foundations
- increase in vermin
- out of character with the surrounding area

**Planning Considerations**

The proposal falls to be considered under Policies H8 (Residential Extensions) and BE1 (Design of New Development) of the UDP which seek to address design and amenity issues; of particular relevance in this case Policy BE1 (v) states the development ‘...should respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure their environments are not harmed by noise and disturbance... or privacy...’

Also it should be noted that permission is being sought for a pair of semi detached properties at the rear of the garden under ref. 07/04414.

**Conclusions**

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

This proposal includes four different changes in level with a hot tub on the southern side. The rear decking projects ~8.1m from the rear of the host dwelling and runs boundary to the boundary with Nos. 30a and 34 (~13.75m at the maximum width). On the Northern elevation adjacent to No. 30a the decking is stepped in design and has a maximum height of ~3m (as scaled from the submitted plans). On the Southern elevation adjacent to No. 34, the decking and balustrade is also stepped in design, with a maximum height of ~3m closest to the host dwelling reducing to ~2.5m at the rear of the decking (as scaled from the submitted plans).

The gardens along Hillcrest slope steeply to the south-west, resulting in noticeable changes in levels between properties which may lead to loss of privacy. The rear garden of No. 30a has no decking area and already sits at a lower level than the neighbouring property No. 32. It should be noted that due to these changes, the bedrooms are located at the bottom of the property and the main living rooms at the top. Therefore from the proposed decking area there are concerns about overlooking into the bedrooms as well as the garden areas.

There is no natural screening to the boundaries of this rear garden which allows for a degree of overlooking from the raised decking area onto the patio area at Nos.30a, 34 and those properties in Merryhills Close.

Having had regard to the above it may be considered by Members that the development in the manner proposed is not acceptable in that it results in a loss of amenity to the occupants of the neighbouring properties.

Background papers referred to during production of this report comprise all correspondence on file ref. 08/00025, excluding exempt information.

## **RECOMMENDATION: PERMISSION BE REFUSED**

### **The reasons for refusal are:**

- 1 The development due to its height, design and siting is harmful to the amenities of the adjoining occupiers by reason of visual impact, loss of privacy and overlooking, contrary to Policies H8 and BE1 on the Unitary Development Plan.

Further Recommendation:

Enforcement action authorised to secure the removal of the decking and balustrade.

SECTION '3' – Applications recommended for PERMISSION, APPROVAL or CONSENT

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**21. Application No : 07/02294/FULL6 Ward : Farnborough And Crofton**

**Address : 14 Meadow Way Orpington Kent BR6 8LW Conservation Area: Farnborough Park**

**OS Grid E: 543147 N: 165260**

**Ref:**

**Applicant : Mr O Remzi Objections : NO**

**Description of Development:**

**Two storey front and rear extensions together with single storey side extension and addition of cladding**

**Proposal**

This application was deferred by Members of the Plans Sub-Committee for design alterations.

Two storey front and rear extensions together with single storey side extension and addition of cladding.

The site is level and within the Conservation Area for Farnborough Park.

**Consultations**

Surrounding residents

No objections received to date.

Advisory Panel for Conservation Area comments

- porch out of character
- existing rear fenestration should be detailed
- rear glazing is discordant

Heritage and Urban Design

No objections to the revised drawings.

## Planning Considerations

The proposals fall to be considered under the following policies of the Unitary Development Plan:

BE9/BE11 Conservation Areas  
H8/BE1 Residential extensions

No trees are affected.

Permission exists for a swimming pool.

## Conclusions

Whilst some 5700mm rear projection is indicated, both side spaces are 2 metres minimum and the proposal is proportional to the plot.

Background papers referred to during production of this report comprise all correspondence on file ref. 07/02294, excluding exempt information.

as amended by documents received on 03.12.2007

## RECOMMENDATION: PERMISSION

### Subject to the following conditions:

- 1 ACA01 Commencement of development 3 years  
ACA01R A01 Reason 3 years
- 2 ACC04 Matching materials  
ACC04R Reason C04
- 3 ACI17 No additional windows (2 inserts) flank extension  
ACI17R I17 reason (1 insert) H8 and BE1
- 4 AJ01B Justification GENERIC reason FULL6 apps

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**22. Application No : 07/03757/FULL6 Ward : Hayes And Coney Hall**

**Address : 12 Farm Close West Wickham Kent BR4 9JL Conservation Area:NO**

**OS Grid E: 539558 N: 165240**

**Ref:**

**Applicant : Mr J Yusuf Objections : YES**

## **Description of Development:**

### **Part one/two storey side and rear extensions with roof alterations**

#### **Proposal**

The application is situated on the south eastern side of Farm Close and comprises a two storey semi detached property. The property is located in a residential area predominantly characterised by semi detached houses built in the 1930s with a number of terraced properties in the wider locality.

Permission is sought for a part one/two storey side extension, the ground floor element is about 3.75m wide and about 13m in length which is in line with the front building line and projects from the existing rear building line by about 6.5m. Upon this is a first floor element to the extension which is about 3.75m wide and about 8.9m in length which is in line with the front building line and projects from the rear building line by about 2.4m. A single storey rear extension is proposed which projects out from the existing building line by 3.4m this is for the entire width of the rear of the property and the height is about 2.75m in height. Upon this is a first floor extension which has a depth of about 2.4m and is set back in from the boundary which the host dwelling shares with that of No 11 by about 3.5m.

#### **Consultations**

Nearby owners/occupiers were notified of the application and representations were received. These are summarised below -

- loss of light
- unsightly soil pipes on the front of the property
- overdevelopment
- disputes over measurements of existing buildings

#### **Planning Considerations**

The main issue to be considered in this case is the impact of the proposal on the amenities of adjoining neighbours.

The main policies relevant to this case are Policies H8, H9 and BE1 of the adopted Unitary Development Plan (July 2006), which relate to the design of residential extensions and development in general.

Policy H8 requires that design of residential extensions should be in keeping with the local area in terms of scale, form and materials used. Any development should protect the privacy and amenities of adjoining properties, including daylight and sunlight.

Policy H9 requires that for proposals of two or more storeys in height a minimum side space of 1 metre must be retained for the full height and length of the flank wall. Where higher standards of separation exist the proposal shall be expected to provide a more generous side space. Development should provide adequate spacing to prevent a cramped appearance and safeguard the privacy and amenity of adjoining neighbours.

Policy BE1 sets out the design principles that would be applied when considering proposals for new development. Development should respect the scale, form and materials of adjacent buildings and should not detract from the attractive townscape that the Council wishes to secure.

## Conclusions

Under ref. 07/00570 an application similar to that now submitted under ref. 07/03757 was previously refused.

The differences were as follows, the application under ref. 07/00570 part one/two storey element was proposed to go right up to the shared boundary line with that of No 13, the length at the single storey level projected an additional 1.4m from the existing rear building line to the current proposal and the first floor element by additional 1m from the existing building line making it a projection of about 3.4m. The only other difference was the first floor element of the rear extension projected by about 3.4m instead of the current proposal which is about 2.4m.

The ground of refusal read as follows:-

“The proposal does not comply with the Council's requirement for a minimum 1 metre side space to be maintained to the flank boundary in respect of two-storey development in the absence of which the extension would constitute a cramped form of development, out of character with the street scene, conducive to a retrograde lowering of the spatial standards to which the area is at present developed and contrary to Policy H9 of the Unitary Development Plan.”

“The proposed extension, by reason of its height, depth and proximity to the boundary would constitute an overdevelopment of the site, and would appear overbearing when viewed from No. 13 Farm Close to the detriment of the residential amenities of this property contrary to Policies BE1 and H8 of the Unitary Development Plan.”

A further application was then submitted under ref. 07/02172 which was again refused.

The difference between this application and the one submitted under ref. 07/00570 was that the part one/two storey element had now been set in from the boundary with No 13 by about 1m and the ground floor element of the part one/two storey side extension was a length of about 13.8m hence projecting from the existing building line by about 7.2m.

The ground of refusal read as follows -

“The proposed first floor rear extension, by reason of its size and excessive depth, would appear overbearing when viewed from No. 13 farm Close to the detriment of the residential amenities at this property contrary to policies BE1 and H8 of the Unitary Development Plan.

The current proposal differs from the previous application as the ground floor element of the part one/two storey side extension has been reduced to about 13m in length and the first floor element of both the part one/two storey side extension and the first floor rear extension has been reduced back by 1m hence having a projection of about 2.4m.

It was noted that the projection of the first floor level rear extension proposed to be about 2.4m was the same as the depth of the first floor projection of the extension at No 11 which was granted permission under ref:- 03/01925. It was further noted that while it may appear deep, the ground floor projection of the part one/two storey side extension from the existing rear building line was identical to that of the existing garage that it would be replacing and would additional now be set back in from the boundary line of the host dwelling and No. 13 by 1m.

As the depth of the first floor extension has now been reduced in depth along with the ground floor element of the side extension it was now deemed that the previous refusal ground had been overcome and that the current proposal would not lead to a loss of amenity to local neighbours.

It is clear that there will be some effect on neighbouring properties as a result of this development and a judgement needs to be made as to whether the impact is unduly harmful. Members may agree that the impact of the development is acceptable.

Background papers referred to during the production of this report comprise all correspondence on files refs. 07/00570, 07/02172 and 07/03757, excluding exempt information.

as amended by documents received on 20.12.2007

## **RECOMMENDATION: PERMISSION**

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

- |   |        |  |                                     |
|---|--------|--|-------------------------------------|
| 1 | ACA01  | Commencement of development 3 years    |                                     |
|   | ACA01R | A01 Reason 3 years                     |                                     |
| 2 | ACC04  | Matching materials                     |                                     |
|   | ACC04R | Reason C04                             |                                     |
| 3 | ACI09  | Side space (1 metre) (1 insert)        | south-western                       |
|   | ACI09R | Reason I09                             |                                     |
| 4 | ACI13  | No windows (2 inserts)                 | first floor south-western extension |
|   | ACI13R | I13 reason (1 insert)                  | BE1 and H8                          |
| 5 | AJ02B  | Justification UNIQUE reason OTHER apps |                                     |

Policies (UDP)

BE1 Design of new development

H8 Residential extensions

H9 Side space



**23. Application No : 07/04193/RECON Ward : Darwin**

**Address : Bottom Barn Farm And Land At Berrys Hill Berrys Green Westerham Kent TN16 3AG Conservation Area:NO**

**OS Grid E: 544241 N: 159840**

**Ref:**

**Applicant : Mr And Mrs Wade Objections : NO**

**Description of Development:**

**Continued use of buildings 1 and 2 for storage without complying with condition 5 of permission ref 00/02759 which requires that only classic cars be stored in it to enable storage of files and magazines ancillary to use of barn as offices**

**Joint report with application ref. 07/04207**

**Proposal**

The site is located on the northern side of Berrys Hill and comprises farm buildings and the farmhouse itself. The surrounding area is predominantly open countryside, but with various detached dwellings located along Berrys Hill towards Biggin Hill.

Kelsey Publishing Ltd are a magazine publishing business that currently operate from the former Cudham Tithe Barn at this site where consent was granted in 1993 for its reuse and conversion to offices. Expansion of the business has created a requirement for more seating space for employees and for the storage of archive magazines/files and merchandising stock. The proposal will allow the business to continue to operate from Cudham Tithe Barn offices with a proportion of existing staff relocating to the Dutch Barn offices whilst the archive magazines and other paperwork associated with the business will be located in the adjoining Straw Barn.

The Dutch Barn is a two storey, rectangular part brick/corrugated iron building with a curved roof. Two thirds of the ground floor of the barn is currently open sided and used for storage, whilst the first floor is enclosed. It is proposed to brick up the ground floor to create 486 sq m office floor space and insert windows to match the existing first floor elevation.

The firm operate a 'Green Deal' for employees where they are given £5 a day if they travel to work by bicycle, public transport or car share. It is intended that this scheme will be available to staff moving to the proposed offices.

Application ref. 07/04207 has been accompanied by a General Condition Report which concludes that the Dutch Barn is of permanent and substantial construction and can be converted for office use without major or complete reconstruction.

**Consultations**

Nearby residents were notified of the application and no representations were received.

In terms of highways, any intensification of the vehicular use of the existing access is likely to be undesirable. However, as no additional employees will be using the site highway safety concerns can be addressed through the imposition of conditions restricting the use of the Straw Barn to storage and restricting the Class B1 use to Kelsey Publishing Ltd.

Building Control has reviewed the General Condition Report and have no objections.

### **Planning Considerations**

Central government guidance contained within PPG2 states that the re-use of buildings should not prejudice the openness of Green Belts since the buildings are already there. In order that the re-use of buildings is not considered inappropriate development the following criteria must be met:

- it does not have a materially greater impact than the present use on the openness of the Green Belt
- strict control is exercised over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt (e.g. because they involve extensive external storage, extensive hardstanding, car parking, boundary walling or fencing)
- the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction
- converted buildings are in keeping with their surroundings in terms of form, bulk and general design.

PPG4: Industrial, Commercial Development and Small Firms states that applications for development to sustain the rural economy should be weighed with the need to protect the countryside. It is considered preferable for buildings to be used appropriately than to stand wholly or partially empty. The document goes on to state that a flexible attitude regarding use may therefore be required to enable suitable re-use or new uses to be instituted in under-used space where this might contribute to the preservation of buildings.

PPS7 is concerned with Sustainable Development in Rural Areas and supports the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. It states that local planning authorities should support non-farming countryside-based enterprises and activities which contribute to rural economies. The document recognises that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises and states that local planning authorities should give favourable consideration to proposals for diversification in the Green Belt where development satisfies the provisions of PPG2.

The proposals fall to be determined with regard to UDP Policies G1 T3, T18, BE1 and EMP6.

Policy G1 reiterates the central government guidance contained within PPG2 concerning the re-use of buildings in the Green Belt.

Policy T3 seeks to ensure that off street parking provisions for new development are to approved standards.

Policy T18 requires that issues of road safety are considered in determining planning applications.

Policy BE1 requires a high standard of design in new development generally, and seeks to protect the amenities of the occupants of neighbouring properties.

Policy EMP6 states that outside of designated business areas the Council will only permit non-conforming business uses where there would be no significant adverse impact on the amenity of surrounding properties.

In strategic terms Policy 4B.1 of The London Plan sets out the principles in terms of design whilst Policy 4B.7 requires development to respect local distinctiveness and preserve or enhance the social, physical, cultural, historical and environmental characteristics. Policy 3D.8 states that the Green Belt should be protected in accordance with the provisions of PPG2.

Planning permission was granted under ref. 93/02161 for the change of use of 3 farm buildings from agriculture to business (Class B1) and the demolition of an existing building.

Planning permission was granted under ref. 97/02286 for the re-use of the redundant pole barn for a covered parking area and the removal of condition 8 of permission ref. 93/02161 to enable use of the upper floor of the converted barn for Class B1 office purposes.

Planning permission was refused under ref. 99/01371 for the change of use of building 1 from agriculture to storage (Class B8) and buildings 2 and 3 (The Dutch Barn) from agriculture to offices (Class B1) and storage (Class B8) with elevational alterations and associated parking. It was considered that the intensification of the use of the existing access would have a detrimental impact on highway safety whilst the intensification of the use of the existing buildings and the encroachment of parking would harm the openness of the Green Belt.

Planning permission was granted under ref. 99/03590 for the change of use of buildings 1 and 2 from agriculture to storage (Class B8) with elevational alterations.

Planning permission was granted under ref. 00/01291 for the change of use of buildings 1 and 2 from agriculture to storage (Class B8) with elevational alterations. The permission restricted the use of the barns to the storage of classic cars until 31 July 2005. Condition 7 relating to the discontinuance of this use beyond 31 July 2005 was removed following a subsequent application (ref. 00/02759).

The main issues to be considered are the condition of the building and the impact of the proposal on highway safety, the openness and visual amenities of the Green Belt, and the residential amenities of nearby properties.

## **Conclusions**

It has been demonstrated that the Dutch Barn is structurally sound and therefore suitable for conversion, whilst the elevational alterations should not result in undue harm to the visual amenities of the area. Furthermore, the proposals should not have a

detrimental impact on the openness of the Green Belt or on conditions of highway safety.

On the basis that the proposals are in accordance with the relevant policy framework they would appear to be acceptable.

Background papers referred to during the production of this report comprise all correspondence on files refs. 07/04193 and 07/04207, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

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

- 1 No storage of classic cars shall take place outside the barns at any time.  
**Reason:** In the interests of protecting the openness and visual amenities of the Green Belt and to comply with Policy G1 of the Unitary Development Plan.
- 2 Building 1 shall be used for the storage of classic cars and for no other purpose (including any other purpose in Class B8 of the Town and Country Planning (Use Classes) Order 2005 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification).  
**Reason:** In the interests of protecting the openness and visual amenities of the Green Belt and highway safety and to comply with Policy G1 of the Unitary Development Plan.
- 3 No servicing and maintenance of vehicles shall be carried out on any part of the farm in connection with the use of Building 1.  
**Reason:** In the interests of protecting the openness and visual amenities of the Green Belt and highway safety and to comply with Policy G1 of the Unitary Development Plan.
- 4 Building 2 shall be used for the storage of files/magazines and merchandising stock in connection with Kelsey Publishing Ltd and for no other purpose (including any other purpose in Class B8 of the Town and Country Planning (Use Classes) Order 2005 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification).  
**Reason:** In the interests of protecting the openness and visual amenities of the Green Belt and highway safety and to comply with Policy G1 of the Unitary Development Plan.
- 5 Notwithstanding the provisions of the Town and Country Planning General Development (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting this Order) no building permitted by Schedule 2 Part 6 of the order shall be erected upon Bottom Barn Farm without the prior approval in writing of the Local Planning Authority.  
**Reason:** In order to consider the need for further agricultural buildings on the farm in light of their existing (in part) redundancy and in the interest of the Green Belt wherein there is a general presumption against development and to comply with Policy G1 of the Unitary Development Plan.
- 6 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)  
G1 Green Belts  
T3 Parking  
T18 Road Safety

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24. Application No : 07/04207/FULL3 Ward : Darwin

Address : Bottom Barn Farm And Land At Berrys Hill Berrys Green Westerham Kent TN16 3AG Conservation Area:NO

OS Grid E: 544241 N: 159840

Ref:

Applicant : Mr And Mrs Wade Objections : NO

**Description of Development:**

**Elevation alterations and change of use of barn from agriculture to offices (class B1) and associated car parking**

**Joint report with application ref. 07/04193**

**RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

- 1 ACA01 Commencement of development 3 years  
ACA01R A01 Reason 3 years
- 2 The use hereby permitted shall be shall be carried out only by Kelsey Publishing Ltd.

**Reason:** In order to enable the Council to reconsider the situation in the event of a change of user in the interests of protecting the openness and visual amenities of the Green Belt.

- 3 Notwithstanding the provisions of the Town and Country Planning General Development (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting this Order) no building permitted by Schedule 2 Part 6 of the order shall be erected upon Bottom Barn Farm without the prior approval in writing of the Local Planning Authority.

**Reason:** In order to consider the need for further agricultural buildings on the farm in light of their existing (in part) redundancy and in the interest of the Green Belt wherein there is a general presumption against development and to comply with Policy G1 of the Unitary Development Plan.

- 4 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

BE1 Design of New Development

G1 Green Belts

T3 Parking

T18 Road Safety

EMP6 Development outside business areas

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**25. Application No : 07/04350/FULL1 Ward : Cray Valley East**

**Address : St. Joseph's R.C. Church High Street St. Mary Cray Orpington Kent Conservation Area: St Mary Cray**

**OS Grid E: 547103 N: 167446**

**Ref:**

**Applicant : The Trustees Of The Roman Catholic Diocese Of Southwark Objections : YES**

**Description of Development:**

**Demolition of existing church (excluding bell tower)/ church hall/ presbytery and erection of new church/ church hall / presbytery/ housing development comprising 2 four bedroom semi detached and 6 three bedroom terraced houses with landscaping/ car parking/ alterations to access**

**Joint application with ref. 07/04360**

**Proposal**

The site is irregular in shape and presently comprises St. Joseph's Roman Catholic Church and the adjacent Presbytery, St. Joseph's Hall and Rowland's Manor. The surrounding area is mixed in character and the High Street to the east and Kent Road to the south is characterised by 2 storey cottages. The site bounds Nos. 316-322 High Street (No. 322 is a doctor's surgery) and St. Mary Cray County Primary School is located to its north-east and Riverside Gardens lie to its west.

It is proposed to demolish the existing buildings on the site with the exception of the campanile and Rowland's Manor. The church, hall, presbytery and 2 two-storey semi-detached houses will be sited to the west of the site backing onto the Gardens. There will be 28 parking bays immediately to the north of the church hall and 6 bays to its east with 31 bays located around the horseshoe access road. 6 parking bays will be retained for Rowlands Manor adjacent to the proposed site exit. The terrace of 6 two-storey houses will be sited to the south-east of the church and there will be an additional 10 parking spaces for the doctor's surgery to the west of the houses. The horseshoe shaped one-way access road will run west between Nos. 310 and 316 High Street and will return to the High Street south of the doctor's surgery where a new exit will be created.

The proposed fan-shaped, chalet style 286 seat church will be integrated with the hall and presbytery to create a single building formed from distinct structures. The proposed church will be attached to the retained campanile and new presbytery to its southwest, whilst the rectangular hall to its north-east will be attached by a glass fronted link. The ground floor of the presbytery and the church will incorporate arched windows to the front whilst the hall will feature 2.8m high rectangular windows from

floor level. There will be a terrace along the rear of the church and a basement access. The land slopes downwards to the rear of the site and the building will appear higher on the rear elevation. The overall width of the building will be 56.87m, the maximum depth will be 23.17m and the height to the ridge of the church roof (the highest point of the new building) will be approx. 10.8m on the rear elevation.

The 2 semi-detached houses will be 14.32m wide, 10m deep with a 0.9m deep canopy to the front, 5.18m high to the eaves and 8.2m high to the ridge of the roof. These houses will include integral garages. The terrace of 6 houses will be staggered in pairs and the block will be 32.8m wide, each pair of houses will be 10.13m deep and the terrace will have an overall depth of 20.26m. The height of the houses will be 5.18m to the eaves and 8.35m high to the ridge of the roof.

The application is accompanied by a Design and Access Statement which details the evolution of the design process and makes the following points:

- the land sale for the proposed houses will provide the funds for the new church facilities
- the existing church is too large for the congregation, is too expensive to maintain and would require a major repair programme to prevent further dilapidation
- the existing church does not fit its surroundings and was built in anticipation of the construction of a bypass through Riverside Gardens and a substantial increase in dwellings and church congregation
- the existing Campanile has become a part of the urban environment and its retention is considered desirable
- the existing organ will be installed in the new church and some of the interior fixtures and wall finishes may also be transferred
- St. Peter and St. Paul's Roman Catholic Church at St. Paul's Cray closed in April 2007 and amalgamated with St. Joseph's Church, and this has brought additional pressure for the new facility.

A bat survey accompanied a previous application (ref. 06/01383) and the report concluded that the existing buildings on the site have some potential for use as bat roosts, although there was no evidence of permanent roosts. There was evidence that some of the boundary features of the site were being used as foraging and commuting habitat and the report includes a series of recommendations concerning demolition, lighting and habitat enhancement and creation.

A previous application (ref. 06/01383) was accompanied by a transport statement which concluded that the site benefits from good public transport provision and the proposed access arrangements represent an improvement on the current situation. The application also included a road safety audit which identified road and pedestrian safety issues and proposes solutions.

## **Consultations**

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

- loss of privacy
- loss of outlook
- increased noise and pollution

- increased traffic
- increased pressure on inadequate infrastructure and services
- detrimental impact on highway and pedestrian safety
- exit from site will be dangerous
- exit from site is close to existing zebra crossing
- inadequate parking
- Catholic church attendance is increasing due to demographic changes therefore pressures on parking will increase
- financial pressures on Diocese may lead to further church closures and increased attendances and demand for parking at this church
- merger with the Church of St. Peter & St. Paul's has contributed to increased demand for parking
- vehicle counts have been carried out which suggest parking provision will not meet demand
- inadequate provision for street lighting on curtilage will increase safety risks
- overdevelopment
- loss of trees and foliage
- loss of wildlife habitat
- loss of security
- harm to character and appearance of the conservation area
- harm to setting of historic and listed buildings
- it may be preferable to redevelop the Church of St. Peter and St. Paul's site in St. Paul's Cray
- it may be preferable to restore and improve the existing building
- existing building is in good condition
- financial position of church should not be a planning matter
- harm to amenity value of Riverside Gardens
- existing church is one of a few examples of late 1950s modernist Roman Catholic churches remaining in the country and should be listed
- there may be archaeological remains on the site.

A number of representations in support of the proposal have also been received which can be summarised as follows -

- new church is necessary due to costs associated with maintenance and operation of existing building
- church will enhance character of local area and community facilities
- new building will comply with Disability and Discrimination Act and improve accessibility to facilities
- new building will be more efficient and sustainable
- existing church is too large for current requirements
- new church will be smaller and will therefore reduce impact on residential amenities

There are no technical highways objections, subject to minor revisions of the parking layout.

The Advisory Panel for Conservation Areas have no objections to the proposal.

English Heritage has commented that an initial appraisal of the site indicates that an assessment of the archaeological implications of the proposal should be carried out.



Thames Water has raised no objections to the impact of the development regarding sewerage and water infrastructures, neither are there any technical objections from the Council's in-house drainage consultant.

The Environment Agency has raised no objections to the scheme and have provided advice on pollution prevention and groundwater drainage.

In terms of Environmental Health, a Phase 1 Desktop Study will be required to establish whether contamination has resulted from any previous commercial uses of the site and the need for any further investigation and possible remediation works. The existing buildings should be assessed for presence of asbestos, and this is safeguarded by other legislation.

The Head of Building Control has confirmed that soakaways can be used for surface water drainage on the site.

Further responses to consultations will be reported verbally at the meeting.

### **Planning Considerations**

A previous application for the demolition of the existing buildings including the presbytery and the erection of a new church, parish hall and presbytery with 14 houses was received in April 2004 (ref. 04/01420). The application was subsequently withdrawn along with the accompanying Conservation Area Consent application (ref. 04/01421).

A subsequent application for the demolition of the existing buildings excluding the campanile and the erection of a new church, church hall and presbytery with 4 houses and 15 flats was received in April 2006 (ref. 06/01383). This application was also withdrawn along with the accompanying Conservation Area Consent application (ref. 06/01747).

An application for the demolition of the existing buildings excluding the campanile and the erection of a new church, church hall and presbytery with 8 terraced houses was received in July 2007 (ref. 07/02652). The application was subsequently withdrawn along with the accompanying Conservation Area Consent application.

The previous schemes were withdrawn as issues regarding design, amount of development and highways had not been satisfactorily resolved.

The site is located within St. Mary Cray Conservation Area, within which the Council has a statutory obligation to consider the desirability of preserving or enhancing its character and appearance. Part of the adjoining Riverside Gardens is a Site of Interest for Nature Conservation (SINC).

In relation to this proposal, Central Government advice contained in Planning Policy Statement 3 (PPS3): Housing, seeks more efficient and effective use of land whilst not compromising the quality of the environment.

Planning Policy Guidance Note 13 Transport seeks to integrate planning and transport policies to promote accessibility to employment, shops, leisure facilities and services by public transport, walking and cycling to reduce the need to travel, particularly by car.

Maximum parking standards are advocated with low provision encouraged in more accessible locations.

Planning Policy Guidance Note 15: Planning and the Historic Environment sets out the government's policy on protection of historic buildings, conservation areas, and other elements of the historic environment.

Planning Policy Guidance Note 16: Archaeology and Planning sets out the Secretary of State's policy on archaeological remains on land, and how they should be preserved or recorded.

Planning Policy Statement 23: Planning and Pollution Control sets out the precautionary principles to be applied in dealing with proposals for development on polluted or potentially polluted land.

In strategic terms the most relevant London Plan policies are 4B.1 which sets out strategic principles of design, 4B.3 requires maximising the potential of any site with good, sustainable design consistent with its location, accessibility, etc whilst respecting local contexts and communities, natural environment and built heritage. 4B.7 requires development to respect local distinctiveness and preserve or enhance the social, physical, cultural, historical and environmental characteristics. 4B.11 is concerned with the historic environment and states that special quality and character should be protected and opportunities for enhancement explored.

The proposal falls to be determined with regard to Policies H7, NE2, NE3, NE7, T3, T18, C1, C3, ER7, BE1 and BE11 and BE12 of the Bromley Unitary Development Plan.

Policy H7 aims to ensure that new residential development respects the existing built and natural environment, is of appropriate density and respects the spatial standards of the area as well as amenities adjacent occupiers, and allows adequate light penetration into and between buildings.

Policy NE2 requires that proposals that may affect the nature conservation interest or value of a SINC will be acceptable only where the benefits of the development outweigh the interest or value of the site, or where any harm can be mitigated through conditions or planning obligations.

Policy NE3 requires that damage to and/or loss of wildlife features resulting from development proposals is addressed through mitigation measures and the creation, enhancement and management of wildlife habitats and landscape features.

Policy NE7 requires the suitable replanting of trees that have to be felled to facilitate development.

Policy T3 seeks to ensure that off street parking provisions for new development are to approved standards.

Policy T18 requires that issues of road safety are considered in determining planning applications.

Policy C1 states that proposals for developments that meet identified health, education, social or faith needs will normally be considered acceptable provided the community being served can access them by means of transport other than cars.

Policy C3 requires that development involving buildings open to the public provides, where reasonably practicable, suitable access and accommodation for people with disabilities.

Policy ER7 requires investigations and proposed remediation measures in respect of contaminated or potentially contaminated land.

Policy BE1 requires a high standard of design in new development generally, and seeks to protect the amenities of the occupants of neighbouring properties.

Policy BE11 requires that new development in a conservation area preserves its character and appearance through design and use of appropriate materials.

Policy BE12 relates to the demolition of buildings within conservation areas, and seeks to resist the loss of buildings which are considered to make a positive contribution to the character or appearance of the conservation area, or where there is no acceptable scheme for redevelopment.

From an ecological point of view, there is potential for bat roosts and badger foraging on the site and suitable mitigation measures should be incorporated into the construction process to address the possibility of such activity. The site lies adjacent to a Site of Interest for Nature Conservation (SINC) and a landscaping scheme should include screening to minimise the impact of the proposed development on the SINC. If there are any issues regarding trees on the site, this will be reported at the meeting.

As part of the application process, it has been necessary for the Council to give a screening opinion as to whether an Environmental Impact Assessment was required. The proposals constitute 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 nature, size and location. This opinion was expressed taking into account all relevant matters, 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 were advised accordingly.

An accurate density figure relating to the housing development cannot be provided within this report due to the mixed nature of the proposal.

The main issues to be considered in this case are the impact of the proposal on the character and appearance of the conservation area and the impact on the residential amenities of the area.

## **Conclusions**

It is accepted that the ongoing maintenance of the church is expensive, and it can be considered to make a limited contribution to the Conservation Area, and on this basis its demolition may be considered acceptable.

The design of the church buildings may be considered acceptable subject to the use of appropriate materials. The plans indicate uPVC windows, soffits and fascias, however more suitable materials can be secured by condition and the applicant has agreed verbally that this will be acceptable. Similarly, suitable materials for the proposed houses can be secured through a condition. The scale, form and layout of the proposed development will result in a more intensive use of the site, but may be not considered to result in harm to the character and appearance of the Conservation Area, whilst the retention of the campanile can be considered to assist in maintaining its established character. The development should not result in an unacceptable impact on the residential amenities of nearby properties. On balance, the proposal may therefore be considered acceptable.

Background papers referred to during the production of this report comprise all correspondence on files refs. 04/01420, 04/01421, 06/01383, 06/01747, 07/02652 and 07/02700, 07/04350 and 07/04360, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

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

- |    |        |  |
|----|--------|--|
| 1  | ACA01  | Commencement of development 3 years      |
|    | ACA01R | A01 Reason 3 years                       |
| 2  | ACA04  | Landscaping Scheme - full app no details |
|    | ACA04R | Reason A04                               |
| 3  | ACA07  | Boundary enclosure - no detail submitted |
|    | ACA07R | Reason A07                               |
| 4  | ACB01  | Trees to be retained during building op. |
|    | ACB01R | Reason B01                               |
| 5  | ACB02  | Trees - protective fencing               |
|    | ACB02R | Reason B02                               |
| 6  | ACB03  | Trees - no bonfires                      |
|    | ACB03R | Reason B03                               |
| 7  | ACB04  | Trees - no trenches, pipelines or drains |
|    | ACB04R | Reason B04                               |
| 8  | ACB16  | Trees - no excavation                    |
|    | ACB16R | Reason B16                               |
| 9  | ACC01  | Satisfactory materials                   |
|    | ACC01R | Reason C01                               |
| 10 | ACC03  | Details of windows                       |
|    | ACC03R | Reason C03                               |
| 11 | ACD02  | Surface water drainage - no det. submitt |
|    | ACD02R | Reason D02                               |
| 12 | ACD04  | Foul water drainage - no details submitt |
|    | ACD04R | Reason D04                               |
| 13 | ACH03  | Satisfactory parking - full application  |
|    | ACH03R | Reason H03                               |
| 14 | ACH16  | Hardstanding for wash-down facilities    |
|    | ACH16R | Reason H16                               |

- 15 ACH22 Bicycle Parking  
ACH22R Reason H22
- 16 ACH24 Stopping up of access  
ACH24R Reason H24
- 17 ACI02 Rest of "pd" Rights - Class A, B,C and E  
**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interests of the visual and residential amenities of the area.
- 18 ACK08 Archaeological access  
ACK08R K08 reason
- 19 ACK09 Soil survey - contaminated land  
ACK09R K09 reason
- 20 ACL01 Energy Strategy Report  
ACL01R L01 reason
- 21 No new accesses shall be created along the northern boundary of the site.  
**Reason:** In order to prevent damage to the Site of Interest for Nature Conservation and to defer the flow of people at this boundary and to discourage dumping.
- 22 No infiltration system shall be constructed in odorous or visually contaminated land.  
**Reason:** In order to prevent pollution of groundwater.
- 23 Any infiltration system shall be constructed in natural ground, such that its base is at least 1m above the highest seasonal watertable and in any case no deeper than 3m.  
**Reason:** In order to prevent pollution of groundwater.
- 24 No demolition of buildings shall take place until a survey has been carried out to ascertain if any bats are roosting in the buildings concerned. If any bats are discovered, details shall be submitted to and approved in writing by the Local Planning Authority of the timing of the works and any necessary mitigation measures. The works shall be carried out in accordance with the approved timing and mitigation measures.  
**Reason:** In order to comply with Policy NE3 of the Unitary Development Plan and in order to safeguard the interests and wellbeing of bats on the site and which are specifically protected by the Wildlife and Countryside Act 1981 (as amended).
- 25 Trenches dug during construction shall have a 30 degree slope at one end to allow any badgers that fall in to escape.  
**Reason:** In order to comply with Policy NE3 and in order to safeguard the interests and well-being of badgers.
- 26 Soakaways shall be constructed in a single day or should be covered overnight.  
**Reason:** In order to comply with Policy NE3 and in order to safeguard the interests and well-being of badgers.
- 27 The development hereby permitted shall not be first used/occupied until the works required to provide the improved footway width in Kent Road and High Street and visibility to the point of vehicular egress from the site across the adjoining sites of Rowlands Manor and the doctor's surgery have been implemented in accordance with the approved plans.  
ACH11R Reason H11
- 28 The development hereby permitted shall not be first used/occupied until details of a scheme for the imposition of a one-way vehicular movement through the site has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in accordance with the approved details to the Local Planning Authority's satisfaction. The scheme shall remain permanently in place thereafter.  
ACH11R Reason H11

- 29 While the development hereby permitted is being carried out, provision shall be made to accommodate operatives and construction vehicles loading, off-loading, parking and turning within the site in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority and such provision shall remain available for such uses to the Authority's satisfaction throughout the course of the development.  
ACH11R Reason H11
- 30 Prior to first use/occupation of the development hereby permitted the developer shall submit written certification to the Local Planning Authority that the access road and parking areas have been lit in accordance with BS 5489-1:2003. Such lighting shall be permanently remained thereafter.  
ACH11R Reason H11
- 31 The church and the church hall shall not be used concurrently.  
**Reason:** In order to provide adequate parking on site and to comply with Policy T3 of the Unitary Development Plan.
- 32 AJ02B Justification UNIQUE reason OTHER apps

#### Policies (UDP)

- BE1 Design of New Development  
BE11 Conservation Areas  
BE12 Demolition in Conservation Areas  
H7 Housing Design  
NE2 Development and Nature Conservation Sites  
NE3 Nature Conservation and Development  
NE7 Development and trees  
ER7 Contaminated land  
C1 Community Facilities  
C3 Access to Buildings for People with Disabilities  
T3 Parking  
T18 Road Safety

#### Policies (London Plan)

- 4B.1 Design Principles for a Compact City  
4B.7 Respect local context and communities  
4B.11 Heritage Conservation

#### INFORMATIVE(S)

- 1 RDI16 Layout of crossovers etc
- 2 Development which involves a culvert or an obstruction to flow on an ordinary watercourse will require Environment Agency consent under the Land Drainage Act 1991. In the case of an Ordinary Watercourse in an internal drainage district, the consent of the Internal Drainage Board, instead of the Environment Agency, is required for the above works under Section 23 of the Land Drainage Act 1991. An ordinary watercourse is defined as any watercourse not identified as a main river on maps held by the Environment Agency and DEFRA. If you would like further information, please contact Priscilla Mumby on 01732 223248.
- 3 Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is currently required for any discharge of sewage or trade effluent onto or into ground and for surface runoff into groundwater. Such consent may be withheld. If there is existing discharge consent, the applicant

should ensure that any increase in volume is permitted under the present conditions. If you would like further information, please contact Priscilla Mumby on 01732 223248.

- 4 It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
- 5 Before the existing building is demolished, the applicant should contact the Health and Safety Executive to ensure compliance with regulations concerning the removal and disposal of asbestos products.

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**26. Application No : 07/04360/CAC Ward : Cray Valley East**

**Address : St. Joseph's R.C. Church High Street St. Conservation Area: St Mary Cray**  
**Mary Cray Orpington Kent**

**OS Grid E: 547103 N: 167446**

**Ref:**

**Applicant : The Trustees Of The Roman Catholic Objections : YES**  
**Archdiocese Of Southwark**

**Description of Development:**

**Demolition of existing church (excluding bell tower)/ church hall/ presbytery (Conservation Area Consent)**

**Joint report with application ref. 07/04350**

as amended by documents received on 10.09.2007

**RECOMMENDATION: GRANT CONSERVATION AREA CONSENT**

**subject to the following conditions:**

- 1 ACG01 Listed Building Conservation Area Consen  
ACG01R Reason G01
- 2 AJ05B Justification CONSERV AREA CONSENT

Policies (UDP)

BE1 Design of New Development  
BE11 Conservation Areas  
BE12 Demolition in Conservation Areas  
H7 Housing Design

Policies (London Plan)

4B.7 Respect local context and communities  
4B.11 Heritage Conservation

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**27. Application No : 07/04408/FULL6 Ward :  
Petts Wood And Knoll**

**Address : 40 Princes Avenue Petts Wood Conservation Area:NO  
Orpington Kent BR5 1QS**

**OS Grid E: 545155 N: 167627**

**Ref:**

**Applicant : Mr And Mrs Barritt**

**Objections : YES**

**Description of Development:**

**Single storey side/rear extensions.**

**Proposal**

The application site is a 2-storey, semi-detached dwelling situated on the northern side of Princes Way in Petts Wood. The property falls within an Area of Special Residential Character. The road is fronted by similar types houses of various designs on similar sized plots and the majority of the properties are built to a regular building line.

The proposal comprises single storey side and rear extensions.

The current application follows on from a previous Certificate of Lawfulness application that was granted in November 2007 for the demolition of the existing car port and the construction of a half hip roof extension and rear dormer extension.

**Consultations**

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

- overdevelopment of this type of property;
- side extensions give the effect of terraced properties;



- the side extension may have a negative impact upon character of the properties along this road;
- concerns over the height of the proposed side extension;
- the rear extension will lead to loss of sunlight for adjoining property;
- objection to building on driveways up to the front 'building line' of properties;

The full texts are available to view on the planning application file.

## **Planning Considerations**

The proposal falls to be considered with regard to policies BE1, H8 and H10 of the Unitary Development Plan.

Policy BE1 requires a high standard of design in new development generally, and seeks to protect the amenities of the occupants of neighbouring properties.

Policy H8 aims to ensure that residential extensions respect the scale, form and spatial standards of the surrounding area, and protect the privacy and amenities of adjoining properties.

Policy H10, Areas of Special Residential Character, states that applications will be required to respect and complement the established and individual qualities of the individual areas, and the Council will seek to protect the environmental character.

As regards to history, the demolition of car port and construction of half hip and rear dormer extensions were considered lawful under a certificate of lawfulness for a proposed development under ref. 07/03535.

## **Conclusions**

The main issues of this case appear to be the impact in the Area of Special Residential Character and the amenities of the adjacent properties. The proposed extension will effectively replace the carport that is to be demolished under the previously granted Certificate of Lawfulness. The proposed side extension is to measure approximately 1.55m in width which will be narrower than the existing carport. The side extension is then to extend by approximately 8.55m in depth before joining up to the proposed single storey rear extension.

The proposed single storey rear extension will not be visible from the roadside and will project by approximately 3.5m in depth from the rear elevation of the original dwellinghouse. The width of the proposed rear extension is to measure approximately 8.75m and the flank walls of the rear extension will be located approximately 0.9m from the eastern property boundary in order to retain the spatial standards and approximately 0.15m from the western property boundary in order to allow for the proposed roof along the western boundary.

It is considered that the orientation of the application site is favourable towards the proposed extensions and should not result in additional loss of light or prospect for the residents of either the adjoining or the neighbouring property. It is also considered that there is a sufficient distance being retained between the flank wall of the proposed extensions and the eastern property boundary to provide adequate separation and to prevent a cramped appearance from the roadside. It could be argued that the removal

of the existing carport (granted under ref. 07/03535) which is currently built up to the property boundary shared with No. 38 Princes Avenue and the replacement single storey side extension under consideration within the current application would lead to a more aesthetically pleasing development on this particular site as the side extension can be built with materials to match the existing dwellinghouse and will provide greater separation between the site and No. 38, leading to improved spatial standards that would benefit the character of the area of special residential character.

Similar rearward extension of garages can be seen in Princes Avenue, both Nos. 27 (ref. BC/83/73265/OTH) and 49 (ref. BC/82875/SR) have extended their garages 3.10m and 3.05m respectively. No. 32 Princes Avenue were also granted planning permission under ref. 04/03461 for part one/two storey side and two storey rear extensions. It is considered that this form of development is similar to that currently proposed at No. 40, and in the case of No. 32, this development is significantly larger than the development proposed under the current application at No. 40 Princes Avenue.

Given the plans that have been received, it is considered that the siting, size and design of the proposed extension would be acceptable in that it would not result in a significant loss of amenity to local residents, nor would it impact detrimentally on the character of the area or special residential character.

Background papers referred to during production of this report comprise all correspondence on file ref. 07/04408, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

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

- |   |        |   |                       |
|---|--------|---|-----------------------|
| 1   | ACA01  | Commencement of development 3 years     |                       |
|   | ACA01R | A01 Reason 3 years                      |                       |
| 2   | ACC04  | Matching materials                      |                       |
|   | ACC04R | Reason C04                              |                       |
| 3   | ACI07  | Restrict to members of household (1 in) | at 40 Princes Avenue, |
|   |        | Petts Wood                              |                       |
|   | ACI07R | Reason I07                              |                       |
| 4   | ACK01  | Compliance with submitted plan          |                       |
| <b>Reason:</b> In order to protect the amenities of the residents of neighbouring properties and to preserve the character of the area. |        |   |                       |
| 5   | AJ02B  | Justification UNIQUE reason OTHER apps  |                       |

Policies (UDP)

BE1 Design of new development

H8 Residential extensions

H10 Areas of special residential character



This property has been previously extended, under ref. 69/1957 to form a double garage to the front of the property. Following this in 1971 a single storey side extension was permitted for a utility room. In 1972 an application for a single storey extension to the side of the property to form a dressing room, play room and billiards room was refused. However, this was permitted at appeal as the inspector concluded that the extension could not be seen from the front of the property as the existing garage blocked the view, and therefore the inspector did not feel that the extension impacted on the openness of the Green Belt. Then in 1973 permission was granted for front, side and rear dormers and bay windows to the playroom and dining room.

Policy G4, Extensions and Alterations to dwelling houses within the Green Belt, states that extensions and alterations to the dwelling house should only be permitted if the net increase of the floor area over that of the original house is less than 10%, the size, siting, materials and design do not harm the visual amenities or the open or rural character and the development does not result in a significant detrimental change in the overall form, bulk or character of the original dwelling house.

Policy BE1, Design of New Development, states that all proposals should be of a high standard of design and layout, and should be attractive, complement the scale, form, layout and materials of the adjacent buildings and respect the existing street scene.

Policies H8, Residential Extensions, states that the design and layout of proposals should respect the host dwelling, compatible with development in the surrounding area and space between buildings should be respected or maintained when these contribute to the character of the area.

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

At present the existing additions are approximately 98% over the original building, therefore combined with the proposed extension the overall increase of floor area would be contrary to Policy G4 which states that there should be no more than a 10% net increase of the original dwelling house to prevent material changes to the bulk of the building. The maximum increase including existing and proposed extensions are approximately 130% above the original property. Whilst the proposals are considered to have a satisfactory design and a clear benefit will be gained as a result of the removal of the garage at the front, the overall increase proposed will result in a significant change in the bulk of the building and is therefore inappropriate in Green Belt policy terms.

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

Background papers referred to during production of this report comprise all correspondence on file ref. 07/03885, excluding exempt information.

as amended by documents received on 28.11.2007 8.1.2008

## **RECOMMENDATION: PERMISSION BE REFUSED**

### **The reasons for refusal are:**

- 1 The property is situated within the Green Belt and the cumulative impact of the proposed extension together with the previous addition would result in inappropriate development, harmful to the openness and character of the Green Belt contrary to Policy G4 of the Unitary Development Plan regarding development, alterations or conversions in the Green Belt.
- 

**29. Application No : 07/03978/FULL6 Ward : Cray Valley East**

**Address : The Barn Chapmans Lane Orpington Conservation Area:NO  
Kent BR5 3JA**

**OS Grid Ref: E: 548323 N: 169036**

**Applicant : Mr B Nolan Objections : YES**

### **Description of Development:**

**Erection of 1200mm high tubular balustrade to enclose flat roof terrace area  
RETROSPECTIVE APPLICATION**

### **Proposal**

This is a retrospective application for the retention of 1200mm high tubular balustrade to enclose flat roof terrace area. This is a detached dwelling situated on the southern side of Chapmans Lane about  $\frac{3}{4}$  miles east of the junction with Main Road. This site is sited within the Green Belt and the surrounding area is distinctly rural in character.

### **Consultations**

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

- loss of privacy

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan:

Policy BE1, Design of New Development, states that all proposals should be of a high standard of design and layout, and should be attractive, complement the scale, form, layout and materials of the adjacent buildings and respect the existing street scene.

Policy H8, Residential Extensions, states that the design and layout of proposals should respect the host dwelling, compatible with development in the surrounding area and space between buildings should be respected or maintained when these contribute to the character of the area.

Policy G4, Extensions and Alterations to dwelling houses within the Green Belt, states that extensions and alterations to the dwelling house should only be permitted if the net increase of the floor area over that of the original house is less than 10%, the size, siting, materials and design do not harm the visual amenities or the open or rural character and the development does not result in a significant detrimental change in the overall form, bulk or character of the original dwelling house.

This property has received a previous refusal for planning permission for first floor rear extension under refs. 02/03920, 04/02779 and Appeal ref. AP/04/00325.

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

This property has been extensively extended in the past, under ref. 77/1400 a single storey side extension which had a floor area of  $\sim 62.15\text{m}^2$ . Under reference 84/01774 permission was granted for an enclosure of a swimming pool and this floor area has been calculated at  $\sim 71.34\text{m}^2$ , also there is a conservatory which has a floor area of  $\sim 11.78\text{m}^2$ . This gives a total net increase of  $\sim 114\%$  which is contrary to Policy G4 which states that there should be no more than a 10% net increase of the original dwelling house.

This current application is for the formation of a rear roof terrace. This will be located on top of the 1977 rear extension. There is concern that the formation of this balcony will have a detrimental impact on the character of the area as the cumulative impact may be considered inappropriate to permit such a large roof terrace.

With regard to the above Members are asked to consider the development in the manner proposed and judge if the proposal would be harmful to the Green Belt and contrary to the adopted policy. It is also noted that a decking area has been constructed since the summer of 2004. This element would appear to require the benefit of planning permission.

Background papers referred to during production of this report comprise all correspondence on files refs. 77/1400, 84/1774, 02/03920, 04/02779 and Appeal ref AP/04/00325, excluding exempt information.

## **RECOMMENDATION: PERMISSION BE REFUSED**

**The reasons for refusal are:**

- 1 The property is situated within the Green Belt and the cumulative impact of the proposed creation of a roof terrace with associated balustrade would result in inappropriate development, harmful to the character of the Green Belt contrary to Policy G4 of the Unitary Development Plan regarding development, alterations or conversions in the Green Belt.

Further Recommendation:

Enforcement action authorised to sever the removal of the unauthorised balustrade on the flat roof.

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**30. Application No : 07/04578/FULL1 Ward : Kelsey And Eden Park**

**Address : The Haven Kelsey Lane Beckenham Conservation Area:NO  
Kent BR3 3NE**

**OS Grid Ref: E: 537249 N: 169079**

**Applicant : Mr A Hooton Objections : YES**

**Description of Development:**

**Demolition of existing dwelling and erection of 1 five bedroom and 2 three bedroom detached houses with accommodation in the roofspace and associated parking**

**Proposal**

The application site comprises a 19<sup>th</sup> Century detached house, which has been proposed for local listing. The surrounding development is characterised by inter-war detached and semi-detached two storey houses.

This application proposes the demolition of No.27 (The Haven), and the erection of 3 two storey detached houses, each comprising accommodation within the roofspace with off street parking. The proposed houses are a minimum of 2m apart. Proposed plot widths vary from 9.5m to approximately 13m.

**Consultations**

There have been a large number of local objections raised in respect of the application which are summarised below:

- overdevelopment of the plot

- not in-keeping with street scene
- not adequate parking
- increased traffic in small lane (in constant use by pedestrians)
- contrary to Policy H7 and H11 (residential conversions) of UDP
- same as withdrawn scheme
- loss of gardens and wildlife
- loss of attractive property “The Haven”
- valuable historic 1800 building which is part of Beckenham’s architectural history
- currently being considered for local listing
- loss of mature trees
- density too high
- loss of privacy for surrounding properties
- roofspace accommodation could be used as additional bedrooms and proposal is misleading
- no site or floor levels indicated
- style of new development out of character with surrounding area
- triangular area of land bordering Kelsey Lane does not form part of original title deed for ‘The Haven’- questions raised to ownership (area in only passing place in Kelsey Lane)
- proposal encroaches on public highway
- increase in occupancy and noise levels
- no garages
- no public sewer in Kelsey Lane
- no working space on the site to carry out construction
- detrimental impact on No.25 by reason of loss of sunlight and daylight, loss of privacy and outlook
- questions raised into ownership of land at north-eastern corner of plot
- increased pollution
- reduction of property values
- reduction of spatial standards
- depth of foundations will need to be deeper than average
- careful consideration needed regarding soakaways
- increase flooding risk
- no demand for such houses

An objection has also been received on behalf of the Kelsey Lane Residents Association which can be summarised as follows -

- the existing house adds character to the lane
- provides pleasant vista to houses opposite, local residents and other frequenting the lane
- important trees will be destroyed- they should be preserved
- traffic and parking is already an issue
- proposal will lead to further congestion
- proposed car parking is inadequate
- over-densification of the site- inconsistent with surrounding properties
- proposed houses will overlook houses opposite in Kelsey Lane
- loss of privacy, light and sunlight to No.25
- doubts over boundary line at front- does not appear to belong to The Haven



Any further comments received will be reported verbally.

Thames Water has raised no objections to the impact of the development regarding sewerage and water infrastructures, neither are there any technical objections from the Council's drainage section.

No technical objections are raised in respect of trees at the site as they are not considered to have any significant amenity value.

To date, comments have not been received from the Council's Highway division regarding the proposed scheme. Any comments received will be reported verbally at the meeting.

### **Planning Considerations**

An identical scheme was recently withdrawn by the applicant under ref. 07/03790.

In considering the application the main policies are H1, H7, H9, BE1, T3 and T18 of the Unitary Development Plan. These concern the housing supply density and design of new housing/new development, the provision of adequate car parking and new accesses and road safety.

Policy H1 (v) seeks to make most effective use of land in accordance with the density/location matrix in Table 4.2. Policy H7 aims to ensure that new residential development respects the existing built and natural environment, is of appropriate density and respects the spatial standards of the area as well as amenities adjacent occupiers, and allows adequate light penetration into and between buildings.

Policy BE1 requires a high standard of design in new development generally, and seeks to protect the amenities of the occupants of neighbouring properties.

Policy T3 seeks to ensure that off street parking provisions for new development are to approved standards. Policy T18 requires that issues of road safety are considered in determining planning applications.

Government guidance in the form of PPS3 "Housing" generally encourages higher density developments in appropriate locations, while emphasising the role of good design and layout to achieve the objectives of making the best use of previously developed land and improving the quality and attractiveness of residential areas, but without compromising the quality of the environment.

The London Plan now also forms part of the development plan where Policies 4B.1, 4B.3, and 4B.7 are relevant. Policy 3D.12 (Biodiversity and Nature Conservation) is also relevant on the site. This policy states that the planning of new development should have regard to nature conservation, and where appropriate opportunities should be taken to achieve positive gains through the form and design of development.

### **Conclusions**

The main issues in this case are whether this type of development is acceptable in principle in this location, the likely impact of the proposed scheme on the character and appearance of the surrounding area and on the amenities of neighbouring residential

properties, having particular regard to the density, layout and design of the proposed scheme. Consideration is also given to the amenity value of the existing dwelling.

The existing building is proposed for local listing. It is felt that 'The Haven' positively contributes to the character of the area and its demolition should be resisted.

In terms of side space to the boundary, the proposed house will be comparable to some of the surrounding development. However, in terms of the amount of development proposed in relation to the size of the site it is considered that the proposal would be inconstant with the established character and spatial standards of the surrounding area. As a result, the proposal would result in the cramped overdevelopment of the site. The proposed garden lengths vary between approximately 2.5m to 13m, given the irregular shaped plot. The length of gardens proposed is not considered acceptable. In particular, 'House A' is very close to the adjoining gardens.

Regarding residential amenity, it is considered that the development in the manner proposed would result in an unacceptable degree of overlooking and loss of prospect to the adjoining neighbours. This is given the proximity of the proposed houses in relation to the existing properties.

Background papers referred to during production of this report comprise all correspondence on files refs. 07/04578 and 07/03790, excluding exempt information.

## **RECOMMENDATION: PERMISSION BE REFUSED**

### **The reasons for refusal are:**

- 1 The proposal would result in a cramped overdevelopment of the site by reason of the amount of buildings and hard surfaces, out of character with the surrounding area and thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.
  - 2 The proposal will result in the loss of a 'The Haven' which is considered to make a significant contribution to the character and appearance of the surrounding area.
  - 3 The proposal would be detrimental to the amenities that the occupiers of adjoining properties might expect to be able to continue to enjoy by reason of visual impact, loss of prospect and privacy, contrary to Policy BE1 of the Unitary Development Plan.
-

**31. Application No : 07/04582/OUT Ward : Kelsey And Eden Park**

**Address : 26 Kelsey Way Beckenham Kent BR3 Conservation Area:NO  
3LL**

**OS Grid Ref: E: 537212 N: 168787**

**Applicant : Mr And Mrs Griffin Objections : YES**

**Description of Development:**

**Erection of two storey three bedroom house (at land r/o 26 Kelsey Way)/creation of access road from Kelsey Lane/partial demolition and single side extensions and detached garage to 49 Kelsey Lane OUTLINE APPLICATION**

**Proposal**

The application site is currently used as a tennis court. The area surrounding the site is predominately characterised by detached and semi-detached houses set within generous plots.

This application seeks outline permission for scale and means of access. These issues will be considered at this stage, whilst the appearance, landscaping, scale and other matters will be dealt with as reserved matters.

Permission is sought for the erection of a two storey detached house, with an access road from Kelsey Lane. In order to accommodate the access road in this location, alterations are required to the existing bungalow at No. 49 Kelsey Lane, which include the partial demolition of the northern flank, along with reconfigured accommodation on the southern side of the building.

**Consultations**

There have been a large number of local objections raised in respect of the application which are summarised below -

- siting, design and appearance of proposed building is out of character with surrounding development
- set a precedent for similar developments (inc. houses demolished and replaced with smaller dwellings)
- Kelsey Lane is not in good state of repair-unlit, unpaved, not suitable as access
- increase in traffic would lead to further deterioration
- undesirable construction traffic
- restrictive covenants- (No. 49 Kelsey Lane land not to be used as a roadway or approach to adjoining land)
- length and position of access road
- highway safety concerns
- alterations to No. 49 will lead to loss of view from No. 34 Kelsey Way
- building works create problem with surface water run-off and eroding of Kelsey Lane

- loss of outlook
- trees worthy of TPOs
- dominant and visually intrusive from Nos. 28 and 30 Kelsey Way
- impact on privacy of adjoining properties
- inappropriate cramped backland development
- impact on Locally Listed building (Beau Lodge)
- loss of light to Beau Lodge
- detrimental to house prices

Any further comments received will be reported verbally.

Objections have been raised in respect to the trees at the site. It is commented that although no trees of significant amenity value are affected by the proposal, there are concerns regarding the access arrangements, as excavations for the proposed drive would seriously affect the 2 mature oak trees in the rear garden of Bellapaia.

Thames Water has raised no objections to the impact of the development regarding sewerage and water infrastructures, neither are there any technical objections from the Council's drainage section.

The Council's Highways division have raised technical objections with regards to the proposed sightlines and pedestrian visibility splays.

### **Planning Considerations**

There is no recent planning history on the site.

In considering the application the main policies are H1, H7, H9, BE1, T3 and T18 of the Unitary Development Plan. These concern the housing supply density and design of new housing/new development, the provision of adequate car parking and new accesses and road safety.

Policy H1 (v) seeks to make most effective use of land in accordance with the density/location matrix in Table 4.2. Policy H7 aims to ensure that new residential development respects the existing built and natural environment, is of appropriate density and respects the spatial standards of the area as well as amenities adjacent occupiers, and allows adequate light penetration into and between buildings.

Policy BE1 requires a high standard of design in new development generally, and seeks to protect the amenities of the occupants of neighbouring properties.

Policy T3 seeks to ensure that off street parking provisions for new development are to approved standards. Policy T18 requires that issues of road safety are considered in determining planning applications.

Government guidance in the form of PPS3 "Housing" generally encourages higher density developments in appropriate locations, while emphasising the role of good design and layout to achieve the objectives of making the best use of previously developed land and improving the quality and attractiveness of residential areas, but without compromising the quality of the environment.

The London Plan now also forms part of the development plan where Policies 4B.1, 4B.3, and 4B.7 are relevant. Policy 3D.12 (Biodiversity and Nature Conservation) is also relevant on the site. This policy states that the planning of new development should have regard to nature conservation, and where appropriate opportunities should be taken to achieve positive gains through the form and design of development.

## **Conclusions**

The main issues in this case are whether this type of development is acceptable in principle in this location, the likely impact of the proposed scheme on the character and appearance of the surrounding area and on the amenities of neighbouring residential properties, having particular regard to the density, layout and design of the proposed scheme.

The proposed dwelling is in close proximity to Beau Lodge which is a Locally Listed Building. The Council will aim to protect the character and setting of locally listed buildings, and endeavour to shield them from unsympathetic development. In this case the proposed new dwelling would be sited in close proximity to Beau Lodge, however in the absence of illustrative drawings it is difficult to comment on the visual impact the aesthetics of the new building would have on the setting of the locally listed building.

That aside, it is felt that the principle of development in the manner proposed would result in an unsatisfactory form of backland development which the Council is generally minded to resist where it would result in a form of development out of character with the general pattern of development in the area. In this case, the application site is surrounded by existing properties which front a road or vehicular access. This scheme, given its backland location, proposes an undesirable means of access alongside No.49 Kelsey Lane.

With regards to residential amenity, the proposed two storey house will result in a detrimental loss to the residential amenities of the adjoining properties by reason of loss of privacy, prospect and overlooking.

Regarding the means of access, the proposed access road is not considered acceptable given the inadequate sight-lines or pedestrian sightlines provided, and as a result an access road in this location would be prejudicial to highway and pedestrian safety.

Background papers referred to during production of this report comprise all correspondence on file ref. 07/04582, excluding exempt information.

## **RECOMMENDATION: PERMISSION BE REFUSED**

### **The reasons for refusal are:**

- 1 The proposed development constitutes an undesirable form of backland development, out of character and scale with adjoining development and detrimental to the existing level of amenity which the occupants of neighbouring properties might reasonably expect to continue to enjoy in the form of secluded rear garden areas.

- 2 The proposed access road running along the party boundary and the general disturbance which would arise from its use, would be seriously detrimental to adjoining owners, hereby contrary to Policies H7 and BE1 of the Unitary Development Plan.
  - 3 The proposed means of access to the site would be inadequate to meet the needs of the development, in respect of provision of adequate visibility and as such the proposal would be prejudicial to the free flow of traffic and conditions of general road safety, thereby contrary to Policy T18 of the Unitary Development Plan.
  - 4 The proposed access arrangements would be likely to adversely affect the long term future of two mature oak trees at the rear of Bellapais, detrimental to the visual amenities of the locality and thereby contrary to Policy NE7 and BE1 of the Unitary Development Plan.
-