



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333 CONTACT: Lisa Thornley
lisa.thornley@bromley.gov.uk

THE LONDON BOROUGH DIRECT LINE: 020 8461 7914
www.bromley.gov.uk FAX: 020 8290 0608 DATE: 8 June 2010

To: Members of the
PLANS SUB-COMMITTEE NO. 4

Councillor Alexa Michael (Chairman)
Councillor Simon Fawthrop (Vice-Chairman)
Councillors Peter Dean, Lydia Buttinger, Russell Jackson, Kate Lymer,
Richard Scoates, John Canvin and Peter Fookes

A meeting of the Plans Sub-Committee No. 4 will be held at Bromley Civic Centre on
THURSDAY 17 JUNE 2010 AT 7.00 PM

MARK BOWEN
Director of Legal, Democratic and
Customer Services.

Members of the public can speak at Plans Sub-Committee meetings on planning reports, contravention reports or tree preservation orders. To do so, you must have

- already written to the Council expressing your view on the particular matter, and
- indicated your wish to speak by contacting the Democratic Services team by no later than 10.00am on the working day before the date of the meeting.

These public contributions will be at the discretion of the Chairman. They will normally be limited to two speakers per proposal (one for and one against), each with three minutes to put their view across.

To register to speak please telephone Democratic Services on 020 8313 4745

If you have further enquiries or need further information on the content of any of the applications being considered at this meeting, please contact our Planning Division on 020 8313 4956

Information on the outline decisions taken will usually be available on our website (see below) within a day of the meeting.

**Copies of the documents referred to below can be obtained from
<http://sharepoint.bromley.gov.uk>**

A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF MINUTES OF MEETING HELD ON 15 APRIL 2010**
(Pages 5 - 10)
- 4 **PLANNING APPLICATIONS**

SECTION 1 (Applications submitted by the London Borough of Bromley)

Report No.	Ward	Page Ref.	Application Number and Address
			NO REPORTS

SECTION 2 (Applications meriting special consideration)

Report No.	Ward	Page Ref.	Application Number and Address
4.1	Cray Valley East	11 - 20	(10/00211/FULL2) - Crouch Farm, Crockenhill Road, Swanley.
4.2	Shortlands	21 - 24	(10/00512/FULL1) - 143 Westmoreland Road, Bromley.
4.3	Bromley Town	25 - 32	(10/00756/FULL1) - Sussex House, 8-10 Homesdale Road, Bromley.
4.4	Chislehurst	33 - 38	(10/00776/FULL2) - 76 Green Lane, Chislehurst.
4.5	Copers Cope	39 - 44	(10/00893/FULL1) - 14 Robins Court, 77 Bromley Road, Beckenham.
4.6	Kelsey and Eden Park	45 - 50	(10/00971/FULL2) - Elmer Lodge, 11 Dunbar Avenue, Beckenham.
4.7	Penge and Cator	51 - 54	(10/01002/FULL6) - 42 Chesham Road, Penge, London SE20.

4.8	Cray Valley East	55 - 58	(10/01059/FULL6) - 11 Renton Drive, Orpington.
4.9	Biggin Hill	59 - 68	(10/01111/OUT) - 36 Polesteeple Hill, Biggin Hill.
4.10	Chislehurst	69 - 74	(10/01174/FULL1) - Babington House School, Grange Drive, Chislehurst.
4.11	Petts Wood and Knoll	75 - 82	(10/01199/FULL1) - Land adjacent to 10 Westholme, Orpington.
4.12	Kelsey and Eden Park; Conservation Area	83 - 88	(10/01252/FULL1) - Land adjacent to 66 Manor Way, Beckenham.
4.13	Chislehurst; Conservation Area	89 - 94	(10/01271/FULL1) - Farringtons School, Perry Street, Chislehurst.

SECTION 3 (Applications recommended for permission, approval or consent)

Report No.	Ward	Page Ref.	Application Number and Address
4.14	Plaistow and Sundridge	95 - 98	(09/03071/FULL2) - 14 Farwig Lane, Bromley.
4.15	Chislehurst; Conservation Area	99 - 104	(10/00226/FULL1) - Rear of 113 High Street, Chislehurst.
4.16	Bromley Common and Keston	105 - 112	(10/00436/FULL6) - Badgers, Leafy Grove, Keston
4.17	Crystal Palace	113 - 120	(10/00881/FULL1) - Land rear of 21 to 29 Thicket Road, Penge, London SE20.
4.18	Bickley	121 - 126	(10/00945/FULL1) - Bullers Wood School for Girls, St Nicolas Lane, Chislehurst.
4.19	Chislehurst; Conservation Area	127 - 132	(10/01281/FULL6) - 7 Heathfield, Chislehurst.

SECTION 4 (Applications recommended for refusal or disapproval of details)

Report No.	Ward	Page Ref.	Application Number and Address
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4.20	Mottingham and Chislehurst North	133 - 136	(10/00687/FULL6) - 34 Beaconsfield Road, Mottingham, London SE9.
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5 CONTRAVENTIONS AND OTHER ISSUES

Report No.	Ward	Page Ref.	Application Number and Address
5.1	Hayes and Coney Hall	137 - 138	(DRR/10/00065) - 39 Chestnut Avenue, West Wickham

THE ATTACHED REPORT(S) MISSED CIRCULATION WHEN THE AGENDA WAS PUBLISHED.

5.2	Cray Valley West	139 - 144	(LDCS10114) - Direct Action Under S219 of the Town and Country Planning Act 1990 (As Amended) in Respect of 14 Broomwood Road, Orpington
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6 TREE PRESERVATION ORDERS

Report No.	Ward	Page Ref.	Application Number and Address
6.1	Mottingham and Chislehurst North	145 - 148	(ES TPO 2350) - Objections to Tree Preservation Order 2350 at Carters Hill Close, Mottingham

7 MATTERS FOR INFORMATION:- ENFORCEMENT ACTION AUTHORISED BY CHIEF PLANNER UNDER DELEGATED AUTHORITY

NO REPORTS

PLANS SUB-COMMITTEE NO. 4

Minutes of the meeting held on 15 April 2010

Present:

Councillor Gordon Jenkins (Chairman)
Councillor Alexa Michael (Vice-Chairman)
Councillors Nicholas Bennett JP, Martin Curry, Peter Dean,
Robert Evans, Jennifer Hillier, Gordon Norrie and Karen Roberts

Also Present:

Councillor Colin Smith and Councillor Catherine Rideout

33 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

An apology for absence was received from Councillor Simon Fawthrop; Councillor Nicholas Bennett JP attended as his alternate.

34 DECLARATIONS OF INTEREST

Councillor Nicholas Bennett JP declared an interest in Item 4.3; he remained in the room but did not take part in the discussion or vote.

Councillor Peter Dean declared a personal interest in Item 4.3.

35 CONFIRMATION OF MINUTES OF MEETING HELD ON 18 FEBRUARY 2010

RESOLVED that the Minutes of the meeting held on 18 February 2010 be confirmed and signed as a correct record.

36 PLANNING APPLICATIONS

SECTION 1

(Applications submitted by the London Borough of Bromley)

36.1 Penge and Cator

(09/02898/DEEM3) - The Groves Day Nursery, Woodbine Grove, Penge, London SE20.

Description of application - Door with access ramp and balustrade on north east elevation.

It was noted that the report's recommendation had been omitted; this should have read 'PERMISSION'. Members having considered the report **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

SECTION 2

(Applications meriting special consideration)

**36.2
Farnborough and Crofton**

(09/03496/EXTEND) - 2 Pondfield Road, Orpington.
Description of application - Extension of time limit for implementation of permission reference DC/06/03806 granted for two bedroom chalet dwelling.

The Chief Planner clarified the position of the proposed development on the site map contained within the report.

Oral representations in objection to the application were received at the meeting.

Comments from Ward Member, Councillor Charles Joel in support of the application were reported at the meeting.

It was reported that further objections to the application had been received.

Members having considered the report, objections and representations **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner.

**36.3
West Wickham**

(10/00113/FULL6) - 28 Manor Park Road, West Wickham.

Description of application - Single storey rear extension RESTROSPECTIVE APPLICATION.

Oral representations in support of the application were received at the meeting.

Members having considered the report and representations **RESOLVED that PERMISSION BE GRANTED.**

**36.4
Cray Valley East**

(10/00211/FULL2) - Crouch Farm, Crockenhill Road, Swanley.

Description of application - Change of use of agricultural buildings to Class B1/B8 commercial use including elevational alterations and ancillary car and van parking spaces.

THIS REPORT WAS WITHDRAWN BY THE CHIEF PLANNER.

**36.5
Bickley**

(10/00230/FULL1) - Land East Side, Blackbrook Lane, Bickley.

Description of application - 96 dwellings (72 houses and 24 flats - 2 one bedroom/22 two bedroom/

27 three bedroom/38 four bedroom/7 five bedroom) with estate roads and pedestrian routes, 144 car parking spaces and open space.

Oral representations in objection to and in support of the application were received. Oral representations from Ward Member, Councillor Catherine Rideout in objection to the application were received at the meeting.

It was reported that further objections to the application had been received. It was also reported that a letter of support from Bob Neil MP had been received.

Comments from the GLA were reported at the meeting.

Members having considered the report, objections and representations **RESOLVED that PERMISSION BE REFUSED** as recommended for the reasons set out in the report of the Chief Planner with reason 2 amended to read:-

'2 The introduction of built development on this site will be injurious to the openness and visual amenity of the Green Belt Land contrary to Policy G1 of the Unitary Development Plan, Policy 3D.9 of the London Plan and Central Government advice in PPG2 'Green Belts'. This part of the Green Belt makes an important contribution to maintaining the openness of the area between Bickley and Petts Wood thereby preventing in part coalescence of urban areas.'

A further ground for refusal was also added to read:-
'4 The proposal, by reason of the type and number of residential units, would be out of character with the surrounding area, contrary to Policies H7 and BE1 of the Unitary Development Plan and policies 3A.3 and 4B.1 of the London Plan.

**36.6
Farnborough and Crofton
Conservation Area**

(10/00308/FULL6) - 9 Park Avenue, Farnborough, Orpington.

Description of application - First floor side and rear extensions, creation of second floor loft room accommodation with front and rear dormers and elevational alterations.

Oral representations in support of the application were received at the meeting.

Members having considered the report, objections and representations **RESOLVED that PERMISSION BE GRANTED** for the reasons and subject to the conditions set out in the report of the Chief Planner.

36.7
Farnborough and Crofton
Conservation Area

(10/00316/CAC) - 9 Park Avenue, Farnborough, Orpington.

Description of application - Demolition of existing roof (Conservation Area Consent).

Members having considered the report **RESOLVED that CONSERVATION AREA CONSENT BE GRANTED** for the reason and subject to the condition set out in the report of the Chief Planner.

36.8
Chislehurst

(10/00330/FULL6) - 47 Elmstead Lane, Chislehurst.

Description of application - Roof alterations with rear dormer with Juliet balcony and front dormer and 2 roof lights. Single storey canopy to front, creation of patio steps and driveway with retaining walls to front. Front railings and gates. Detached double garage.

Oral representations in objection to and in support of the application were received at the meeting.

Members having considered the report, objections and representations **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions and informative set out in the report of the Chief Planner.

SECTION 3

(Applications recommended for permission, approval or consent)

36.9
Orpington

(09/02232/FULL2) - 47 Eldred Drive, Orpington.

Description of application - Change of use of ground floor from retail (Class A1) to hot food takeaway (Class A5) with ventilation ductwork at rear.

Comments from the agent on behalf of the applicant were reported at the meeting.

Members have considered the report and objections **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner with the addition of an informative to read:-

'INFORMATIVE

The applicant is advised that an application which seeks to extend the approved opening hours is unlikely to be favourably received because of the need to protect and respect residential amenity.'

**36.10
Petts Wood and Knoll**

(10/00008/FULL6) - 39 Broadcroft Road, Petts Wood, Orpington.

Description of application - Single storey side and rear extension.

Oral representations in objection to the application were received at the meeting.

Comments from Ward Member, Councillor Simon Fawthrop were reported at the meeting.

Members have considered the report, objections and representations **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

**36.11
Bickley**

(10/00266/FULL6) - 17 Hawthorne Road, Bickley, Bromley.

Description of application - Outdoor tennis court with 2.75 metres high chain link fence in rear garden.

Members having considered the report **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

**36.12
Copers Cope**

(10/00474/OUT) - 2 Stanley Avenue, Beckenham.

Description of application - Detached 2 storey four bedroom house with integral garage with vehicular access fronting Stanley Avenue and part 2/3 storey terrace comprising 2 five bedroom and 4 four bedroom houses, car parking spaces and vehicular access fronting Overbury Avenue, plus associated refuse and cycle provision.

Oral representations in support of the application were received at the meeting.

Members having considered the report, objections and representations **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner.

SECTION 4

(Applications recommended for refusal or disapproval of details)

**36.13
Darwin**

(10/00192/VAR) - Archies Stables, Cudham Lane North, Cudham, Sevenoaks.

Description of application - Variation of condition 07 of 08/00559 and condition 12 of 08/03254 to allow stationing of caravan ancillary to the keeping of horses.

Oral representations in support of the application were received at the meeting.

Members having considered the report, objections and representations **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reasons set out in the report of the Chief Planner.

36.14
Farnborough and Crofton

(10/00337/FULL6) - 22 Monks Way, Orpington.

Description of application - Single storey front extension, side and rear dormer extensions.

THIS REPORT WAS WITHDRAWN BY THE APPLICANT.

37 TREE PRESERVATION ORDERS

37.1
Farnborough and Crofton

(ES TPO 2340) - Objections to Tree Preservation Order 2340 at Tanglewood, Sunnydale and Briarfield, Hazel Grove, Farnborough.

THIS REPORT WAS WITHDRAWN BY THE CHIEF PLANNER.

37.2
Shortlands

(ES TPO 2352) - Objections to Tree Preservation Order 2352 at 42 and 44 Westmoreland Road, Bromley.

A typographical error within Schedule 1 of the Order was noted at the meeting.

Members having considered the report, **RESOLVED that Tree Preservation Order 2352** relating to one oak tree in the back garden of 44 Westmoreland Road and an oak and a yew in the back garden of no. 42 **BE CONFIRMED WITH THE FOLLOWING MODIFICATION TO SCHEDULE 1 OF THE ORDER:** 'Within the column entitled 'Situation', the following should be amended to read: **"T.3 in the back garden of 44 close to boundary with 42"**.

Before closing the meeting, the Chairman announced that this would be the last Plans 4 Sub-Committee meeting in the current Council term. As he would be standing down at the forthcoming Borough Elections, he thanked both Members and officers for their dedication to the Sub-Committee meetings and wished everyone well for the future.

In return, the Chairman was also thanked for his service to the Sub-Committee.

The Meeting ended at 8.45 pm

Chairman

Agenda Item 4.1

Application No : 10/00211/FULL2

Ward:
Cray Valley East

Address : Crouch Farm Crockenhill Road Swanley
BR8 8EP

OS Grid Ref: E: 549392 N: 167211

Applicant : A.W. Batchelor And Sons

Objections : YES

Description of Development:

Change of use of agricultural buildings to Class B1/B8 commercial use including elevational alterations and ancillary car and van parking spaces.

Key designations:

Green Belt
Locally Listed Building

Proposal

This application was deferred on 18th March in order for Members to attend a site visit in relation to this application. The previous report is repeated below with some minor modifications.

Permission is sought to convert three agricultural buildings within this farm to B1 business use and B8 storage use with ancillary car and van parking. The buildings which are identified as A, B and C on the proposal would serve the following uses:

- Building A – agricultural workshop involving agricultural and vehicle repair
- Building B – to house storage containers which would be let out to individuals for storage or for the storage of small domestic items
- Building C – workshop, communal toilets/washroom and vehicle bays involving light industrial repairs and covered storage for private cars, boats or other large items

Various elevational alterations will be undertaken to accommodate the new uses, including new doors and windows although no major structural rebuilding is proposed. 13 parking spaces (including 4 van spaces) would be provided.

A Desk Study and report relating to bat and owl activity within the application buildings have been submitted in support of the application and are included within the file.

Location

The application site is located within the Metropolitan Green Belt and adjoins the B258 Crockenhill Road connecting St Mary Cray and Crockenhill Village. The site is located approximately half way between these two areas. The site comprises 200 acres of land used for arable farming, and the main buildings associated with the farm form a cluster located within a 20 metre proximity north of Crockenhill Road.

Agricultural activity has historically existed at the application site known as Crouch Farm. The application site adjoins Crouch Farm House, a Grade II listed farmhouse of early traditional framed construction which is considered to date back in parts to the Fourteenth Century and which has a shared history with the farmyard, although it is now under separate ownership.

Comments from Local Residents

A number of representations have been received both in support of and objecting to the application. In summary, the objections are raised on the basis that the proposal will undermine the setting of a neighbouring listed building, that it will harm residential amenity and that it will undermine the character of the Green Belt. Supporters of the application state that the proposal will support the core agricultural business, that it will benefit local businesses and that it will not be un-neighbourly.

OBJECTIONS

Objections to the proposal have been received which may be summarised as follows:

- application submission is flawed and misleading;
- application makes no reference to the importance of the adjoining Grade II listed building, Crouch Farm House, including the desirability of preserving the setting;
- character and economic viability of the listed building may suffer as it would be robbed of much of its interest;
- development of the farm will undermine the setting and townscape associated with the neighbouring listed building;
- structural integrity of listed building will be susceptible as a result of industrial activity occurring within close proximity;
- proposed development and large parking area will undermine the privacy and security of the neighbouring dwelling;
- attractiveness of the area has been harmed due to activities on the application site;
- proposal will result in noise and disturbance due to work noise and pollution, and harm the tranquil environment of the surrounding area;
- proposed landscaping will not mitigate harm resulting from the development, nor prevent intrusion of noise, emissions and light pollution;
- scale of industrial use and parking is extensive and not in keeping with the area;

- proposed uses do not represent a low-key activity, for instance, it involves heavy-duty 3 Phase electrical re-wiring, and general motor work will be undertaken as opposed to agricultural repair;
- proposal involves external storage of materials, plan, machinery and storage;
- industrial use has potential to expand within the site;
- proposed B1/B8 use is not genuine and would be likely to lead to abuse;
- proposal does not represent form of farm diversification or an appropriate (e.g. more small scale) use for redundant farm buildings;
- there are several vacant units outside the Green Belt which should be used instead;
- sufficient storage is available on the site following the development of a new oversized barn on adjacent land;
- proposal does not preserve the openness of the Green Belt;
- large scale industrial usage and shipping containers are an incongruous feature in this rural area, highly inappropriate in the Green Belt and will have an overbearing effect on the neighbouring listed house, and appear visible from the street;
- proposal involves significant reconstruction to accommodate the new uses and will not be a case of re-use, as sought through Green Belt policy;
- proposal will lead to encroachment of this part of the Green Belt which separates St Mary Cray and Crockenhill Village;
- openness of the Green Belt should be maintained so that all people can benefit from its beauty and enjoy leisurely pursuits;
- woodland has been cleared to accommodate the new uses and the external storage of scraps/spares is taking place to the detriment of the visual amenities of the area;
- proposed use has severe effects on recreational enjoyment of the countryside;
- proposal does not represent a high standard of design;
- safety risk for pedestrians with increased vehicle/heavy vehicle movements;
- no evidence that proposal will provide wider community benefits

Objections have also been raised by the Kevington Residents Association.

The local Member of Parliament objects to the proposal on the basis that the proposal represents an inappropriate and overlarge development in the Green Belt

SUPPORT

Letters of support were received which may be summarised as follows:

- uses sought in the application will be of benefit to local businesses;
- use would be particularly beneficial for agricultural and horticultural services in the area;

- applicant is a committed member of the local community and will ensure that good use is made of the buildings with regard to the interests of neighbouring residents

A letter of support was also received from the National Farmers' Union which may be summarised as follows:

- the applicant will renovate buildings that have become redundant in terms of their original agricultural use;
- the proposal will generate a stream of income that will support the core business of farming and help preserve the agricultural character of the area

Comments from Consultees

No technical objections have been raised by the Council's Highway Development Engineer or with regard to refuse collection.

No technical objections have been raised by the Environment Agency, subject to the inclusion of suggested conditions.

No technical objections are raised from an Environmental Health perspective.

Objections have been raised by Crockenhill Parish Council on the basis that the use proposed within Building A would constitute a more intensive B2 (general industrial use) which would undermine neighbouring amenity. Further objections are raised on the basis that the storage containers are harmful to the visual amenity of the area, and that no very special circumstances exist to support the conversion of Building C to a non-agricultural use and that a B8 designation could result in a wide range of uses operating within the building. Additional objections are raised on the basis that the site does not benefit from adequate access which would result in large vehicles passing through Crockenhill Village; the proposed parking provision may be exceeded; the proposal could result in light pollution; the proposal would generally undermine the visual amenities of the area; and that there is no evidence that the scheme would enhance or provide wider benefits to the community.

Objections have been raised by Sevenoaks District Council on the basis that the proposal would lead to an intensification of the numbers of visitors to the site that could have a detrimental impact upon highway safety, and could have a detrimental impact upon the amenities of the neighbouring residential properties. Any additional structures would have a detrimental impact upon the openness of the Green Belt.

[Note: no additional structures are, in fact, proposed as part of this application]

Planning Considerations

Relevant policies in the Unitary Development Plan are G1 (Green Belts), BE1 (Design of New Development), BE8 (Statutory Listed Buildings), ER7 (Contaminated Land),

T3 (Parking) and T18 (Road Safety). At a national policy level, PPG2 (Green Belts), PPS7 (Sustainable Development in Rural Areas) and PPG15 (Planning and the Historic Environment) are relevant.

From a heritage and conservation perspective, it is not considered that the proposal will impact on the setting of the neighbouring listed building and no objection is raised in this regard.

Policy G1 of the Bromley Unitary Development seeks to protect and maintain the openness of the Metropolitan Green Belt. In general, activities which support the open character of the Green Belt such as agriculture and outdoor recreation are considered appropriate. With regard to the re-use of existing buildings this will be considered inappropriate unless it will not have a materially greater impact than the present use on the open character of the land; it will not harm the openness of the land or conflict with the purposes of including land in the Green Belt; the building is of permanent construction and capable of conversion or re-use without extensive or complete reconstruction; the form, bulk and design of the building are in keeping with its surroundings; the proposed use does not entail external storage of materials, plant or machinery; and the proposed use has no adverse effect on the recreational enjoyment or appearance of the countryside.

Planning History

Several planning applications have been submitted in relation to this site. Most recently, under application ref 05/01095 planning permission was granted for the creation of new farm access further to the west, together with an associated driveway and replacement field entrance. Under ref 07/01466 planning permission was granted for a replacement agricultural building approximately 40 metres to the west of Building C.

Conclusions

The key issues in this case relate to the appropriateness of this development within the Green Belt; its impact on residential amenity; and its impact on the setting of the listed building at Crouch Farm House.

In this case, it is considered that the proposed scheme will, in general, adhere to the objectives of Policy G1, particularly in view of the proposed re-use of existing building which will engender little change in the visual amenities of the area. The activities will be confined to a relatively small area with the majority of the farm area remaining unaffected. Whilst concerns are raised in regard to the nature of the proposed uses, the applicant has indicated that a proportion of the new uses will be agricultural-related which will serve local agricultural needs.

Furthermore, PPS7 lends support for the reuse of existing buildings for economic development purposes, and goes on to promote farm diversification, as proposed in this case, to help sustain an agricultural enterprise. In particular, Paragraph 30 (iii)

states that LPAs should give favourable consideration to proposals for diversification in the Green Belt where development preserves its openness, and even for purposes where this is not the case, farm diversification can contribute to very special circumstances.

With regard to residential amenities of nearby properties, B1 and B8 uses by their nature should not cause undue disturbance. Conditions can be imposed to assist in controlling any potential disturbance in accordance with the specific proposal.

There is additional car parking which will have a greater impact on the openness of the Green Belt depending on the intensity of activities at the site; however, this all lies within the farm yard and will not, as with the buildings, encroach any further into open countryside.

The non-agricultural related uses are considered acceptable on the basis that these will be confined to two existing buildings and the imposition of conditions will control the nature of their activities, which will also be in the interest of neighbouring amenity. In the case of the storage use, it is not anticipated that this will result in significant activity within the site. In any case, hours of operation may be restricted in the interest of neighbouring amenity.

In terms of the impact of this scheme on the setting of the neighbouring listed building, given the proposed utilisation of existing structures, it is not considered that there will be a significant change in its setting. Whilst new activities will occur within the application site, the nature of these activities is not considered significant enough to warrant refusal with regard to the setting of the listed building or in terms of its amenity.

In summary, there is strong policy support for legitimate farm diversification and this proposal would appear to fall within this category with only limited increase in activity at the site, therefore according with established policy.

Background papers referred to during production of this report comprise all correspondence on files refs. 05/01095, 07/01466 and 10/00211, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | |
|---|-----------------|--|
| 1 | ACA01
ACA01R | Commencement of development within 3 yrs
A01 Reason 3 years |
| 2 | ACH03
ACH03R | Satisfactory parking - full application
Reason H03 |
| 3 | ACA04
ACA04R | Landscaping Scheme - full app no details
Reason A04 |

- 4 ACJ03 No outside storage
Reason: In order to comply with Policies BE1 and G1 of the Unitary Development Plan and in the interest of the amenities of the visual amenities and openness of Green Belt.
- 5 Building A shall be used for the purposes of agricultural vehicle and machinery repair and for no other purpose (including any other purpose in Class B1 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 Policies BE1 and G1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties and in the interest of the visual amenities and openness of Green Belt.
- 6 Building B shall be used for the purposes of storage and for no other purpose (including any other purpose in Class B8 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 Policies BE1 and G1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties and in the interest of the visual amenities and openness of Green Belt.
- 7 Building C shall be used for a single workshop and for the purposes of storage and for no other purpose (including any other purpose in Classes B1 or B8 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 Policies BE1 and G1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties and in the interest of the visual amenities and openness of Green Belt.
- 8 The proposed agricultural vehicle and machinery repair use and workshop use shall not operate before 7.00am and after 6.00pm Monday to Friday, nor before 8.00am and after 1.00pm on Saturdays and not at all on any Sunday, Bank Holiday Xmas Day or Good Friday
Reason: In order to comply with Policies BE1 and G1 of the Unitary Development Plan and in the interest of the amenities of the area.
- 9 The proposed storage use shall not operate before 7.00am and after 6.00pm Monday to Friday, nor before 8.00am and after 6.00pm on Saturdays and not at all on any Sunday, Bank Holiday Xmas Day or Good Friday
Reason: In order to comply with Policies BE1 and G1 of the Unitary Development Plan and in the interest of the amenities of the area.
- 10 ACK09 Soil survey - contaminated land
ACK09R K09 reason
- 11 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall

each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: This site lies on the Upper Chalk, which is classified as a principal aquifer in the Groundwater Protection: Policy and Practice. This site does lie in a source protection zone III (SPZ) for several public water supply wells. Therefore potable supplies could be at risk from activities at this site and all precautions should be taken to prevent discharges and spillages to ground.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting this Order) no building, structure alteration or excavation permitted by Parts 6 and 7 of Schedule 2 of the 1995 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: In order to comply with Policies BE1 and G1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties and in the interest of the visual amenities and openness of Green Belt.

Reasons for permission:

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

- G1 Green Belt
- BE1 Design of New Development
- BE8 Statutory Listed Buildings

ER7 Contaminated Land
T3 Parking
T18 Road Safety

The development is considered satisfactory in relation to the following:

- (a) the appearance of the development in the street scene;
- (b) the relation of the development to the adjacent property;
- (c) the character of the development in the surrounding area;
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (e) the impact of the development on the visual amenities of the Green Belt;
- (f) the impact of the development on the setting of the adjacent listed building;
- (g) the privacy of occupiers of adjacent and nearby properties;

and having regard to all other matters raised.

Reference: 10/00211/FULL2
Address: Crouch Farm Crockenhill Road Swanley BR8 8EP
Proposal: Change of use of agricultural buildings to Class B1/B8 commercial use including elevational alterations and ancillary car and van parking spaces.



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Agenda Item 4.2

Application No : 10/00512/FULL1

Ward:
Shortlands

Address : 143 Westmoreland Road Bromley BR2
0TY

OS Grid Ref: E: 539354 N: 167795

Applicant : Group Sigma Ltd (Mr M Safey)

Objections : YES

Description of Development:

Retention of storage container
RETROSPECTIVE APPLICATION

Proposal

The proposal is for a retrospective application for the retention of a storage container for the storage of paper based questionnaires.

The container is made of steel and painted to match the adjacent brickwork it measures 12.19 m x 2.44m and is 2.59 m in height. It is situated to the side/rear of the property, close to the side boundary wall which abuts the pedestrian footway on Woodlea Drive.

The application has been presented to Plans sub Committee due to the level of local interest.

Location

The application site is situated on the southern side of Westmoreland Road at the junction with Woodlea Drive. The property consists of a ground floor commercial use with residential above.

Comments from Local Residents

- The container is not in keeping with the residential area and should be parked in a proper designated industrial area.
- The container is oversized for the yard, unsightly and degrades the immediate area
- The container looks like it should be stored in a dockyard, residents have worked hard to improve the area, the storage container gives the area a shabby feel.
- The container looks unsightly and is not in keeping with the residential area, if allowed to remain would set a precedent for more shipping containers to be placed in the locality.

- Big brown sea container out of character with residential properties
- The container is not in keeping with the properties in Woodlea Drive and has a negative effect on this pleasant road.
- It is unsightly, large and detracts from the ambience of the area

Comments from Consultees

There were no consultees.

Planning Considerations

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.

The relevant to this application Policy BE1 which seeks to ensure that development proposals are of a high standard of design and layout and do not detract from the existing landscape nor harm the amenity of occupiers of neighbouring buildings.

Planning History

Planning permission has previously been granted for First floor rear extension (ref. 01/01140). Single storey side and part two storey /first floor rear extension (ref. 01/02694) and a single storey and first floor side and rear extensions (ref. 02/03337)

Permission was refused, for - Part first floor rear and two storey side/rear extensions (ref. 02/01525).

Conclusions

The application site is situated at the end of a terrace of properties facing onto Westmoreland Road, the terrace comprises of commercial units, many of which are retail use with residential properties above and car parking spaces at the rear.

The container has been sited to the side and rear of the property, close to the side boundary wall which abuts the pedestrian footway facing onto Woodlea Drive, although the container has been painted to 'match' the adjacent walls and is partially obscured behind a brick wall r due to the containers size it appears as a prominent structure.

The area surrounding the property is a mix of commercial and residential properties; Woodlea Drive is an established residential road of detached properties.

In this case, it is clear that there is an impact on the street scene and local amenities as a result of this proposal and a judgement needs to be made about whether the impact is unduly harmful. Accordingly, Members will need to take account of the works

carried out and the comments made by residents during the consultation period. Bearing in mind these issues, this application is presented for Members' views.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/00512, excluding exempt information.

RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED

- 0 D00002 If Members are minded to grant planning permission the following conditions are suggested:
- 1 ACE01 Limited period - buildings (1 insert) 17.06.2013.
ACE01R Reason E01
- 2 The storage container hereby permitted shall only be used for storage purposes ancillary to the activities of Group Sigma Ltd and no other purpose.
ACE04R Reason E04
- 3 AJ02B Justification UNIQUE reason OTHER apps

Policy (UDP)

BE1 Design of New Development

- D00003 If Members are minded to refuse planning permission the following grounds are suggested:
- 1 The storage container, by reason of its size, siting and appearance, is seriously detrimental to the visual amenities of the area, contrary to Policy BE1 of the Unitary Development Plan.

Further Recommendation:

Enforcement Action Authorised to seek the removal of the container.

Reference: 10/00512/FULL1
Address: 143 Westmoreland Road Bromley BR2 0TY
Proposal: Retention of storage container
RETROSPECTIVE APPLICATION



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Application No : 10/00756/FULL1

Ward:
Bromley Town

Address : Sussex House 8-10 Homesdale Road
Bromley BR2 9LZ

OS Grid Ref: E: 541170 N: 168284

Applicant : Taylor Wimpey East London

Objections : YES

Description of Development:

Six storey block comprising 12 one bedroom, 19 two bedroom and 1 three bedroom flats (including bicycle parking and refuse/ recycling storage within block) and 20 car parking spaces

Proposal

This application relates to Sussex House, Homesdale Road, which is an office block dating from the 1980s. It is adjacent to Garrard House, an office block dating from the 1960s, which is currently being demolished. Garrard House lies adjacent to a Conservation Area. This application is essentially 'Phase 2' (solely relating to Sussex House) of a comprehensive scheme to redevelop both Garrard House and Sussex House. The planning history for this site is somewhat complex, but overall 105 units have already been permitted across both sites, with a mix of one, two and three bedroom flats. A financial payment in lieu rather than on-site provision of affordable housing has also previously been agreed; financial payments have already been made in this respect.

Outline permission has previously been granted under ref. DC/09/01137/OUT on 7th August 2009 for the demolition of the existing office building at the adjacent site at Garrard House and the erection of 69 flats together with a services building, refuse store, car parking spaces and cycle parking, a landscaped area and the retention of the existing vehicular access from Fielding Lane. All detailed matters were reserved for subsequent determination apart from means of access. Application Ref 09/03314/DET approved details in relation to appearance, layout and scale (condition 1 of DC/09/01137/OUT) earlier this year on 22nd February 2010. The approved details showed a reduction in units from 69 to 68.

Full permission was also previously granted for a combined scheme comprising the redevelopment of both Garrard House and Sussex House under Ref DC/08/00833, for a total of 105 units on 18th September 2009. This application involved the retention of part of the sub-structure at basement and ground floor level at Garrard House and the full demolition of Sussex House. However the applicants are proposing to implement DC/09/01137/OUT and DC/09/03314/DET, combined with this current scheme, if granted.

These earlier permissions established the residential use and amount of development across both sites. This latest application maintains the principles established by the existing permission for Phase 1 for Garrard House and continues and replicates the design approach adopted in the detailed approval (DC/09/03314) for this Sussex House site. The height and massing is that established by previous applications: five storeys of residential accommodation, with a lower ground floor level, used principally for car parking. Thus, as with the previously approved scheme at Garrard House, the building would read as six storeys including the lower ground floor level. It proposes 32 units, which combined with the 68 units approved under DC/09/03314/DET results in a total of 100 units. The approved details scheme DC/09/3314 (for Garrard) House showed 59 parking spaces for 68 flats. This scheme comprises an additional 20 spaces totalling 79 spaces for 100 units, equating to a provision of 79%.

The main elevation facing Homesdale Road would be a mix of brickwork and coloured panels, with balconies facing on to the Street and the top storey is set back from the main elevation. The rear also uses a similar mix of render and brickwork, and also steps back on the top floor.

The application was accompanied by various technical reports as follows: Design and Access Statement; Ground Investigation Report, Transport Statement, Green Travel Plan, Arboricultural Implications Assessment, and a Foul and Surface Water Drainage Strategy. These are available on file for Members' inspection.

Location

The application site comprises Sussex House on the south eastern side of Homesdale Road, Bromley, and is a 1980s brick faced office block, with an area of car parking behind. Adjacent is Garrard House, an office building dating from the 1960s and opposite is the Currys retail warehouse. Currently under construction is the recently permitted residential scheme (DC/08/01469/FULL) on the site of the former 'Enterprise House', on the opposite side of Homesdale Road.

Comments from Local Residents

A number of local objections have been received which raise the following points:

- concerns about the building works themselves – heavily loaded trucks / machinery could cause damage to nearby property
- loss of privacy / increase in overlooking
- reduction in outlook and light because of the proposals
- extra traffic caused by development will increase noise and air pollution
- balconies must be fitted with frosted glass panels to protect privacy
- concerns about parking – especially visitor parking
- concerns about additional cars that will use Fielding Lane
- concerns over loss of privacy and outlook
- devaluation of properties in the vicinity

- overdevelopment of the site
- already have objected to previous developments that have been granted

Comments from Consultees

Highways – various detailed comments are made, although no overall objections are raised.

Environmental Health – no objections raised, subject to the imposition of conditions.

Waste – no objections raised.

Crime Prevention Officer – no objections raised, subject to the imposition of a condition.

Drainage – no objections raised, subject to the imposition of a condition.

Thames Water – no objections raised.

Planning Considerations

The application should be determined in accordance with the following policies of the Unitary Development Plan 2006:

- H1 Housing supply
- H2 & H3 Affordable housing
- H7 Housing density and design
- BE1 Design of new development
- BE13 Development adjacent to a conservation area
- T3 Parking
- T18 Road Safety
- IMP1 Planning obligations

Applications must also accord with the London Plan 2004 (as updated). Of particular relevance is:

- 3A.1 Increasing London's supply of housing
- 3A.2 Borough Housing Targets
- 3A.3 Maximising potential of sites
- 3A.5 Housing choice
- 4B.1 Design principles for a compact city
- 4B.3 Maximising the potential of sites
- 4B.7 Respect local context and communities

Government guidance is also relevant:

PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport

Planning History

Planning permission has been previously granted for residential developments on this site as follows:

DC/04/00235/OUT - the redevelopment of Garrard House for residential use involving the partial demolition of the existing building and the erection of a four/five/six storey building comprising 69 flats with parking at lower ground floor. Granted 14th August 2006. This permission has now expired.

DC/08/0833/FULL1 – granted permission on 4th December 2008 subject to completion of a legal agreement for a scheme comprising both Garrard House and Sussex House. This application proposed the retention of part of the structure at Nos.2-6 (Garrard House) at semi-basement/ground floor level and the demolition of No.8 (Sussex House) and the erection of a part one to five storey building (with semi basement parking) for 105 flats.

DC/09/01137/OUT – outline permission for 69 flats on Garrard House: - details approved under DC/09/03314 on 22nd February 2010.

On adjacent sites close to the application site, residential development has also been granted permission:

DC/08/01469/FULL - the redevelopment of Enterprise House for a block between two and six storeys for 82 flats, granted subject to the completion of a legal agreement - currently under construction.

Conclusions

The main issues relate to the impact of the proposal on (i) the character and appearance of the area; (ii) the amenities of local residents; and (iii) on highway safety.

In terms of character and appearance, the principle of a sizeable residential development has already been established on this site by the previous permissions outlined above. The applicants have submitted much detailed information including a Design and Access Statement, other detailed technical documentation as well as detailed plans/elevations. The detailed permission on the adjacent Garrard House has already set and established the overall design parameters for the site and established various design principles. The design of the elevations for this application follows the principles established by the previous detailed permission on the adjacent site. Elevations are given articulation through the use of brickwork, render and

coloured panels. The building sought under this application, when built together with Phase 1, would form a 'T' shape with the main elevation facing Homesdale Road. There are five storeys of residential accommodation set above the undercroft parking at lower ground level. The scheme proposes a maximum height of 16.7m, as permitted on the adjacent site. Although some trees to the rear of the site will be removed, these are not considered to contribute to public amenity, and no objections have been raised to their loss. Overall, the design approach, already accepted by the existing permissions on the adjacent site, is considered to be acceptable, and is not considered to harm the character and appearance of the area, nor the conservation area adjacent to Garrard House.

Members will need to have careful regard to the impact on the living conditions of local residents. In terms of the impact on the amenities of local residents, it should be noted that this scheme merely continues and replicates that which has been permitted on the adjacent Garrard House site. The leg of the 'T' shape of the whole building, combining both Phases 1 and 2, would project towards the rear boundary, and would step down to respect the adjacent residential properties. Windows or balconies are so placed to avoid direct overlooking of adjacent properties. Attempts have been made by the applicants to mitigate any adverse effects on amenity. Thus the overall effect in terms of amenities of local residents is considered acceptable.

In terms of highway safety, no overall objections have been raised. Parking provision is not 1:1, but set at 79% - 79 spaces for 100 units. Government Guidance and London Plan Policy supports such an approach, and so it would be difficult to raise or substantiate an objection based on under-provision of parking.

Overall, the application is considered acceptable. Accordingly, it is recommended that it be granted permission. Should Members be minded to approve the scheme, the following conditions are suggested.

The aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site have been taken into account in the assessment of the proposal.

Background papers referred to during production of this report comprise all correspondence on files refs. 04/00235, 08/00833, 09/01137 and 09/03314, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

- 3 ACA04R Reason A04
 ACC08 Satisfactory materials (all surfaces)
 ACC08R Reason C08
- 4 ACD02 Surface water drainage - no det. submitt
 ADD02R Reason D02
- 5 ACH03 Satisfactory parking - full application
 ACH03R Reason H03
- 6 ACH23 Lighting scheme for access/parking
 ACH23R Reason H23
- 7 ACI20 Lifetime Homes Standard/wheelchair homes
 ADI20R Reason I20
- 8 ACI21 Secured By Design
 ACI21R I21 reason
- 9 ACK09 Soil survey - contaminated land
 ACK09R K09 reason
- 10 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 or on behalf of the Local Planning Authority and such provision shall remain available for such use to the Authority's satisfaction throughout the course of the development.
 ACH12R Reason H12
- 11 Details of the privacy screens including height, location and a sample of their material shall be submitted to and approved by or on behalf of the Local Planning Authority prior to first occupation of the building and the screens shall be erected in accordance with the approved details and permanently retained thereafter.
 ACC01R Reason C01
- 12 Before works commence a noise survey shall be carried out in order to determine the Noise Exposure Category as defined in PPG24 and a scheme of sound insulation submitted to the local planning authority for approval. The scheme shall be implemented before first occupation of the building and permanently maintained thereafter.
 ADI15R Reason I15
- 13 No development shall commence until a Deed of Variation has been completed ensuring all the planning obligations made by agreement dated 11th September 2009 made pursuant to Section 106 of the Town and Country Planning Act in relation to permission Ref DC/08/00833 are transferred to this permission hereby agreed.
- Reason:** To comply with Policy IMP1 of the Unitary Development Plan and to accord with the terms of the application.
- 14 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

- H2 Affordable Housing
 H5 Accessible Housing

- H7 Housing Density & Design
- BE1 Design of New Development
- T3 Parking
- T18 Road Safety
- IMP1 Planning Obligations

The following London Plan policies are relevant:

- 3A.1 Increasing London's Supply of Housing
- 3A.2 Borough Housing Targets
- 3A.3 Maximising potential of sites
- 3A.5 Housing Choice
- 4B.1 Design principles for a compact city
- 4B.8 Respect local context and communities

National Guidance as follows is also relevant, in particular the following:

- PPS1 – Delivering Sustainable Development
- PPS3 – Housing

Reference: 10/00756/FULL1

Address: Garrard House 2 - 6 Homesdale Road Bromley BR2 9LZ

Proposal: Six storey block comprising 12 one bedroom, 19 two bedroom and 1 three bedroom flats (including bicycle parking and refuse/ recycling storage within block) and 20 car parking spaces



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Application No : 10/00776/FULL2

Ward:
Chislehurst

Address : 76 Green Lane Chislehurst BR7 6AZ

OS Grid Ref: E: 543960 N: 171155

Applicant : Reef Estates Ltd (Mr J Russell)

Objections : YES

Description of Development:

Change of use from former Royal British Legion Club to convenience food retailer.

Key designations:

London Distributor Roads

Proposal

The application was deferred from the Plans Sub-Committee on the 20th May 2010 in order to allow the applicant and objectors to speak at a future Committee. The report is repeated below and updated where necessary.

- The application seeks to change the use of the building to a retail convenience store (Class A1).
- It is proposed to operate the use from 0700 to 2200 for 7 days a week.
- No extensions to the building are proposed.
- The proposal includes refurbishment works and a new shopfront to the Belmont Lane elevation.
- Car parking provision for 9 vehicles will be included.

Location

The application site is on the western side of Green Lane, forming a corner site at the junction with Belmont Lane. The area is predominantly residential with terraced and semi-detached properties surrounding the site. To the south of the junction is a parade of shops (Belmont Parade). The building has been used by the Royal British Legion as a social club use but now lies empty and has for over a year. The building is locally listed.

Comments from Local Residents

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

- traffic congestion

- car parking problems
- highway safety concerns
- noise and disturbance - late opening hours
- lack of local need and impact on other business
- impact on character of the area
- increased crime risk
- crime risk/anti-social behaviour

Comments from Consultees

Technical highways objections were raised. Amended plans have been received indicating an additional car parking space for the manager and an 8th space for customers. Following the raising of further highways concerns with regard to manoeuvrability and possible reversing onto the highway, further information has been submitted and subsequent highways comments are made. Any further highways comments will be reported verbally at the meeting.

No Environmental Health or Cleansing comments have been received.

The Crime Prevention Officer has not commented on the application.

No TfL objections are raised to the application.

No Thames Water objections are raised.

No technical drainage comments are made.

Any further comments will be verbally reported at the meeting.

Planning Considerations

The main policies relevant to this case are Policies BE1 (Design of New Development), BE10 (Locally Listed Buildings), C1 (Community Facilities), T3 (Parking) and T18 (Road Safety) of the adopted Unitary Development Plan.

Planning History

Recent permissions relate to a replacement security fence in 2008 and a new entrance with canopy and elevational alterations in 2007.

With regard to the existing use of this building, a Certificate of Lawfulness for the use of a building as Class A3 was refused at the British Legion Social Club, Warren Road Chelsfield under ref. 00/03794. The subsequent appeal was dismissed, the Inspector stating:

'The evidence at the inquiry from the appellant, and the documents, indicate that this was a members' club with rules. It had a committee, that met in a room in the building and active darts and snooker teams. The building was used sometimes for parties or for functions such as weddings, but there was generally some connection with the membership of the club.

I consider that the primary purpose of the British Legion Club was to provide a congenial place for social contact and interaction for club members and visitors. Sale of drink was important, but essentially ancillary to that primary purpose. I conclude that the use did not fall within Class A3, or indeed within any particular use class.'

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and street scene, the impact on the character of the locally listed building, the impact on the amenities of neighbouring residential properties, the impact on parking/highway safety and the impact of the loss of an established community facility.

The proposal intends to operate the shop from 7am to 10pm every day. Information has been provided by the applicant to support these operating hours, particularly with regards to Sunday bylaw regulated hours, which allows operators trading from less than 3000 sq ft to open later on Sundays. It is considered that the proposed operating hours will be consistent with the use and will not result in an unacceptable level of noise and disturbance. The previous use by the Royal British Legion included a late night bar and it is considered that the proposed retail use will be small-scale as opposed to a supermarket and will therefore attract a limited number of shoppers.

The building is locally listed and is therefore considered to provide a positive contribution to the area. The proposal is considered to be sympathetic to the character of the building and will not alter its intrinsic character and appearance. No extensions or significant elevational changes are proposed and therefore the building is considered to be preserved. Any future advertisement consent applications will be assessed in light of the local listing of the building.

The applicant has also stated that the previous use was as a private members' club and not a community facility open to the general public, such as a health, educational or community hall outlined by Policy C1. It is claimed that the use is A4, however the previously cited appeal from Chelsfield would appear not to support this, but suggest that the Royal British Legion use is a sui generis use. This must be taken into consideration. Clearly some benefit to the community was provided by the previous use as a social club, albeit a private club.

If Members do consider this proposal to involve the loss of a community use in part or in whole, Policy C1 states that redevelopments should make provision for appropriate

community use. The applicants have submitted information regarding the array of community involvement that the proposed operator undertakes and Members will need to consider this. They have also submitted information suggesting that the premises have been unsuccessfully marketed over a period of 12 months and suggest that this demonstrates a lack of need for such a facility.

On balance it is considered that the development in the manner proposed is acceptable in that it would not result in a loss of amenity to local residents, will not have a negative affect upon the street scene and will not impact on the character of the locally listed building. Members will need to consider the loss of the facility, which did provide some community use, however in light of the evidence submitted demonstrating a lack of need for such a facility along with its long-term vacancy, Members may consider the proposal to comply with community facility policy.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/00776, excluding exempt information.

as amended by documents received on 13.05.2010 16.04.2010

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
ACA01R A01 Reason 3 years
- 2 ACH03 Satisfactory parking - full application
ACH03R Reason H03
- 3 ACJ06 Restricted hours of use on any day 07:00 22:00
ACJ06R J06 reason (1 insert) BE1
- 4 No deliveries and/or loading/unloading of goods or the movement of goods from the service areas shall take place at off peak times only and not outside the hours of 07.00 to 22.00 hours on any given day.

Reason: In the interests of the amenities of local residents and to comply with Policy BE1 of the Unitary Development Plan.

Reasons for granting permission:

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

- BE1 Design of New Development
- BE10 Locally Listed Buildings
- C1 Community Facilities
- T3 Parking
- T18 Road Safety

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

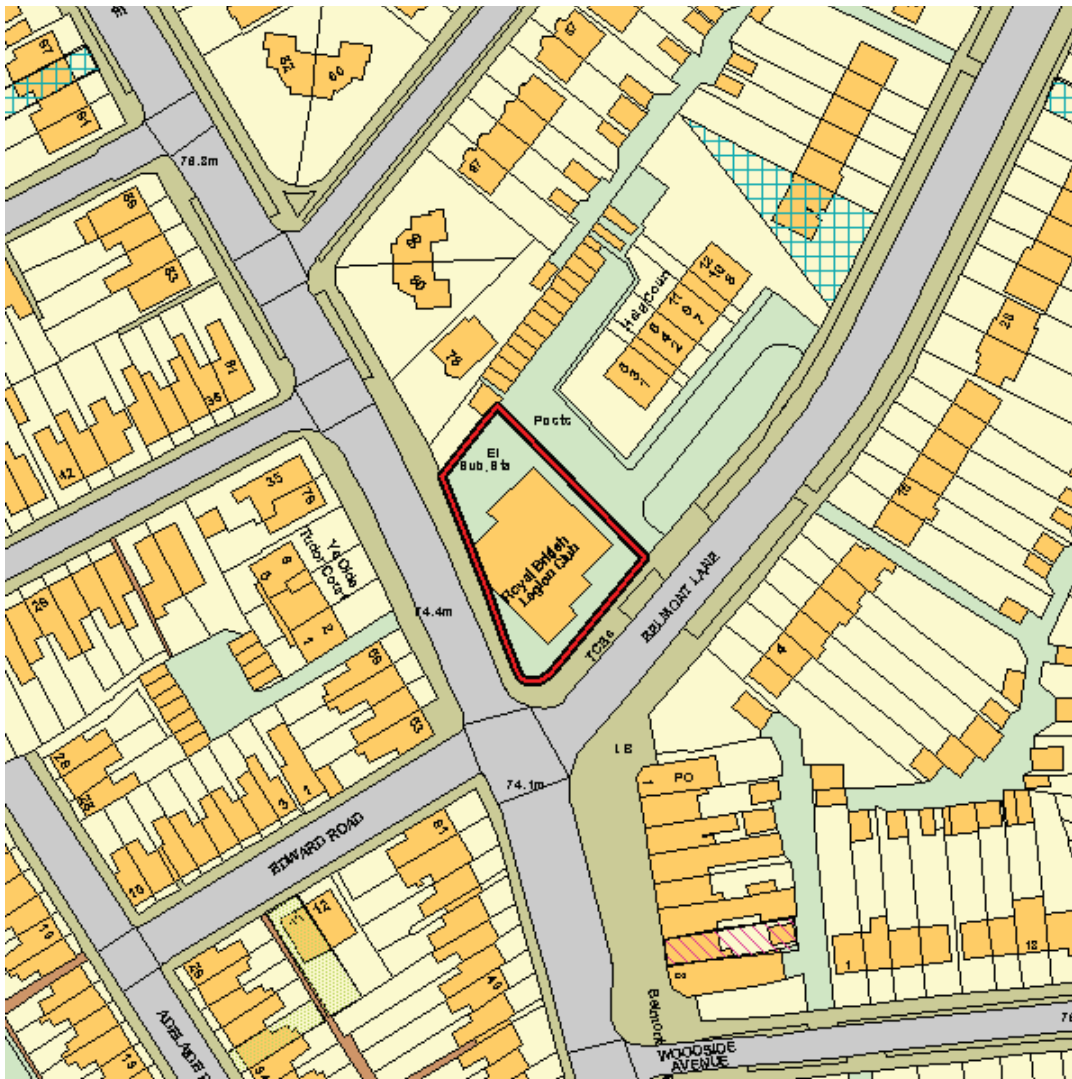
- (a) the community policies of the development plan
- (b) the character of the surrounding area
- (c) the impact on the amenities of the occupiers of adjacent and nearby properties
- (d) the impact on pedestrian and vehicular safety
- (e) the conservation policies of the development plan

and having regard to all other matters raised.

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 Waters assets be required, the applicant should be advised to contact Thames Water Developer Services on 0845 850 2777.

Reference: 10/00776/FULL2
Address: 76 Green Lane Chislehurst BR7 6AZ
Proposal: Change of use from former Royal British Legion Club to convenience food retailer.



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Agenda Item 4.5

Application No : 10/00893/FULL1

Ward:
Copers Cope

Address : 14 Robins Court 77 Bromley Road
Beckenham BR3 5PB

OS Grid Ref: E: 538650 N: 169444

Applicant : Mr G Hall

Objections : YES

Description of Development:

Demolish existing house and erection of new three storey building comprising five apartments/provision of associated car parking at 12A and 14 Robins Court

Key designations:

London Distributor Roads

Proposal

This application seeks permission for the demolition of the existing building comprising maisonettes and erection of a new building comprising four x 2 bedrooms flats and 1 x 3 bedroom flat with provision of car parking, bicycle storage and refuse. The new proposed building would measure at 17.6m deep x 7.7m wide with a height of 9.5m.

This application is presented at Committee as it falls outside of delegated powers.

Location

The application site is situated on the eastern end of Bromley Road.

Bromley Road is a neighbourhood comprising detached houses & flatted developments of varying proportions and designs.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and four objection letters have been received as well as a petition from 45 residents. The objections together with the petition can be summarised as follow:

- proposal would appear out of keeping with surrounding area;
- density of the scheme out of keeping with adjacent buildings;
- loss of sunlight/daylight and outlook;
- loss of privacy;

- insufficient car parking;

Comments from Consultees

There are no objections to the proposal from a Highways point of view subject to conditions.

Drainage : The site is within the area in which the environment agency - Thames region require restrictions on the rate of discharge of surface water from new development into the river Ravensboure or its tributaries. Standard condition D02 to be impose.

Thames Water:

- a) Waste Comments - With regards to sewerage infrastructure, no objections are raised to the planning application.
- b) Water Comments - On the basis of information provided, Thames Water would advise that with regard to water infrastructure no objections are raised to the planning application.
- c) Surface Water Drainage – Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Housing: See comments on file

Crime Prevention : Would seek a condition to be attached to any permission to ensure the development complies with policies BE1 (viii) & H7 (vii) as well as ‘Secure by Design’ to respect minimum standards.

Planning Considerations

Policies BE1, H7, H9 & T3 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, safeguard the amenities of neighbouring properties and preserve and enhance the character and appearance of the area.

Planning History

Reference No.	Description	Decision	Date
06/01716/FULL1	Metal railings and lightwell/steps and conversion of basement flat to 2 two bedroom flats with alterations to service road and verges to provide 1 car parking space at front	PER	12.07.2006

09/03428/FULL1 Demolition of existing maisonettes and erection of building comprising five x 2 bedroom flats; provision of associated car parking. WDN
22.03.2010

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.

It is noted that Central Government Guidance contained in Planning Policy Statement 3 which sets out policy on housing seeks more efficient use of land whilst not compromising the quality of the environment

The proposed building would measure slightly wider than the existing building by approximately 1.25m, but retain a 1m distance between the flank wall and shared boundary. This is consistent with the requirement of Policy H9 of the UDP. The 1m distance would ensure that the proposal would not unduly give rise to a cramped overdeveloped appearance on site or adversely affect the existing character of the area. On withdrawn application reference no. DC/09/03428/FULL1 concern was expressed that the proposal would encroach over the boundary into the neighbouring site at 7-12 Robins Court. An OS map has been submitted as part of this application confirming that the proposed building would not encroach over the boundary with neighbouring property 7-12 Robins Court.

As the area already benefits from a range of different designs, the proposed design would not adversely affect the existing and surrounding area. The building at 7-12 Robins Court measures much higher than the application site with the proposed building set lower than this neighbouring property but slightly higher than the neighbouring property at 15-16 Robins Court. This allows for a gradual drop in levels to give a balanced and acceptable appearance. The proposed building would furthermore measure at almost the same depth as the neighbouring building at 7-12 Robins Court. There are no adverse concerns in design terms regarding the proposed height or impact on the character of the area.

Consideration has been given to any potential impact the proposed development might have on the amenities of adjoining neighbours. The application building would be located 0.5m closer to the neighbouring property at 7-12 Robins Court and measure at 1.6m higher. Due to the orientation of 7-12 Robins Court with the application site, there is already a loss of sunlight/daylight and outlook. The proposal would be located within 1m off the boundary making it consistent with Policy H9 of the UDP and is considered that the proposal in this instance would not adversely affect the amenities of the occupiers of the units facing the application site.

The proposal would also be located 0.5m closer towards the side of 15-16 Robins Court. The new eaves height would measure at 1.1m higher with a total height

increase of 1.6m. 15-16 Robins Court also experience some degree of loss of outlook and sunlight/daylight towards to side of the application site due to the orientation. The applicant has shown that loss of outlook was taken into consideration by applying the 45-degree angle. Whilst this is not part of the Council's policy, this gives an indication of the impact on neighbouring properties.

The Council's highway department has been consulted on this application and it was commented that the development proposed is acceptable in principle and the 5 cycle parking spaces are satisfactory.

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that they would not impact detrimentally on the character of the area or result in a loss of visual amenity to local residents.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/00893, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | |
|---|--------|--|
| 1 | ACA01 | Commencement of development within 3 yrs |
| | ACA01R | A01 Reason 3 years |
| 2 | ACC01 | Satisfactory materials (ext'nl surfaces) |
| | ACC01R | Reason C01 |
| 3 | ACD02 | Surface water drainage - no det. submitt |
| | ADD02R | Reason D02 |
| 4 | ACH03 | Satisfactory parking - full application |
| | ACH03R | Reason H03 |
| 5 | ACH22 | Bicycle Parking |
| | ACH22R | Reason H22 |
| 6 | ACH32 | Highway Drainage |
| | ADH32R | Reason H32 |
| 7 | ACI21 | Secured By Design |
| | ACI21R | I21 reason |

Reasons for granting permission:

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

- BE1 Design of New Development
- H7 Housing Design
- H9 Side Space
- T3 Parking

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

- (a) the relationship of the development to adjacent properties
- (b) the character of the development in the surrounding area
- (c) the impact on the amenities of the occupiers of adjacent and nearby properties

and having regard to all other matters raised.

INFORMATIVE(S)

- 1 RDI21 Seek Building Control advice
- 2 With regards to surface water drainage, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 3 If during works on site suspected contamination is encountered, Environmental Health should be contacted immediately. The additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.
- 4 Before the use commences, the applicant is advised to contact the Pollution Team of Environmental health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990.

Agenda Item 4.6

Application No : 10/00971/FULL2

Ward:
Kelsey And Eden Park

Address : Elmer Lodge 11 Dunbar Avenue
Beckenham BR3 3RG

OS Grid Ref: E: 536385 N: 168426

Applicant : St John Coptic Orthodox Church

Objections : YES

Description of Development:

Change of use from public house (Class A4) to community hall, meeting rooms and chapel (Class D1)

Key designations:

Locally Listed Building

Proposal

Planning permission is sought for the change of use of the Elmer Lodge public house to a community hall, meeting rooms and chapel (Class D1). The application has been submitted by the St John Coptic Orthodox Church which is seeking a permanent meeting place and chapel, and currently meets and hold services at St Marks Church in Bromley.

No external changes are proposed to the building, except for the removal of the existing public house signage. The upper floors will be retained in their current layout, with residential accommodation to be used by the church minister. It is proposed that the premises would be used between the following hours:

- Monday to Friday and Saturdays – 8am to 11pm
- Sundays – 9am to 6pm

A planning statement has been submitted in support of the application, which states the following:

- the proposed use would meet an identified faith need
- at present the congregation meet at St Marks Church in Bromley, however as they are only guests they must defer to the main congregation, meaning that on key occasions (i.e. Christmas and Easter) the Church do not have their own meeting hall or chapel in which to meet and pray
- the proposal would therefore provide the Church with their own meeting place and chapel for their own use
- the site is accessible by modes of transport other than the private car

- proposed use would be less intensive than the former public house use
- primary use of the premises would occur on Sunday mornings, usually with 30-40 people on the site
- the most intensive use would be during the main Christian festivals
- the new facility would also be used for social functions by the congregation such as wedding receptions and christening celebrations
- parking could be managed at times of high demand
- use of the site as community hall/meeting rooms would lead to significantly less noise and disturbance than the former public house use, to the benefit of the amenities of local residents in the surrounding area
- any late night activity would be limited to occasional social functions and the rare late night service

An additional plan was submitted showing the details of the car parking layout and to incorporate coach parking.

Location

The application site is located on the eastern side of Dunbar Avenue, close to the junction with Eden Park Avenue and Croydon Road. At present the site comprises a large detached building which was most recently in use as a public house (The Elmer Lodge), and is primarily surrounded by hard surfacing for car parking. The host building is locally listed.

Comments from Local Residents

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

- concerns regarding hoarding that has been erected to front of site
- concerns that proposed use is more exclusive and less beneficial to community than existing use as licensed premises
- works already being undertaken at the site
- meetings have already been taking place
- residents of Dunbar Avenue have not been openly consulted as to how premises should be used
- problems with parking have not been considered
- concerns regarding changes to historic building
- concerns for overlooking to rear of site
- potential for noise and disturbance, particularly through car parking
- views from rear conservatory area (location of altar) would allow congregation to overlook properties on Balmoral Avenue
- the new owners have not communicated with local residents prior to the application being submitted
- concerns for parking and road safety

In addition to the above, two letters of support was received which can be summarised as follows:

- no objection provided all clauses stated are followed
- concerns regarding parking and use of flats but considers that the change of use would benefit residents

Comments from Consultees

From the technical Highways perspective no objections are raised in view of the additional information submitted.

Planning Considerations

The main planning Policies of relevance to this application are as follows:

BE1 Design of New Development
BE10 Locally Listed Building
C1 Community Facilities
T3 Parking
T18 Road Safety

This application has been referred to Committee because it is considered to be of significant local interest.

Planning History

There is extensive planning history at the site, most recently relating to decking, a smoking shelter and new fencing to the rear (ref. 08/01176 – application refused) and for a childs play area with timber rope bridge and hard and soft landscaping (08/02130 – application refused).

Conclusions

It is considered that the proposed change of use to a community hall, meeting rooms and chapel would meet with an identified faith need for the area. The site is accessible by means of transport other than the car and accessible to the members of the community it is intended to serve (whom are based mostly within Bromley and Beckenham), and on balance Members may agree that the requirements of Policy C1 'Community Facilities' would be met. With regard to the impact of the proposal on parking demand in the area and conditions of Highway safety, Members will note the plan submitted showing the detailed parking layout within the site and the advice of the Council's Highways engineers and may agree that the proposal is acceptable in those terms. Indeed in any case, parking demand associated with the use may not be significantly greater than the former use of the building as a public house.

With regard to the impact of the proposed use to the amenities of neighbouring residents, Members will be aware that concerns have been raised regarding the potential for noise and disturbance and overlooking to the rear of the site towards properties on Balmoral Avenue. Again however, Members may agree that any impacts with regard to these aspects of the proposed use may be no more significant than with the former public house use. Indeed, as noted in the applicant's planning statement, the proposed use would primarily be used on Sunday mornings and may in fact be less intensive than the former public house use.

Finally, with regard to the impact of the proposed change of use to the character and special local interest of the host building, Members will note that aside from the removal of the existing pub signage no external alterations are proposed as part of this application. The proposed use may not significantly affect the character and special local interest of the host building (indeed it has not always been in use as a public house with permission having originally been granted in 1965).

To conclude, Members may agree that the proposed use would meet an identified faith need within a building accessible by means of transport other than the car, and without a significantly greater impact on the amenities of local residents than may have occurred from the former public house use.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/00971, 08/02130 and 08/01176, excluding exempt information.

as amended by documents received on 20.05.2010

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACH03 Satisfactory parking - full application
 ACH03R Reason H03
- 3 ACH28 Car park management
 ACH28R Reason H28
- 4 ACJ01 Restriction on use (2 inserts) community hall, meeting
 rooms and chapel

Reason: In the interests of the amenities of neighbouring residents and in order to comply with Policy BE1 of the Unitary Development Plan.

- 5 The use hereby permitted shall not operate before 8am nor after 11pm Monday to Saturday, nor before 9am or after 6pm on Sundays.

Reason: In order to comply with Policy T18 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

6 The southern access to the site shall be used for ingress only and the northern access for egress only. Details of suitable signs to indicate this shall be submitted to and approved in writing by the Local Planning Authority and the approved signs shall be displayed before the premises are first used and be permanently retained thereafter.

Reason: In order to comply with Policy T18 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

Reasons for granting permission:

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

BE1 Design of New Development
BE10 Locally Listed Building
C1 Community Facilities
T3 Parking
T18 Road Safety

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

- (a) the meeting of an identified community (faith) need
- (b) the location of the site which is accessible by means other than the private car and the community that the use is intended to serve
- (c) the impact of the development to the amenities of residents within the vicinity of the site
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties
- (e) the privacy of occupiers of adjacent and nearby properties
- (f) the safety of pedestrians and motorists on the adjacent highway

and having regard to all other matters raised.

Reference: 10/00971/FULL2

Address: Elmer Lodge 11 Dunbar Avenue Beckenham BR3 3RG

Proposal: Change of use from public house (Class A4) to community hall, meeting rooms and chapel (Class D1)



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Agenda Item 4.7

Application No : 10/01002/FULL6

Ward:
Penge And Cator

Address : 42 Chesham Road Penge London SE20
7RJ

OS Grid Ref: E: 535448 N: 169484

Applicant : Mr B Zefi

Objections : NO

Description of Development:

Single storey rear extension and raised patio, steps, balustrade and steps to rear
PART RETROSPECTIVE APPLICATION

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding

Proposal

Planning permission is sought retrospectively for the following works to the property:

- single storey rear extension, approx. 2.89m in depth, 3.3m in height and 6m in width with shallow pitched roof and parapet walls
- raised patio area, approx. 1.5m in height, projecting approx. 3.59m in depth from the rear of the extension

In addition, a glass balustrade and steps are proposed to link the patio to the garden area. At the time of visiting the site these works had not been undertaken.

Location

The application site is located on the south-eastern side of Chesham Road, Penge, and comprises a mid-terrace dwelling.

The application site is bounded by allotment gardens to the rear.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and at the time of writing the report no objections had been received.

Comments from Consultees

No consultations were made in respect of this application.

Planning Considerations

The main planning policies of relevance to this application are as follows:

BE1 Design of New Development
H8 Residential Extensions

This application has been referred to Committee in view of the fact that it is part retrospective.

Planning History

There is no recent planning history of relevance to this application.

Conclusions

The main issues relating to this application are the impact of the extension and raised patio area to the amenities of residents adjoining the application site, and the impact of the works to the character and appearance of the surrounding area.

The single storey rear extension may be considered an acceptable height and depth for this mid-terrace host property, and may not give rise to a significant loss of amenity to local residents. Given the relatively modest dimensions and the siting of the extension to the rear of the property, it is not considered that the character of the area is likely to be affected.

With regard to the raised patio, it is noted that there would originally have been a raised patio area to the rear of the host property and that this would, in view of the drop in ground level to the rear, appear to be a common feature to properties in the vicinity of the application site. However, the raised patio that has been constructed on the site extends approx. 3.59m beyond the rear wall of the extension (effectively 6.5m approx. from the rear wall of the dwelling), which represents a substantial increase in depth over the existing patio. This depth, when coupled with the height (approx. 1.5m) is considered to be excessive and affords views into neighbouring gardens and back towards the rear of the adjoining dwellings, giving rise to a serious loss of privacy in this close-knit residential area. While it may be possible to erect a higher fence to act as a screen, the additional height when added to the height of the patio (approx. 1.5m) would be likely to result in an unacceptable visual impact and loss of amenity to neighbouring properties.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/01002, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The raised patio area is excessive in height and depth, and gives rise to a serious loss of amenity to residents adjoining the application site with particular regard to overlooking and loss of privacy, thereby contrary to Policy BE1 of the Unitary Development Plan.

Further recommendation:

ENFORCEMENT ACTION BE AUTHORISED TO SEEK THE REMOVAL OF THE DECKING IN EXCESS OF PERMITTED DEVELOPMENT

Reference: 10/01002/FULL6
Address: 42 Chesham Road Penge London SE20 7RJ
Proposal: Single storey rear extension and raised patio, steps, balustrade and steps to rear
PART RETROSPECTIVE APPLICATION



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Agenda Item 4.8

Application No : 10/01059/FULL6

Ward:
Cray Valley East

Address : 11 Renton Drive Orpington BR5 4HH

OS Grid Ref: E: 547809 N: 166593

Applicant : Mr D Smith

Objections : NO

Description of Development:

Single storey side extension and rear dormer extension and alterations to roof

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding

Proposal

This proposal is for a single storey side extension and rear dormer extension together with alterations to roof to form a half hip to a semi-detached bungalow.

The proposal can be divided into 2 main elements:

- 1) Single storey side extension: The proposal will involve the conversion of the existing garage into a garden/store room and the formation of a new garage in front. The extension would be 3.5m wide and 6.1m in length and would be flush with the front elevation. The extension would have a separation of ~0.8m to the boundary with the corner of Rooksley Drive.
- 2) Alterations to the roof to form half hip together with a rear dormer: The extension would provide a two bedrooms, ensuites and dressings rooms at first floor level. The dormer will measure ~7m in length and ~2.3m tall.

Location

The site is located on the corner of Rookesley Road and Renton Drive.

Comments from Local Residents

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

Planning Considerations

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

BE1 Design of New Development
H8 Residential Extensions

Planning History

In 1998 under planning ref. 98/00128, permission was granted for a single storey side and rear extension.

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 current proposal will increase the roof to a half hip and provide rear dormer extensions to the rear. This is a semi-detached bungalow and the adjoining neighbour has not extended their roof. Generally the Council accept this type of alteration to a semi-detached property and therefore it is considered that this element of the proposal is acceptable even though it may be considered that the proposal will unbalance the appearance of the pair of semis.

With regards to the impact the rear dormer will have on the character and appearance of the area, neighbouring properties Nos. 15, 27 and 29 have rear box dormer, therefore it could be considered that the proposed extension is not out of keeping with the area.

In terms of loss of privacy the rear garden is ~11m long and is considered that it will not cause any significant harm. Three sky light windows will be added to the front elevation, this is seen at No. 27 also and is not considered to have a significant impact on the appearance of the property or the street scene generally.

The single storey rear extension will be inline with the existing front projection. Normally the Council resist front extensions, however this extension does not project forward of the building line and is therefore not considered contrary to policy, impact detrimentally on the neighbouring properties or street scene generally.

This applicant has been put before Members so that they can consider the application with particular regards to the combination of the single storey side extension which will be located ~0.8m from the boundary and the alterations to the roof which will increase the bulk and mass on this corner site. Members are therefore asked to consider if the proposal would result in a cramped form of development which is detrimental to the spatial standards of this corner site.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/01059, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

Reasons for granting permission:

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

- BE1 Design of New Development
- H8 Residential Extensions

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

- (a) the appearance of the development in the street scene;
- (b) the relationship of the development to adjacent property;
- (c) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (d) the light and outlook of occupiers of adjacent and nearby properties;
- (e) the privacy of occupiers of adjacent and nearby properties;

and having regard to all other matters raised.

Reference: 10/01059/FULL6

Address: 11 Renton Drive Orpington BR5 4HH

Proposal: Single storey side extension and rear dormer extension and alterations to roof



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Application No : 10/01111/OUT

Ward:
Biggin Hill

Address : 36 Polesteeple Hill Biggin Hill TN16 3TH

OS Grid Ref: E: 541758 N: 158526

Applicant : P.D.L Homes LTD

Objections : YES

Description of Development:

Demolition of existing dwelling and erection of a three storey block comprising of 9 three bedroom flats, 9 car parking spaces, cycle and waste stores.
OUTLINE APPLICATION.

Proposal

This application has been called to Committee by the local ward Member.

The proposal is an outline application for the demolition of the existing house at the site and the erection of one three storey building resulting in 9 three bedroom flats. The only reserved matter is landscaping.

Location

The application site is a triangular plot comprising a large detached house with large garden. It has a frontage to Polesteeple Hill and also adjoins development on Charlton Drive and Sunningvale Avenue. The site extends over an area of 0.128ha. The site lies within a built up, residential part of Biggin Hill with a variety of dwelling types and sizes in the vicinity. The area is characterised by steep gradients, and many of the houses, including that of No. 36 Polesteeple Hill, have steep gardens with retaining walls.

Comments from Local Residents

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

- loss of privacy;
- car park will be next to back garden;
- lack of parking spaces for the proposal, resulting in overspill in other areas which are already overstretched;
- concern that the proposal will involve substantial excavation given the gradient of the site and this may structurally affect neighbouring properties;
- loss of trees and screening on boundary/neighbouring gardens;

- parking survey is inaccurate, and includes spaces that would not be safe to use;
- parking survey does not take into account the local businesses nearby which will impact on parking, given the early and late hours or the nearby bus route;
- is Bromley Council going to carry out an independent parking survey?
- the one way system is not mentioned in the report;
- impact on emergency and service vehicles using the nearby roads given the increase in parking;
- impact on the local businesses with regards to the extra parking from the proposed development;
- in 2005 it was discussed that an entrance/exit from Polestreeple Hill would not be acceptable because the gradients of both the new drive and Polestreeple Hill and the entrance would be directly opposite The Grove and this would lead to an increase in danger to those using this junction and entrance/exit;
- not in keeping with the area;
- overdevelopment of the site;
- no objection to development on the site, just objections to flats;
- lack of amenity space for the development.

A petition with 186 signatories has been submitted objecting to the proposal. Photographs have also been submitted by local residents showing the parking along local roads.

The Tatsfield Ward Councillor for Tandridge has raised objections to this proposal with regards to the traffic survey and parking in nearby roads.

Comments from Consultees

With regards to highway safety there were 3 highway issues with the previous application: sightlines, parking and pedestrian access.

The sightline shown is 2.4m x 59m, which equates to speeds of 37mph from the table 7.1 in Manual for Streets, and would be acceptable. To the south of the site the sightline goes across land not shown as being within the applicant's control. It is stated in the Planning Statement that a legal agreement has been entered into with the owner of the land to provide the sightline. A copy of the agreement needs to be seen by the Council to confirm that the sightline can be suitably secured and a copy is awaited at the time of reporting.

There are 9 parking spaces proposed for the 9 flats which is in line with the Council's maximum standards. However, given the low accessibility to public transport, car ownership in the area is relatively high and it is likely that on-street parking will be associated with the development. A residential parking stress survey was supplied with the application. The survey probably overestimates the number of spaces available where possible parking on both sides of certain roads is counted. There are also roads such as Lusted Hall Lane where, as there is no footway, residents or

visitors associated with the development are unlikely to look to park. There are however a number of vacant spaces shown in Steeple Heights Drive, Sunningvale Avenue and the one-way section of Polesteeple Hill which are likely to be able to accommodate overspill parking from the site.

Vehicles are not currently parked in the section of Polesteeple Hill outside the site but as this would be the closest unrestricted parking to the site it may be that drivers are attracted to park here. However, given the width of the road, the bend and the hill this is not a suitable place to park. It is therefore suggested that unless more parking is provided on site the applicant enters into a legal agreement to fund the investigation, design and implementation of a waiting restriction scheme around the site.

A footway is proposed along the frontage of the site with Polesteeple Hill, which is shown at 1.2m wide. The latest advice from Manual for Streets is that footways should be a minimum of 2m wide. However, it would seem adequate if the new footway matches the adjacent existing one which appears to be 1.8m wide and so the applicant should be asked to supply an amended plan. Any additional information received will be reported to Members verbally.

Thames Water has no objections to the proposal and requests an appropriate condition regarding surface water drainage.

With regards to Drainage no objections have been received subject to surface water being drained into a soakaway.

No objections have been received from an Environmental Health point of view.

Planning Considerations

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

H7 Housing Density and Design
BE1 Design of New Development
NE7 Development and Trees
T3 Parking
T18 Road Safety

There are no objections to the scheme in respect of the impact on trees subject to appropriate conditions.

Planning History

This site has a short planning history, an application under planning ref: 05/00241 for the erection of two 3 storey buildings comprising 12 two bedroom flats was refused for the following reasons; the proposal was considered a cramped overdevelopment of

the site, out of character with the area, and the scheme lacked adequate on-site car parking given its low public transport accessibility.

The subsequent appeal was dismissed by decision letter dated 26 July 2005. The Inspector considered the two main issues in that case to be the effect of the proposal on the character and appearance of the area and the implications of the proposal for parking and highway safety.

In respect of the character and amenities of the area, she did not consider the scale, size or design of the development to be out of character, to constitute over development or to conflict with development plan policies. However, as regards the parking and traffic issue she concluded that the proposal would generate a need for parking that could not be met on site. She also believed that the increased demand for parking in the area could not easily be met on street because of the pressure that already exists. Given this, the significant increase in traffic along Charlton Drive, a narrow road, the likelihood of parked vehicles, and the difficulties of access by service vehicles, she concluded that traffic congestion and conflict would result, contrary to Policy T15 of the UDP.

Following this a further application was submitted under planning ref: 05/03646 for the demolition of existing dwelling and erection of 2 three storey buildings comprising 8 three bedroom and 2 one bedroom flats with car parking. This was refused by Members for the following reasons: the lack of on-site car parking and would result in the intensification of the use of the junction of Charlton Drive and Sunningvale Avenue which, given the sub-standard visibility and the potential for an increase in on-street parking within close proximity to this junction, would be detrimental to the free flow of traffic and conditions of highway and pedestrian safety.

This application was also dismissed at appeal by decision letter dated 29 March 2005. The inspector concluded the development would not have a harmful effect on the character and appearance of the area. However, it would have an adverse impact on road safety in Sunningvale Avenue from inadequate sightlines at the junction of Charlton Drive and Sunningvale Avenue, and therefore dismissed the appeal.

Most recently under planning ref: 09/03501 an application was submitted which is identical to the current application for the demolition of the existing house at the site and the erection of one three storey building resulting in 9 three bedroom flats. This application was refused by the Council on the following grounds;

1. The site is within an area of low accessibility to public transport and hence higher than average car ownership and, with the absence of information to the contrary, the potential overspill parking is likely to result in an increase in on-street parking which will interfere with the free flow of traffic to the detriment of road safety contrary to Policies T3 and T18 of the Unitary Development Plan.

2. The lack of adequate provision for pedestrian movement in the vicinity of the development and lack of links to the surrounding footpath network onto Polesteeple Hill would be harmful to the pedestrian environment and therefore contrary to Policy T6 of the Unitary Development Plan.

This application is currently being appealed by the applicant under written representation with the Councils submission of details due on the 8th June 2010.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area, the impact that it would have on the amenities of the occupants of surrounding residential properties and the impact on road/traffic safety. It is also necessary to consider whether the current application overcomes the previous grounds of refusal to merit granting permission, with particular regard to previous appeal decisions.

To overcome the previous refusals, the applicants have altered the access from Charlton Drive to Polesteeple Hill and submitted a parking stress survey. Concerns have been raised with regards to road safety, however the applicants have provided adequate sightlines, albeit subject to a legal agreement ensuring that the sightlines can be maintained.

Concerns have been raised from local residents regarding parking, however Members will note that Appendix II (Parking Standards) of the Unitary Development Plan sets out the maximum parking spaces and for flats it is one space per unit, therefore the proposed number of spaces meets that standard. It should also be noted that at the appeal under planning ref: 05/03646 the Inspector considered the added pressure on parking in conjunction with a parking survey which was carried out and concluded that a refusal of planning permission cannot be justified on the grounds of inadequate parking provision when the appellant proposed to provide the maximum level of on site parking sanctioned by the UDP, and when each of the parking surveys undertaken demonstrates that there is some spare capacity in the immediate area. However, it must be noted that at the time the Inspector considered this the access for the development was through Charlton Drive, from Sunningvale Avenue and not from Polesteeple Hill, although the new parking survey still demonstrates there to be some spare capacity in the surrounding roads.

Notwithstanding the strong objections from the local residents in relation to the overall impact of the development on their amenities and the character of the area, in terms of the design and location of the blocks there are reasonable similarities to the previous application and bearing in mind the Inspector took the view that this element of the application was unobjectionable, it would not be advisable for the Council to resist the application on those grounds.

On balance and having regard to the planning history, it is recommended that permission be granted subject to (i) the Council being satisfied that the sight-lines across adjoining land can be achieved and maintained and (ii) the Council being satisfied that the proposal will not be prejudicial to highway safety and parking. An update on these points will be reported at committee.

Background papers referred to during production of this report comprise all correspondence on files refs. 05/00241, 05/03646 and 09/03501, excluding exempt information.

RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT

and the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
ACA01R A01 Reason 3 years
- 2 ACC01 Satisfactory materials (ext'nl surfaces)
ACC01R Reason C01
- 3 ACB01 Trees to be retained during building op.
ACB01R Reason B01
- 4 ACB02 Trees - protective fencing
ACB02R Reason B02
- 5 ACB03 Trees - no bonfires
ACB03R Reason B03
- 6 ACB04 Trees - no trenches, pipelines or drains
ACB04R Reason B04
- 7 ACD02 Surface water drainage - no det. submitt
ADD02R Reason D02
- 8 ACH03 Satisfactory parking - full application
ACH03R Reason H03
- 9 ACH04 Size of parking bays/garages
ACH04R Reason H04
- 10 ACH12 Vis. splays (vehicular access) (2 in) 2.4m x 59m 1m
ACH12R Reason H12
- 11 ACH16 Hardstanding for wash-down facilities
ACH16R Reason H16
- 12 ACH19 Refuse storage - implementation
ACH19R Reason H19
- 13 ACH22 Bicycle Parking
ACH22R Reason H22
- 14 While the development hereby permitted is carried out, provision shall be made to accommodate, operatives and construction vehicles loading, unloading, parking and turning within the site in accordance with details submitted to, and approved, in writing by, the Local Planning Authority, and such provision shall

remain available for such uses to the Authorities satisfaction throughout the course of the development.

ACH03R Reason H03

- 15 The developer to certify to the Council in writing that lighting of the access/car parking is in accordance with BS 5489-1:2003 prior to first occupation, and that such lighting will be maintained permanently thereafter.

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

Reasons for permission:

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

- H7 Housing Density and Design
- BE1 Design of New Development
- NE7 Development and Trees
- T3 Parking
- T18 Road Safety

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

- (a) the appearance of the development in the street scene;
- (b) the relationship of the development to the existing buildings;
- (c) the character of the development in the surrounding area;
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (e) the privacy of occupiers of adjacent and nearby properties;
- (f) the impact on the trees;
- (g) road safety and parking.

and having regard to all other matters raised.

INFORMATIVE(S)

- 1 Please note that you will require Thames Water's approval to discharge into the public sewer. Please contact Thames Water Developer Services on 0845 850 2777.
- 2 RDI10 Consult Land Charges/Street Numbering
- 3 You should seek engineering advice from the Environmental Services Department at the Civic Centre regarding general drainage matters and the provision of on-site surface water storage facilities (020 8313 4547, John Peck).
- 4 Before the use commences, the applicant is 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. If during works on site contamination is discovered, Environmental health should be contacted immediately to discuss the actions.

Reference: 10/01111/OUT

Address: 36 Polesteep Hill Biggin Hill TN16 3TH

Proposal: Demolition of existing dwelling and erection of a three storey block comprising of 9 three bedroom flats, 9 car parking spaces, cycle and waste stores.

OUTLINE APPLICATION.



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Application No : 10/01174/FULL1

Ward:
Chislehurst

Address : Babington House School Grange Drive
Chislehurst BR7 5ES

OS Grid Ref: E: 542607 N: 170812

Applicant : The Governors

Objections : NO

Description of Development:

Extension to provide store room and additional learning support classroom in roof void with two dormers on north western elevation.

Key designations:

Locally Listed Building

Proposal

- The proposal seeks to provide a single storey extension to the rear of the school building with dimensions of 2.3m x 4.2m to provide a store room. The store room will have a sloped roof with a height of 5.1m (3.0m to eaves level).
- It is proposed to provide a learning support room in the existing roof void of the school building.
- The learning support room will incorporate two dormer extensions to the northwest courtyard elevation (facing south east). These will have a height of 2.1m and a width of 1.9m. They will incorporate gable roofs.
- The school has confirmed that no additional staff or pupils will be accommodated as a result of the proposal.

Location

Babington House School occupies a site of 0.6 ha within the western section of Chislehurst and is surrounded by a mixture of predominantly detached two storey residential dwellings.

Comments from Local Residents

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

Comments from Consultees

No Thames Water objections are raised.

From a technical highways point of view, no objections are raised subject to no increase in pupils.

No objection is raised by the Children And Young People services department, who recognise the educational benefit of the proposal.

There are no comments from a drainage aspect.

Planning Considerations

Policies relevant to the consideration of this application are BE1 (Design of New Development), BE10 (Locally Listed Buildings), C1 (community Facilities), C7 (Education And Pre-School Facilities), NE7 (Development and Trees), T18 (Road Safety) of the adopted Unitary Development Plan.

There are a number of other relevant policy documents that come under the general category of other 'material considerations'. These include:

PPS1: Delivering Sustainable Development
PPG24: Planning and Noise.

In strategic terms the most relevant London Plan policies are:

3A.24 Educational facilities
4B.1 Design principles for a compact city
4B.8 Respect local context and communities.

Planning History

Planning permission was granted under ref. 08/03940 for demolition of existing assembly hall and drama studio and erection of part one/two/three storey extension to the north of the site to provide new dining area, assembly hall, changing room and music room (amendment to phase 3 of permission granted under ref. 00/002853 and 04/04633). This development has not been constructed.

Planning applications have recently been permitted at the site under refs. 10/00943 and 10/01038 for a temporary classroom and temporary car park respectively.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area, the impact that the development would have on the amenities of the occupants of the surrounding residential properties, the impact on the character of the area and the host locally listed building, and the impact on highway safety.

The proposed store room is considered to be of a modest scale and in context with the host building. The design includes a sloped roof which will match the design of the host building. The dormers are considered to be small-scale also, and will sit comfortably within the roof slope without appearing clumsy or dominant. The result is that the extensions are not considered to impact harmfully on the character of the host building (which is locally listed) or wider area.

The store room will not bring the school building significantly closer to the nearest neighbouring residential property and the prospect from this dwelling (No. 8 Elmstead Glade) will not be seriously harmed. Good vegetation screening exists along this boundary also. Likewise, the dormers will face south east into the courtyard and will not result in any overlooking. The bulk of the roofspace will not be extended in any other way than the two dormers.

The proposal to include a learning support room raises no principle objection and is in line with the educational policies of the development plan.

No significant trees are considered to be affected by the proposal. From a conservation point of view, the extensions to the locally listed building are not considered to be harmful to its intrinsic character, subject to the use of suitable materials and this can be conditioned.

On balance the proposal is considered to be acceptable in that it would not harm the amenities of neighbouring properties or the character of the area. The proposal is considered to not harm the character of the host building which is locally listed and would not impact on highway safety as no additional staff or pupils are proposed. It is therefore recommended that Members grant planning permission.

Background papers referred to during production of this report comprise all correspondence on files refs. 08/03940, 10/00943, 10/01038 and 10/01174, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACC01 Satisfactory materials (ext'nl surfaces)
 ACC01R Reason C01
- 3 ACC03 Details of windows
 ACC03R Reason C03
- 4 No additional pupils or staff shall be accommodated at the school as a result of the permission hereby granted.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to prevent overdevelopment of the site.

Reasons for granting permission:

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

- BE1 Design of New Development
- BE10 Locally Listed Buildings
- C1 Community Facilities
- C7 Education and Pre-School Facilities
- NE7 Development and Trees
- T18 Road Safety

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

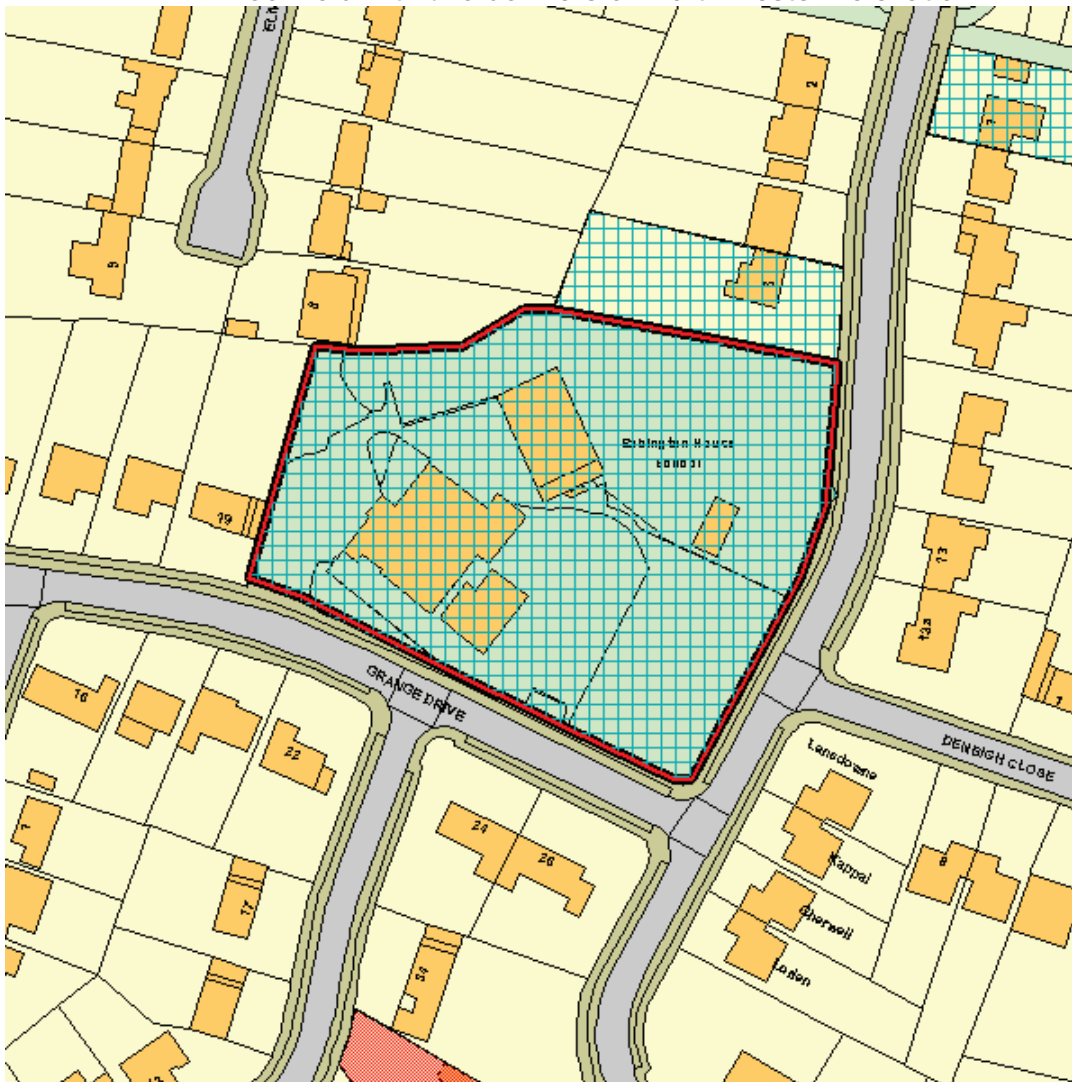
- (a) the relationship of the development to locally listed building
- (b) the character of the development in the surrounding area
- (c) the impact on the amenities of the occupiers of adjacent and nearby properties, including light, prospect and privacy
- (d) the community facilities policies of the development plan
- (e) the transport policies of the development plan.

and having regard to all other matters raised.

Reference: 10/01174/FULL1

Address: Babington House School Grange Drive Chislehurst BR7 5ES

Proposal: Extension to provide store room and additional learning support classroom in roof void with two dormers on north western elevation.



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Application No : 10/01199/FULL1

Ward:
Petts Wood And Knoll

Address : Land Adjacent To 10 Westholme
Orpington

OS Grid Ref: E: 545565 N: 166605

Applicant : Mr And Mrs T Edmonds

Objections : YES

Description of Development:

Two storey detached house with integral garage.

Proposal

The application proposes the erection of a two storey 4 bedroom detached house on garden land adjacent to the dwelling of 10 Westholme. The details of the proposal are summarised below:

- The proposed plot will have a frontage width of approx. 14.96m and a plot depth of just over 23m.
- the house will be set between approx. 5.8m – 7.6m from the back edge of the pavement in line with No.10
- a 1m side space is proposed to each flank boundary and the maximum height of the dwelling is approx. 7.8m to the ridge,
- the eastern flank depth of the building will be approx. 9.6m overall of which approx. 7.3m will be at a two storey height,
- the western flank will be approx.5.5m deep,
- no flank windows are proposed and all principal windows are shown in the front and rear elevation. All first floor rear windows which would serve bathrooms and landing space are proposed to be obscure glazed,
- an integral garage is proposed and surface car parking for 2 cars can be provided to the front of the building.

Location

The application site comprises the side garden of No.10 and an additional area of garden, once part of No.36 Mayfield Avenue which is also under the ownership of the applicant. To the east of the site within the garden of No.38 is a row of conifer trees. These trees appear level with the site however the remainder of No.38 is set on a lower ground level. To the north of the site is the garden of No.36 and to the west lies No.10 with its large rear garden. Opposite the site is 1a is a detached two storey dwelling permitted under ref. 88/4890 which formed part of the rear gardens of 40-42 Mayfield Avenue.

There is a gentle incline rising up the close towards the turning area. Westholme itself is a relatively narrow cul-de-sac comprising two storey detached properties set back from the road and within plots up to approx. 60m deep.

Comments from Local Residents

Numerous letters of objection have been received in respect of the application, including comments from the Knoll Residents Association which are summarised below:

- the development constitutes infilling which would be a dangerous precedent for other developments and would lead to overdevelopment of the residential area,
- the proposed development would stand substantially higher than the adjacent properties on Mayfield Avenue and would result in a loss of amenity and privacy,
- the proposal would be cramped overdevelopment of the site,
- noise, disturbance and obstruction of the highway during construction would be detrimental to residential amenity,
- the situation has not altered since the Inspectors last decision,
- similar proposals for development in Brookside on land to the rear of 26/28 Mayfield have recently been refused and as such the same principles should apply.

Comments from Consultees

No technical objections are raised in respect of the proposal from a Waste Services, Drainage, or Highways point of view subject to safeguarding conditions

No objections have been received from Thames Water.

Planning Considerations

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

BE1 Design of New Development
H7 Housing Density and Design
T3 Parking
T18 Road Safety

London Plan Policy 3A.1 Increasing London's supply of housing
Policy 3A.3 Maximising the potential of sites

This application has been brought to committee upon the request of the local Ward Member.

Planning History

There is a history of refusals of planning permission for the erection of a new dwelling on this land under refs. 19/74/1410 and 97/2239. More recently permission was refused under refs. 02/03943 and 03/01267 for a detached three bedroom house both of which were subsequently dismissed on appeal.

The differences between the schemes under ref. 02/03943 (Appeal A) and ref. 03/01267 (Appeal B) related to primarily to the plot width with the inclusion of a single garage and side space of 1m to No.10 and 0.6m to the boundary with No.38 (appeal a) and the provision of more space about the building in Appeal B due to the deletion of the garage.

The Inspector considered that in respect of the dwelling proposed in Appeal A that, "while the actual depth of the plot would not be visible from public viewpoints, the consequences of the lack of depth would be clearly apparent in the street scene. It would result in an overdevelopment of the site and would fail to reflect the more spacious character of the road or surrounding area" (para 11.)

In respect of Appeal B, the Inspector acknowledged that the scheme was less cramped as the omission of the garage allowed for more space about the building. However, the Inspector again considered that the house would still be sited significantly forward of other houses fronting Westholme, relatively close to the road. He considered that this would be visually intrusive in the street scene and would demonstrate that the site has insufficient depth to satisfactorily accommodate the house which would be harmful to the character of the area.

It is also noted that the Inspector in assessing the above appeals did not consider that either scheme would have an overbearing impact or would significantly harmful to the living conditions of occupiers of adjoining properties by reason of the effect on outlook or loss of privacy.

In addition, Members may be aware of the development of a detached dwelling at No.1a Westholme permitted under ref. 88/4890 which has subsequently been extended by the grant of permission under ref. 02/01497/FULL1 for a single storey rear and under ref. 05/00835/FULL6 for a first floor side extension.

Local representations received in respect of this application have also referred to the recent refusal of a 4 bedroom dwelling on land to the rear of 26/28 Mayfield Avenue under ref. 08/01524. This application was refused on the grounds of overdevelopment, out of character and detrimental impact upon residential amenity.

Conclusions

The main issue in this case impact of the development upon the site and surrounding area, its impact upon adjoining and nearby residential properties.

The proposed two storey dwelling with a plot width of over 14m is comparable with neighbouring development. Since the determination of the previous planning appeals, the revised scheme includes a greater depth of the plot extending to approx. 23.5m (when scaled from the submitted drawings) compared to the original plot size of just 17m in depth. The enlargement of the application site has allowed for the dwelling to be set further back from the road to be in line with No.10 which is considered to overcome the previous Inspectors concerns regarding the forward siting of a house on this site and its visual impact upon the street scene. The frontage dimensions and proposed siting are therefore now comparable with neighbouring development.

The new dwelling will extend virtually the full width of the plot and will maintain the minimum side space separation of 1m to each flank boundary. No objections are seen to the aesthetics of the design of the building and its position within the plot with a maximum rear garden depth of just over 10m allows for greater space to the front and rear of the building. However, it is acknowledged that even with the enlargement of the site, the overall plot depth is less than neighbouring properties which vary between 30-60m.

With regard to the impact of the proposed dwelling upon nearby residents it is acknowledged that built development will be introduced into an area where none has previously existed and the orientation is such that there will be a change experienced from these properties in outlook and general lighting. The dwelling would extend above the conifer trees along the boundary and the two storey part of the house would be approx. 23m from the rear of No.38 which is considered an acceptable degree of separation. Reasonable distances between No.36 Mayfield Avenue and No.1a Westholme will also be maintained to not adversely impact upon the amenities of the occupiers of these properties.

In addition, no flank windows are proposed to the dwelling and the first floor rear windows (with the exception of the window to the stairwell) are proposed to be obscure glazed, and as such, it is unlikely that a serious degree of overlooking would result. Any potential for overlooking can be controlled through planning conditions restricting the insertion of new windows and the requirement to provide obscure glazing and boundary screening/planting to the rear boundary.

On balance therefore, it is considered that the proposed development seeks to overcome the previous concerns raised by the Inspector by increasing the depth of the site and by setting the dwelling back further into its plot, reducing its impact upon the street scene. Whilst this allows for greater space to the front and rear of the building, Members will need to consider whether the scheme now proposed; with the increase in plot depth is now an acceptable form of development which can be carried out without detrimental harm to the character of the area and visual and residential amenity in general.

Background papers referred to during production of this report comprise all correspondence on files refs. 74/1410, 97/2239, 02/03943 and 03/01267, 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 within 3 yrs
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 (ext'nl surfaces)
ACC01R Reason C01
- 5 ACH03 Satisfactory parking - full application
ACH03R Reason H03
- 6 ACH09 Restriction on height to front and flank
ACH09R Reason H09
- 7 ACH32 Highway Drainage
ADH32R Reason H32
- 8 ACI02 Rest of "pd" Rights - Class A, B,C and E
ACI03R Reason I03
- 9 ACI12 Obscure glazing (1 insert) as shown on drawing ET 902-01
ACI12R I12 reason (1 insert) H7 and BE1
- 10 ACI13 No windows (2 inserts) flank dwelling
ACI13R I13 reason (1 insert) H7 and BE1
- 11 A side space of 1m shall be provided between the flank walls of the dwelling hereby permitted and the flank boundaries of the property.
ACI10R Reason I10

12 Reasons for granting permission:

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

- BE1 Design of New Development
- H7 Housing Density and Design
- T3 Parking
- T18 Road Safety

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

- (a) the appearance of the development in the street scene
- (b) the relationship of the development to adjacent property

- (c) the character of the development in the surrounding area
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties
- (e) the safety of pedestrians and motorists on the adjacent highway
- (f) the provision of satisfactory living accommodation for future residents
- (g) the housing, transport and environmental policies of the UDP

and having regard to all other matters raised.

INFORMATIVE(S)

- | | | |
|---|--------|---|
| 1 | RDI10 | Consult Land Charges/Street Numbering |
| 2 | RDI16 | Contact highways re. crossover |
| | 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 locality thereby detrimental to its visual amenities contrary to Policies H7 and BE1 of the Unitary Development Plan. |

Reference: 10/01199/FULL1

Address: Land Adjacent To 10 Westholme Orpington

Proposal: Two storey detached house with integral garage.



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Application No : 10/01252/FULL1

Ward:
Kelsey And Eden Park

Address : Land Adjacent To 66 Manor Way
Beckenham

OS Grid Ref: E: 537490 N: 168747

Applicant : Mc Allister Developments Ltd

Objections : YES

Description of Development:

Erection of a detached three bedroom dwelling with integral garage

Key designations:

Conservation Area: Manor Way Beckenham

Proposal

This application seeks permission for a detached two storey 3 bedroom dwelling with integral garage with associated vehicular access / car parking and landscaping on land adjacent to 66 Manor Way.

The footprint of the proposed dwelling would measure at 9.3m deep (deepest end) x 13m wide and measure at 9.8m high with a pitch roof. Furthermore, it is proposed to be located approx 16.7m back from the footway and create a staggered layout with 66 & 70 Manor Way.

Location

The site is located on the southern side plot of No.66.

Manor Way is a neighbourhood comprising mainly detached houses of varying proportions and a design set within a sylvan landscape of mature trees, shrubs and boundary hedges.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and four objections have been received. These objection letters can be summarised as follow:

- harmful to character and appearance of the Manor Way Conservation Area;
- create an undesirable pattern for similar backland development;
- out of keeping with Arts and Crafts style of the Conservation Area.

Comments from Consultees

From a Highways point of view there are no objections subject to safeguarding conditions being imposed.

Thames Water:

- a) Waste Comments With regards to sewerage infrastructure, no objections are raised to the planning application.

Surface Water Drainage - where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

- b) On the basis of information provided, Thames Water would advise that with regard to water infrastructure no objections are raised to the planning application.

In respect of the trees, all trees on the site are to be retained although the house would be in very close proximity to a bay tree to the rear of the garage at no.70. No objections subject to condition.

APCA: Objection due to loss of open area which contributes positively to the character and appearance of the Conservation Area and will be an intrusion particularly in respect of the existing rear building line.

Planning Considerations

Policies BE1, BE11, BE14, H7, H9, NE7, T3, T11 & T18, 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, safeguard the amenities of neighbouring properties and preserve and enhance the character and appearance of the area.

Planning History

Reference No.	Description	Decision	Date
01/03850/OUT 66) OUTLINE	Detached five bedroom house with integral garage (adjacent No. 66)	WDN	31.12.2001
08/00684/FULL1	Erection of a two storey five bedroom detached dwelling with accommodation in roof space	WDN	01.04.2008
08/02574/FULL1	Detached two storey 5 bedroom dwelling with accommodation in roof space and integral garage with associated vehicular access / car parking and landscaping on land adjacent to 66 Manor Way. Appeal Dismissed on 11th May 2009	REF	15.09.2008

09/03588/FULL1 Detached two storey 3 bedroom dwelling with integral garage with associated vehicular access/car parking and landscaping. WDN 24.03.2010

Conclusions

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

Central Government Guidance includes PPS1 and PPS3 which sets out policy on development principles and housing. Central Government advice contained in Planning Policy Statement 3 which seeks more efficient use of land whilst not compromising the quality of the environment. The principle of the redevelopment of the site appears to have been accepted by the Planning Inspector in his appeal decision dated 11th May 2009 following the refusal of DC/08/02574.

Policy H7 paragraph 4.35 of the UDP (2006) states:

"Scope for further housing development occurs mainly on "infill" sites, or redevelopment of older, low-density property, and through the redevelopment of large non residential sites. The Council's primary objective is to ensure a high standard of residential environment. Redevelopment should be of a design that is sympathetic to and complements the surrounding residential area but not necessarily a reproduction of the established form and pattern of development."

The development plot is in a prominent wooded section and the Inspector did not have any concerns regarding the loss of mature landscaping however concerns were expressed in the decision notice relating to the impact of the proposed development on the Pine Tree mainly.

As part of the site, the trees within the site make an important visual contribution to the local character. Although set further back from the highway, in actual design terms, the proposed dwelling would not appear any bigger than that dismissed at appeal. It would be set away sufficiently from the side boundaries to comply with UDP policies and to overcome the impact on the Pine Tree. It is considered that in terms of scale and proportions it would be consistent with the relationship with neighbouring properties and the surrounding pattern of the development. The position of the house would be set further back from the established building line, however this is not considered to be an adverse issue as this would ensure most landscaping is retained and therefore the development would not form a prominent building within the Conservation Area. It would be of similar height to that of 66 and 70 Manor Way and would not appear cramped.

Following discussions between the Council and the applicant's arboriculturalist to ensure that the trees are retained and that the scheme will not adversely affect the tree as mentioned in the appeal dismissal notice.

No concern was expressed in the previous refused application or the appeal decision in terms of impact on neighbouring properties by means of overlooking or loss of sunlight/daylight. The proposed internal layout at first floor level would be very much similar to that of the dismissed appeal.

In this case, 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. Members will need to consider whether the proposal sufficiently addresses the previous appeal decision and comments received locally. Bearing in mind the issues including the previous appeal, this case is presented on list 2 of the agenda.

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that they would not impact detrimentally on the character of the area or result in a loss of visual amenity to local residents. The proposal has satisfactorily overcome all the concerns expressed in the Appeal Decision dated 11th May 2009.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/01252. Appeal Decision dated 11th May 2009 excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | | |
|---|--------|--|--------------------|
| 1 | ACA01 | Commencement of development within 3 yrs | |
| | ACA01R | A01 Reason 3 years | |
| 2 | ACC01 | Satisfactory materials (ext'nl surfaces) | |
| | ACC01R | Reason C01 | |
| 3 | ACD02 | Surface water drainage - no det. submitt | |
| | ADD02R | Reason D02 | |
| 4 | ACH03 | Satisfactory parking - full application | |
| | ACH03R | Reason H03 | |
| 5 | ACH12 | Vis. splays (vehicular access) (2 in) | 3.3m x 2.4m x 3.3m |
| | 1m | | |
| | ACH12R | Reason H12 | |
| 6 | ACH22 | Bicycle Parking | |
| | ACH22R | Reason H22 | |
| 7 | ACH32 | Highway Drainage | |
| | ADH32R | Reason H32 | |
| 8 | ACI02 | Rest of "pd" Rights - Class A, B,C and E | |

Reason: In order to prevent overdevelopment of the site and in order to comply with Policy BE1 of the Unitary Development Plan.

9 ACI13 No windows (2 inserts) northern and southern dwelling
ACI13R I13 reason (1 insert) BE1

Reasons for granting permission:

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

BE1 Design of New Development
BE11 Conservation Areas
BE14 Trees in Conservation Areas
H7 Housing Design
H9 Side Space
NE7 Development and Trees.
T3 Parking
T11 New Accesses
T18 Road Safety

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

- (a) the relationship of the development to adjacent properties
- (b) the character of the development in the surrounding area
- (c) the impact on the amenities of the occupiers of adjacent and nearby properties
- (d) the conservation policies of the Unitary Development Plan

and having regard to all other matters raised.

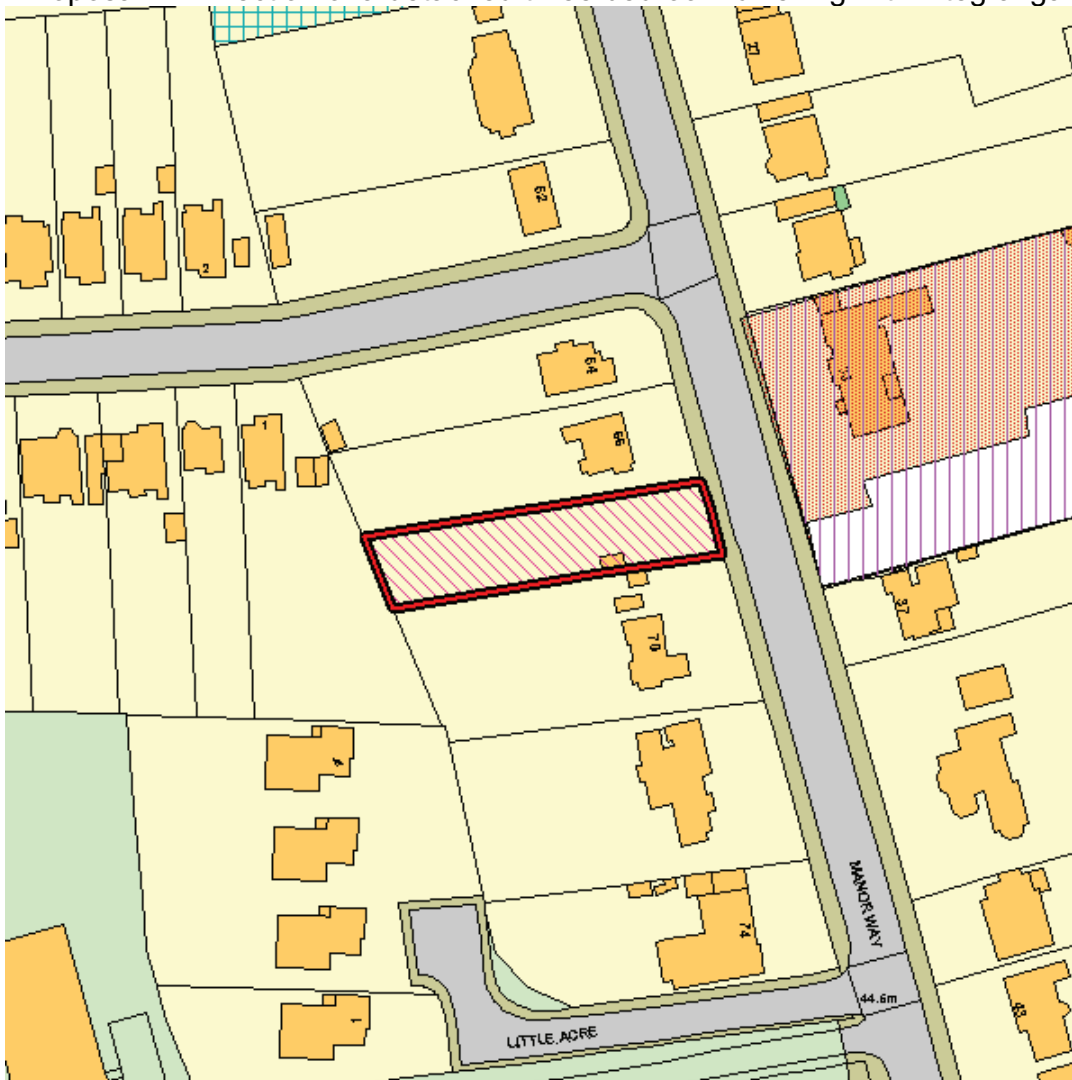
INFORMATIVE(S)

- 1 RDI21 Seek Building Control advice
- 2 RDI15 Highways Act – overhanging vehicles
- 3 With regards to surface water drainage, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Reference: 10/01252/FULL1

Address: Land Adjacent To 66 Manor Way Beckenham

Proposal: Erection of a detached three bedroom dwelling with integral garage



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Application No : 10/01271/FULL1

Ward:
Chislehurst

Address : Farringtons School Perry Street
Chislehurst BR7 6PU

OS Grid Ref: E: 544956 N: 170418

Applicant : Jill Niggemann

Objections : NO

Description of Development:

Canopy shelter and zip wire playing structure with associated fencing

Key designations:

Conservation Area: Chislehurst

Green Belt

Locally Listed Building

Proposal

- The proposal seeks to provide a zip wire play facility on an area of unused ground within the built area of the school.
- The zip wire will have a length of approx. 21m.
- The existing playhouse and swing will be repositioned and a new low fence and entrance gate will be included
- The proposal includes a new green canopy of 3.3m in height and with dimensions of approx. 8m x 5m to be sited at the outdoor play area to the western boundary of the site near to the adjacent properties on Shepherds Green.

The applicant has submitted a statement containing what they feel to be very special circumstances to justify the development Within the Green Belt and this is summarised as follows:

- Improved recreational facilities and outdoor enjoyment of the land
- Facilities provided will be within existing built area of the site
- Canopy will facilitate outdoor teaching, which is required in line with Best Practice Guidance.

Location

Farringtons School occupies a large site within the Chislehurst Conservation Area and is surrounded by a mixture of predominantly detached two storey residential dwellings and open land. The site lies within the Green Belt.

Comments from Local Residents

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

Comments from Consultees

No Thames Water objections are raised.

APCA has not inspected then application at the time of writing the report. Any further comments will be reported verbally at the meeting.

Planning Considerations

Policies relevant to the consideration of this application are BE1 (Design of New Development), BE10 (Locally Listed Buildings), BE11 (Conservation Areas), C1 (Community Facilities), C7 (Education And Pre-School Facilities) and G1 (Green Belt) of the adopted Unitary Development Plan.

There are a number of other relevant policy documents that come under the general category of other 'material considerations'. These include:

PPS1: Delivering Sustainable Development
PPG24: Planning and Noise.

In strategic terms the most relevant London Plan policies are:

3A.24 Educational facilities
4B.1 Design principles for a compact city
4B.8 Respect local context and communities.

Planning History

Planning permission was granted under ref. 08/01052 for a single storey detached building to provide changing rooms and enclosure for existing swimming pool.

A planning application is currently under consideration under ref. 10/ 01202 for the extension of sports building to provide additional changing room, elevational alterations and infilling of side walkway.

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 openness of the Green Belt, the impact that the development would have on the amenities of the occupants of the

surrounding residential properties and the impact on the character of the character of the nearby locally listed building.

The proposed canopy structure does not bring the built development on the land significantly closer to neighbouring residential properties on Shepherds Green and it is considered that the amenities of these properties will not be harmed by the structure as it will be a considerable distance away. The proposed play facility structure is designed to sit within an area of built development and will utilise a currently disused area of the site. The zip wire structure is not considered to impact significantly on the character of the Conservation Area and is also out of the vicinity of the locally listed building, therefore not harming its setting.

In respect to the Chislehurst Conservation Area, the proposal is considered to be small-scale and in keeping with the character of the school. It is not considered that the proposal will harm the conservation area subject to suitable materials and will not be readily visible from the public areas of the conservation area.

On balance the proposal is considered to be acceptable in that it will not impact on the setting of the locally listed building, will not impact on the amenities of neighbouring properties and will not impact detrimentally on the character and appearance of the Chislehurst Conservation Area. Members may consider that the information submitted demonstrates very special circumstances to justify such a structure in compliance with Policy G1 of the UDP, or alternatively that the play facility is an essential structure for the outdoor recreational use of the land and therefore could be appropriate development. It is therefore recommended that the application be granted planning permission.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/01202 and 10/01271, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | |
|---|--------|--|
| 1 | ACA01 | Commencement of development within 3 yrs |
| | ACA01R | A01 Reason 3 years |
| 2 | ACC01 | Satisfactory materials (ext'nl surfaces) |
| | ACC01R | Reason C01 |

Reasons for granting permission:

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

- BE1 Design of New Development
- BE10 Locally Listed Buildings

BE11 Conservation Areas
C1 Community Facilities
C7 Education and Pre-School Facilities
G1 Green Belt

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

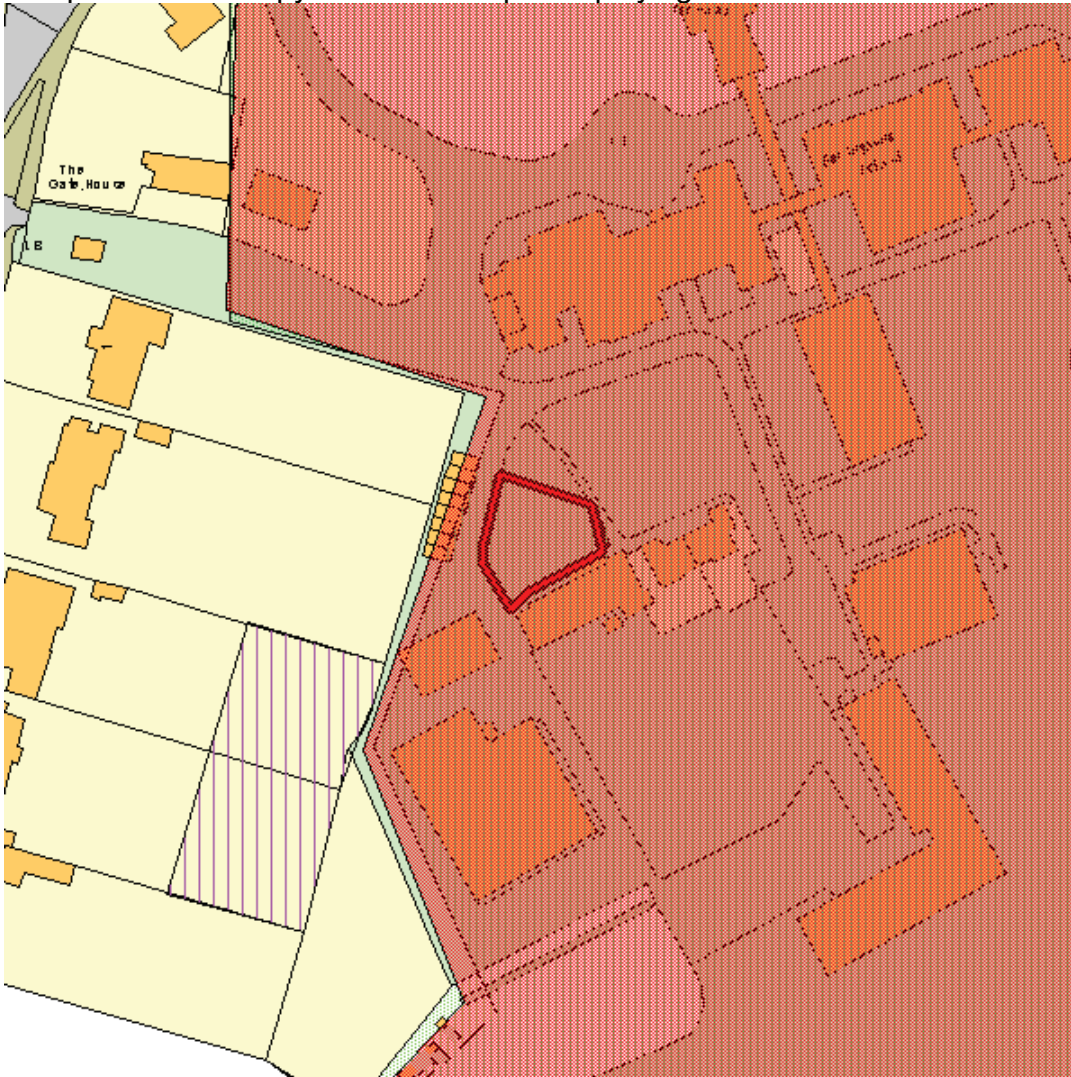
- (a) the relationship of the development to the nearby locally listed building
- (b) the character of the development in the surrounding area
- (c) the impact on the amenities of the occupiers of adjacent and nearby properties, including light, prospect and privacy
- (d) the conservation policies of the development plan
- (e) The open land policies of the development plan
- (f) the community facilities policies of the development plan.

and having regard to all other matters raised.

Reference: 10/01271/FULL1

Address: Farringtons School Perry Street Chislehurst BR7 6PU

Proposal: Canopy shelter and zip wire playing structure with associated fencing



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Application No : 09/03071/FULL2

Ward:
Plaistow And Sundridge

Address : 14 Farwig Lane Bromley BR1 3RB

OS Grid Ref: E: 539989 N: 169897

Applicant : Luceno Properties Ltd

Objections : NO

Description of Development:

Conversion of 2 storey office and light industrial building to 4 live/work units comprising 2 light industrial units and 2 office units each with residential accommodation.

Key designations:

Business Area

Proposal

The proposal is for the conversion of existing 2 storey office and light industrial buildings to form 4 live/work units comprising 2 light industrial units and 2 office units each with residential accommodation and the existing parking spaces.

The application site is situated on the southern side of Farwig Lane adjacent to the 'Big Yellow' storage building, and falls within a designated business area north of the Bromley Town Centre. The site comprises of two detached 2 storey units, each has the use as office and light industrial (Classes B1a and B1b) with car parking.

Consultations

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

Initially the Environmental Health: was not satisfied with the proposed habitable room sizes, the Applicant has submitted an amended drawing with room sizes in accordance with the Environmental Health comments.

Planning Considerations

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

BE1 Design of New Development
EMP7 Business support

History

07/02182/FULL1 Detached building for self storage warehouse and office uses (use Classes B1 & B8) and detached building for office and light industrial uses (Classes B1 (a) and B1 (c)) with car parking and servicing Permission

08/03603/FULL1 Detached building for office and light industrial uses (Class B1 (a) and B1 (c)) with car parking. Permission

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.

The existing buildings are unoccupied, the applicant has stated that the units were marketed from October 2008, and although there have been some enquiries the units have not been taken. The applicant believes there may be some scope to consider live/work units as there would appear to be a ready demand but very little supply.

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

The ground floor of each unit will remain as light industrial with the first and second floors used as residential, The proposals would therefore, appear to comply with Policy EMP 7 of the Unitary Development Plan which states: The council will encourage proposals, which improve the supply of live/work units. Live/work units should be located in town centres and well served by public transport..

Having had regard to the above it was considered that the proposed use is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

as amended by documents received on 24.03.2010

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
ACA01R A01 Reason 3 years
- 2 AJ02B Justification UNIQUE reason OTHER apps

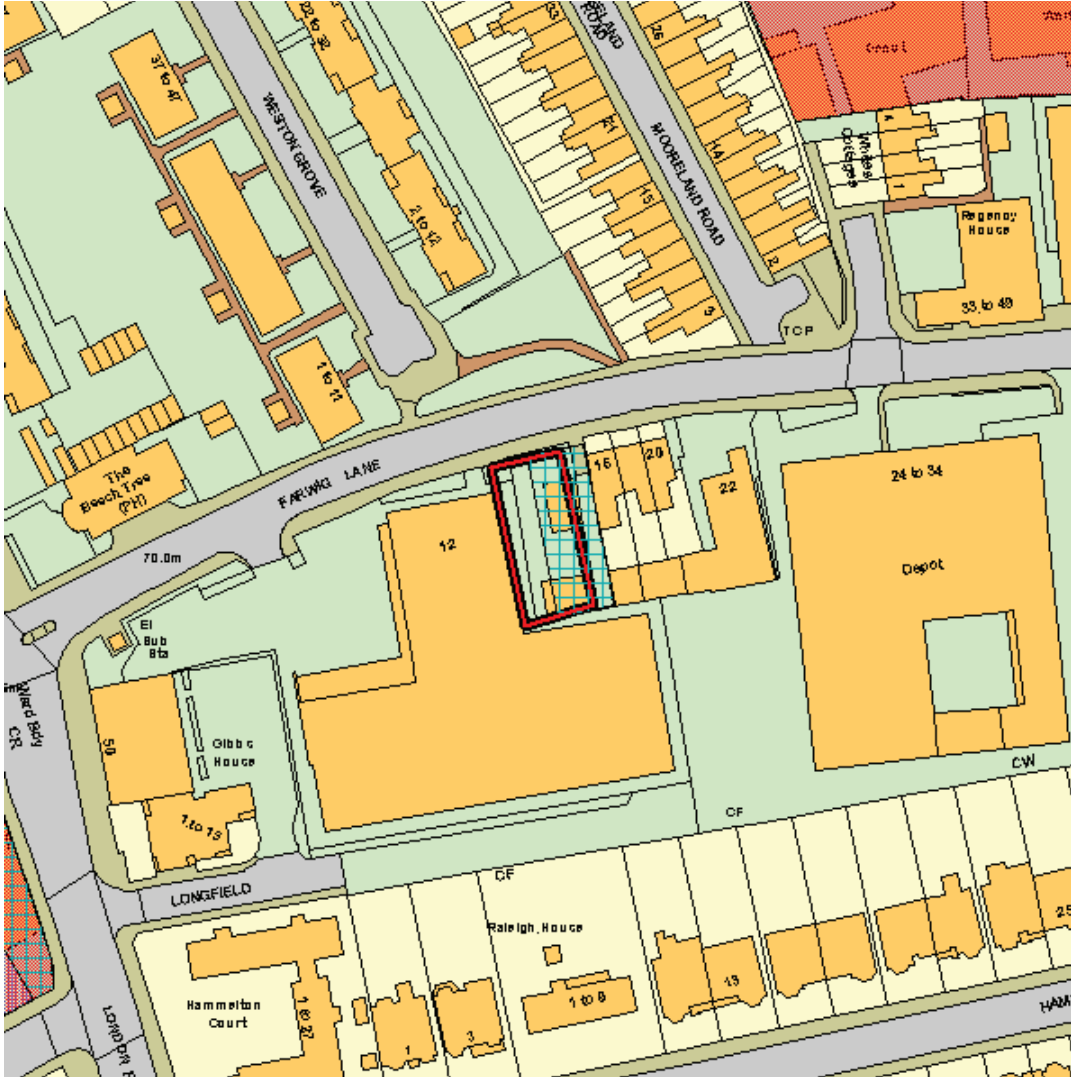
Policies (UDP)

BE1 Design of New Development
EMP7 Business support

Reference: 09/03071/FULL2

Address: 14 Farwig Lane Bromley BR1 3RB

Proposal: Conversion of 2 storey office and light industrial building to 4 live/work units comprising 2 light industrial units and 2 office units each with residential accommodation.



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Application No : 10/00226/FULL1

Ward:
Chislehurst

Address : Rear Of 113 High Street Chislehurst
BR7 5AG

OS Grid Ref: E: 543670 N: 170984

Applicant : P.J. Harte Ltd

Objections : YES

Description of Development:

First floor extension to provide office accommodation and single storey garage extension

Key designations:
Conservation Area: Chislehurst

Proposal

- It is proposed to add a first floor extension over this workshop/office building to provide additional office accommodation, along with a single storey garage extension over part of the open yard
- The first floor extension would be formed by building up the wall on the north-eastern side to the same height as the existing south-western wall (4.8m high), and would raise the overall height of the building by a further 1m in the form of a shallow pitched roof
- The single storey garage extension would be 2.6m high with a flat roof, and would project 5.2m into the existing open yard, leaving a yard area of 2.75m remaining.

Location

This single storey building is located to the rear of Nos.107-113 High Street, and to the rear of residential properties at Nos.45-49 Empress Drive, within Chislehurst Conservation Area. It is used as a workshop/office with an open yard area to the side, and is accessed via an existing service road between Nos.105 and 107 serving the rear of the shops.

Consultations

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

- the proposed extension should not adversely affect neighbouring properties

- if permission is granted, no further development should be permitted on the boundary.

Comments from Consultees

The Council's highway engineer raises no objections to the proposals due to the relatively small size of the additional office accommodation proposed.

Environmental Health raised no concerns.

The proposals were not inspected by The Advisory Panel for Conservation Areas.

Planning Considerations

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

BE1 Design of New Development
BE11 Conservation Areas
EMP2 Office Development
T3 Parking

Planning History

With regard to the recent history of the site, permission was refused under ref. 05/04360 for a two storey/first floor extension to provide part office/part residential accommodation on grounds relating to overdevelopment of the site, loss of outlook to neighbouring properties due to the bulk of the extensions, and intensification of use of the substandard access which would be detrimental to the free flow of traffic and pedestrian safety.

The scheme was revised under ref. 06/01651 to provide a lower roofline, but this was also refused on similar grounds.

Conclusions

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

The building currently extends to 4.8m high along the boundary with Nos.45 and 47 Empress Drive, and the proposed first floor extension would increase the maximum height to 5.8m within a sloping roof structure containing only high-level roof lights in the north-eastern and south-western elevations (no first floor windows are proposed). Although the previously refused schemes (refs.05/04360 and 06/01651) involved rooflines which sloped further away from the neighbouring properties in Empress

Drive (the former extending higher than currently proposed), Members should bear in mind that there is already a high wall on the boundary, and the additional roof structure that would be visible would be only 1m higher, and would slope away from these properties. The proposals are not, therefore, considered to have a seriously detrimental impact on the outlook from adjacent properties, and no overlooking would occur.

The single storey extension would project 5.2m into the yard, leaving 2.75m remaining. It would be 2.6m high with a flat roof, and is not considered to have a harmful impact on the amenities of neighbouring properties.

The proposals do not now include residential accommodation as part of the scheme, which was previously considered to result in an overintensive use of the site that would put pressure on the substandard access.

The building is located behind the main High Street and is not very visible from the public domain, therefore, any impact on the character and appearance of the Conservation Area would be limited. The extension has been designed to balance the existing building, and is considered to improve its overall appearance.

Having had regard to the above it was considered that the proposals are acceptable in that they would not result in a significant loss of amenity to local residents nor impact detrimentally on the character and appearance of Chislehurst Conservation Area.

Background papers referred to during production of this report comprise all correspondence on files refs. 05/04360, 06/01651 and 10/00226, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | | | |
|---|--------|--|-------------|-----------------------|
| 1 | ACA01 | Commencement of development within 3 yrs | | |
| | ACA01R | A01 Reason 3 years | | |
| 2 | ACC07 | Materials as set out in application | | |
| | ACC07R | Reason C07 | | |
| 3 | ACI13 | No windows (2 inserts) | first floor | first floor extension |
| | ACI13R | I13 reason (1 insert) | BE1 | |

Reasons for granting permission:

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

- BE1 Design of New Development
- BE11 Conservation Areas

EMP2 Office Development
T3 Parking

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

- (a) the visual impact on the Conservation Area
- (b) the impact on the amenities of the occupiers of nearby residential properties
- (c) the office policies of the development plan

and having regard to all other matters raised, including neighbours concerns.

Reference: 10/00226/FULL1

Address: Rear Of 113 High Street Chislehurst BR7 5AG

Proposal: First floor extension to provide office accommodation and single storey garage extension



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Application No : 10/00436/FULL6

Ward:
**Bromley Common And
Keston**

Address : Badgers Leafy Grove Keston BR2 6AH

OS Grid Ref: E: 541234 N: 164323

Applicant : Mr Pettyfer

Objections : YES

Description of Development:

Part one/two storey side/rear extension, roof alterations incorporating dormer extensions to provide accommodation in roof space and formation of access onto Leafy Grove

Key designations:

Areas of Archeological Significance
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding

Proposal

This application is to be determined by Committee due to the large number of objections which have been received.

The application site is a detached two storey dwellinghouse located on the south-west side of Leafy Grove. The site is within an area of Archaeological Significance and adjacent to the Green Belt. The surrounding area appears to have been developed gradually over the last two centuries, incorporating detached houses of various architectural styles and sizes, incoherently positioned in their plots, with no consistent building line, displaying characteristics from various eras.

The site originally appeared to be linked to the neighbouring Fieldhead House which is a larger detached dwelling to the north west of Badgers. The two houses are now part of separate sites, however, they still share an access from Leafy Grove.

The main access into Badgers is located on the south west elevation facing into the rear garden. In the application the applicants have referred to this as the 'front elevation'. The house is positioned directly adjacent to the boundary with Leafy Grove and due to the site levels only the roof is visible within the street scene. The Leafy Grove elevation is described as the 'rear elevation'.

The proposal involves the following:

- A part one/two storey side/rear extension to the north-west elevation and south-west elevations;
- Roof alterations incorporating 2 dormer extensions facing Leafy Grove;
- 3 roof lights facing the rear of the site (labelled as the front on the accompanying documents);
- An increase the roof height by approximately 0.7m to provide second storey accommodation in the roof space; and
- A new pedestrian entrance onto Leafy Grove.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and a number of objections have been received. The main points are summarised below:

- danger of front door being too close to road and no pavements.
- large tree will have to be removed (Horse Chestnut).
- proposed roof line to go up affecting light and vista.
- external appearance facing road not sympathetic or symmetrical.
- major works and disruption with heavy vehicles and damage to road.
- every property in Leafy Grove is different however; all improvements should be sympathetic with the age and style of building.
- anxious that any extension is sympathetic to surrounding neighbours
- anxious that it does not set a precedent for overdevelopment that is harmful to the spatial standards and character of the area.
- history of subsidence in Leafy Grove – complexity of build will cause concern for neighbours.
- raising of existing ridgeline is a relatively modest change however it has an impact upon the properties opposite, including Timbers.
- overall additional 600mm increase is not an essential element of the design.
- treatment of the elevational changes facing Leafy Grove seems unsympathetic and inappropriate.
- no symmetry in design.
- more attractive and traditional design for the dormer could be repeated on the left side instead of the roof lights.
- new entrance door and two horizontal slit windows make no concession to age and style of building.
- the proposed plans together with the works already implemented represent a gross overdevelopment of the property.
- excessive bulk from increased ridgeline length and height.
- closer proximity of building and massive increase in overlooking from additional first floor windows in the front elevation and 3 large second floor windows serving additional accommodation.
- new windows proposed on side facing property are just 1 metre from boundary and if not obscurely glazed are a gross invasion of amenity.
- disproportionably large in relation to plot and pattern of development in street.

- cramped form of development.
- badgers occupiers a higher elevation than Fieldhead House.
- both side and rear elevations will provide overlooking.
- whilst use of two balanced dormer windows is an improvement, the design remains unsympathetic to style of building.
- lead cladding is out of keeping.
- development will affect view from neighbouring site.
- will involve chopping down an old Horse Chestnut tree.

Several letters of support for the application have also been received. These can be summarised as follows:

- positive aspect to area is that each house is different.
- plans for Badgers would enhance the external appearance of the house.
- having a front entrance would be beneficial for safety reasons and for visual amenities of street scene.
- proposed development is within reason and within the range of size of adjoining properties.
- fully support proposed plans.
- will enhance look of Leafy Grove and Badgers.
- other properties nearby have been altered significantly.
- plans are totally in keeping with surroundings.

English Heritage was consulted regarding the potential archaeological implications arising from the proposed development. In this instance, it does not appear that any potential archaeological resource would be impacted and, consequently, any requirement for an archaeological assessment can be waived.

Planning Considerations

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

BE1 Design of New Development
 BE16 Ancient Monuments and Archaeology
 G6 Land adjoining Green Belt
 H8 Residential Extensions
 H9 Side Space
 NE7 Development and Trees

With regard to the impact on trees, there are reservations about the impact of the proposal on the mature Horse Chestnut tree in the front garden of the adjoining property.

Planning History

99/00331L - First floor side extension PERMISSION GRANTED

03/00337 - Single storey rear extension for conservatory PERMISISON GRANTED

06/03211 - Side and rear boundary fences and raising of levels at rear (RETROSPECTIVE APPLICATION) REFUSED

07/03565 - Part one/ two storey side/rear extension PERMISISON GRANTED

Conclusions

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

The proposal differs significantly from the previous application. Namely:

- the ground floor side extension is wider;
- there is a side extension proposed at first floor;
- the first floor rear extension extends across the full width of the existing building;
- the roof height and overall volume is to be increased;
- the proposed gable (facing the rear of the site) has been omitted and replaced with rooflights;
- the Leafy Grove elevation was, previously, not to be altered.

In terms of visual impact and impact on the character of area, the area is unique in that no one house in this road is identical. The requirements of Policies BE1 and H8 for development proposals to be compatible with development in the surrounding area can therefore be treated with a more flexible approach in this instance, although the impact on the host building and on the amenities of the occupiers of neighbouring buildings are still important considerations.

The bulk of the existing building is located below the level of the highway and from the street the roof is the main feature which can be seen. The alterations proposed to the Leafy Grove elevation include two roof dormers, an overall increase in the roof height and levelling-off the main ridge height (as per the previously approved application), as well as the introduction of a pedestrian access. On the one hand, whilst these changes represent a significant deviation from the appearance of the existing dwelling and would result in a more prominent front elevation in the street scene, it is not considered that this would be detrimental to or discordant with the host building. Furthermore, given the diversity of houses in this road and their positioning within their plots, these front elevational changes are unlikely to appear unduly harmful to the visual amenities of the street scene.

In terms of the other alterations, these would involve modest extensions out to the side and the rear and an infilling of the existing 'L-shaped' design. A 1.3m side space would be retained to the flank boundary of the site. Overall the scale of the proposal may therefore be considered sympathetic to the host dwelling in that the extensions would not appear to dominate it, or significantly alter its footprint. Furthermore, as the extensions would encroach no closer towards the Green Belt land than other development in the locality, there would be no significant impact on the character or openness of the adjacent Green Belt.

In terms of the impact on neighbours, it is noted that the positioning of dwelling in this locale of Leafy Grove is fairly unique in that both Foxbush and Badgers are located close to the highway boundary whereas Fieldhead House and Lowlands are set back approximately 18m and 29m respectively from the highway boundary. The staggered formation of the dwellings means that any alterations to the rear of Badgers will generally be more sensitive. This said, however, it is considered that the size and scale of the extension proposed, which will maintain a distance of approximately 10 metres to Fieldhead House, coupled with the removal of the rearward facing dormers from the scheme, as well as the introduction of obscure glazing to all first and second floor windows on the north-west elevation, will ensure that no significant impact on the amenities of the occupiers of Fieldhead House or Lowlands will occur.

There have been concerns raised over the impact of the development on the mature Horse Chestnut tree adjacent to the boundary of the site. As a result the scheme has been amended so that the proposed extension will not involve building a new retaining wall beside the existing steps leading down from Leafy Grove. Whilst there are still concerns that the extension will result in pressure for the overhanging branches to be cut back or removed, the tree does not have a TPO and, given the attempts already made to mitigate the impact on the tree, on balance, the proposal is considered acceptable from a tree perspective.

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

as amended by documents received on 26.04.2010 17.05.2010

RECOMMENDATION: PERMISSION

Subject to the following conditions:

1	ACA01	Commencement of development within 3 yrs	
	ACA01R	A01 Reason 3 years	
2	ACC04	Matching materials	
	ACC04R	Reason C04	
3	ACI10	Side space (1 insert)	1.3metres north-west
	ACI10R	Reason I10	
4	ACI12	Obscure glazing (1 insert)	in the north-west flank elevation
	ACI12R	I12 reason (1 insert)	BE1
5	AJ02B	Justification UNIQUE reason OTHER apps	

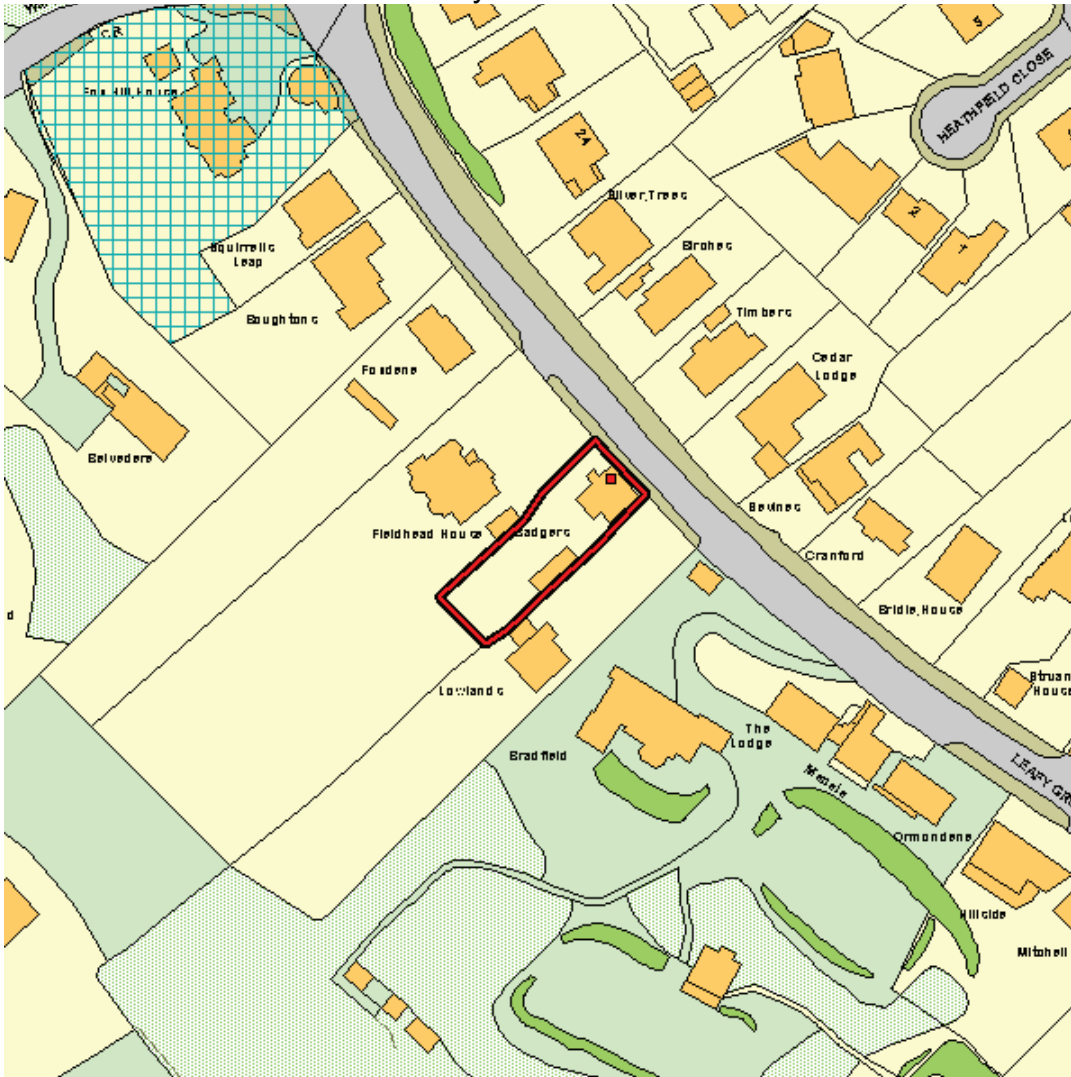
Policies (UDP)

- BE1 Design of New Development
- BE16 Ancient Monuments and Archaeology
- G6 Land adjoining Green Belt
- H8 Residential Extensions
- H9 Side Space
- NE7 Development and Trees

Reference: 10/00436/FULL6

Address: Badgers Leafy Grove Keston BR2 6AH

Proposal: Part one/two storey side/rear extension, roof alterations incorporating dormer extensions to provide accommodation in roof space and formation of access onto Leafy Grove



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Application No : 10/00881/FULL1

Ward:
Crystal Palace

Address : Land Rear Of 21 To 29 Thicket Road
Penge London

OS Grid Ref: E: 534358 N: 170316

Applicant : Limewood Properties Ltd

Objections : NO

Description of Development:

Demolition of existing garages and erection of three storey building to provide 2 two bedroom and 2 one bedroom flats together with 4 three bedroom houses and associated off-street parking and cycle and refuse store.

Proposal

It is proposed to demolish the existing garages on the site, and construct a new residential development as follows:

- three storey building to provide 2 two bedroom and 2 one bedroom flats at first and second floor levels and 4 three bedroom houses (accommodation over three storeys)
- development of contemporary design
- block to be constructed from yellow multi stock bricks with shiplap timber and white render and will feature a slate mansard roof
- timber framed windows and timber doors
- boundary enclosures to comprise yellow multi stock walls (with privacy screen to south-eastern boundary) and metal railings, and close boarded timber fencing
- maximum height approx. 8.6m, depth approx. 11.7m and width approx. 37.5m
- block to be sited against north-western site boundary, with car parking and amenity space behind
- 8 car parking spaces to be provided at ground floor level, partially beneath the flatted accommodation
- amenity areas provided for dwellings, while flats provided with balcony areas
- pedestrian entrance and vehicular access (gated) from Lullington Road
- enclosed cycle and refuse store

The proposed development would have a density of approx. 114 units/ha.

Amended plans have been received showing a revised siting of the vehicular entrance gate.

The application is accompanied by a design and access statement, and in addition a tree report. In support of the application, the design and access statement states the following:

- proposal is based on extant approval 08/04225 and consultation with local residents
- traditional relationship of ground floor back to back gardens now proposed
- residents consultation group considered that the removal of the garages and landscaped podium (as per approved plans) was balanced by the introduction of ground floor garages that further enhances their local amenity

Location

The application site is located on the southern side of Lullington Road, and currently comprises two blocks of single storey garages located to the rear of Nos. 21-29 Thicket Road. The site slopes upwards towards the south-western boundary. The site is approx. 0.07ha in area. The immediate surrounding area comprises a mix of single dwelling houses, residential blocks and period properties which have been converted to form flats.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and at the time of writing the report no representations had been received.

Comments from Consultees

From the technical Highways perspective, no objections are raised in view of the amended plans provided.

The Council's Crime Prevention Design Advisor requests that the standard 'secure by design' condition be imposed on any grant of permission.

Highways Drainage raised no objection to the proposal.

Environmental Health recommended a standard condition concerning soil contamination and an informative.

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

Planning Considerations

The main planning policies of relevance to this application are as follows:

- BE1 Design of New Development
- H7 Housing Density and Design

H9 Side Space
T3 Parking
T18 Road Safety
NE7 Development and Trees

This application has been referred to Committee as it would appear to be beyond the scheme of delegation.

Planning History

Under ref. 86/00886, planning permission was granted for two detached blocks comprising 29 single garages.

Most recently, planning permission was granted under ref. 08/04225 for the demolition of the existing garages and construction of a part one/two/three storey block comprising 4 three bedroom dwellings and 4 one bedroom flats with car parking at lower ground floor level. This proposal would have involved almost total site coverage, with the proposed dwellings and flats being accessed via a podium level.

Conclusions

Members will be aware that planning permission was granted under ref. 08/04225 for a development comprising 4 three bedroom dwellings and 4 one bedroom flats. As with the previous scheme the proposed development would have a residential density of approx. 114 units/ha, which would appear to accord with the guidance offered within Policy H7 of the Unitary Development Plan, having regard to the established character of the area and the Public Transport Accessibility Level (PTAL) rating for the site. The proposal, which includes outdoor amenity space for the proposed dwellings and balcony areas to the flats may be considered to provide a satisfactory quality of accommodation for future occupiers. On balance then, the principle of the proposed development may be considered acceptable.

As with the previous scheme, the development is considered to be a high quality design and layout and may be considered to enhance the character and appearance of the area. Again in terms of form and scale, the proposed development would be no higher than surrounding development, and would be stepped in height towards the western corner of the site and feature recessed sections to the north-western elevation, which may serve to break up the bulk and lessen the visual impact of the block. In addition, the varied palette of materials to be used for the external surfaces of the block may be considered to add visual interest in this case. While it is noted that the block would abut the north-eastern and north-western site boundaries, this relationship was previously accepted under ref. 08/04225 and indeed as with that previous scheme it may be noted that given the inconsistent building line to this part of Lullington Road that the block would appear unduly prominent within the street scene.

The proposed development now under consideration would differ from that previously approved, in that a more traditional site layout is proposed with the 'podium' level having been omitted from the plans. Although this was, on balance, considered to be acceptable in planning terms, local residents were concerned as to the impact of this element of the proposal and indeed it is on this basis that the scheme has now been revised. The removal of the podium level now allows for a more traditional relationship between the proposed development and the rear of properties on Thicket Road, with back-to-back gardens for the majority of the site and built development confined to the north-western side of the site.

With regard to the impact to the amenities of neighbouring residents, Members will note that a separation of approx. 20.5m is proposed between the block and the nearest properties on Thicket Road (with a slightly lesser separation between Nos. 27 and 29 Thicket Road). This distance, together with the favourable orientation of the block in relation to the nearest properties on Thicket Road, may serve to mitigate any potential loss of light, while it is considered that there may not be a significant visual impact given the height and design of the block.

With regard to overlooking and the potential for a loss of privacy to arise, it is noted that there would be windows serving habitable rooms to the south-eastern elevation facing towards the rear of properties on Thicket Road. However, given the separation proposed and the privacy screen proposed to the south-eastern boundary it may be considered that a significant loss of amenity would not arise. Members may wish to note the orientation of the balconies proposed which would overlook Lullington Road and the adjacent green.

To conclude, Members will note that the development now under consideration is similar to that previously approved under ref. 08/04225, although would now involve a more traditional relationship to neighbouring properties given the omission of the podium level. As with the previous scheme, Members may agree that the proposed development would make efficient use of previously developed land, and would make a positive contribution to the character and appearance of the area without resulting in a significant loss of amenity to local residents.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/00881, 08/04225 and 86/00886, excluding exempt information.

as amended by documents received on 10.05.2010 17.05.2010

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | |
|---|--------|--|
| 1 | ACA01 | Commencement of development within 3 yrs |
| | ACA01R | A01 Reason 3 years |

- | | | | | |
|----|--|--|------------------|----|
| 2 | ACA05 | Landscaping scheme - implementation | | |
| | ACA05R | Reason A05 | | |
| 3 | ACA07 | Boundary enclosure - no detail submitted | | |
| | ACA07R | Reason A07 | | |
| 4 | ACC07 | Materials as set out in application | | |
| | ACC07R | Reason C07 | | |
| 5 | ACB01 | Trees to be retained during building op. | | |
| | ACB01R | Reason B01 | | |
| 6 | ACB02 | Trees - protective fencing | | |
| | ACB02R | Reason B02 | | |
| 7 | ACB03 | Trees - no bonfires | | |
| | ACB03R | Reason B03 | | |
| 8 | ACB04 | Trees - no trenches, pipelines or drains | | |
| | ACB04R | Reason B04 | | |
| 9 | ACD02 | Surface water drainage - no det. submitt | | |
| | ADD02R | Reason D02 | | |
| 10 | ACH03 | Satisfactory parking - full application | | |
| | ACH03R | Reason H03 | | |
| 11 | ACH12 | Vis. splays (vehicular access) (2 in) | 3.3 x 2.4 x 3.3m | 1m |
| | ACH12R | Reason H12 | | |
| 12 | ACH16 | Hardstanding for wash-down facilities | | |
| | ACH16R | Reason H16 | | |
| 13 | ACH18 | Refuse storage - no details submitted | | |
| | ACH18R | Reason H18 | | |
| 14 | ACH22 | Bicycle Parking | | |
| | ACH22R | Reason H22 | | |
| 15 | ACH32 | Highway Drainage | | |
| | ADH32R | Reason H32 | | |
| 16 | ACI12 | Obscure glazing (1 insert) serving all bathrooms | | |
| | ACI12R | I12 reason (1 insert) BE1 | | |
| 17 | ACI21 | Secured By Design | | |
| | ACI21R | I21 reason | | |
| 18 | ACK09 | Soil survey - contaminated land | | |
| | ACK09R | K09 reason | | |
| 19 | While the development hereby permitted is carried out, provision shall be made to accommodate operatives and construction vehicles loading, unloading, parking and turning within the site in accordance with details submitted to, and approved, in writing by, the Local Planning Authority, and such provision shall remain available for such uses to the Authorities satisfaction throughout the course of the development. | | | |
| | Reason: In the interests of conditions of safety in the highway and in order to comply with Policy T18 of the Unitary Development Plan. | | | |
| 20 | Details of the finished surfaces of the access road shall be submitted to and approved in writing by the LPA before the development commences and shall be completed in accordance with the approved details before the development hereby permitted is first occupied. | | | |

Reason: In order to comply with Policy T18 of the Unitary Development Plan.

Reasons for granting permission:

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

- BE1 Design of New Development
- H7 Housing Density and Design
- H9 Side Space
- T3 Parking
- T18 Road Safety
- NE7 Development and Trees

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

- (a) the appearance of the development in the street scene
- (b) the relationship of the development to adjacent properties
- (c) the character of the development in the surrounding area
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties
- (e) the light and outlook of occupiers of adjacent and nearby properties
- (f) the privacy of occupiers of adjacent and nearby properties
- (g) the safety of pedestrians and motorists on the adjacent highway
- (h) the safety and security of the building and the spaces around it
- (i) the accessibility to the building
- (j) the housing policies of the Unitary Development Plan
- (k) the urban design policies of the Unitary Development Plan
- (l) the high quality design of the proposed building
- (m) the visual improvement to the area

and having regard to all other matters raised.

INFORMATIVE(S)

- 1 RD126 Highways Act – doors overhanging highway
- 2 RDI10 Consult Land Charges/Street Numbering
- 3 With regard to surface water drainage 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 Ground Water. 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. Reason - to ensure that

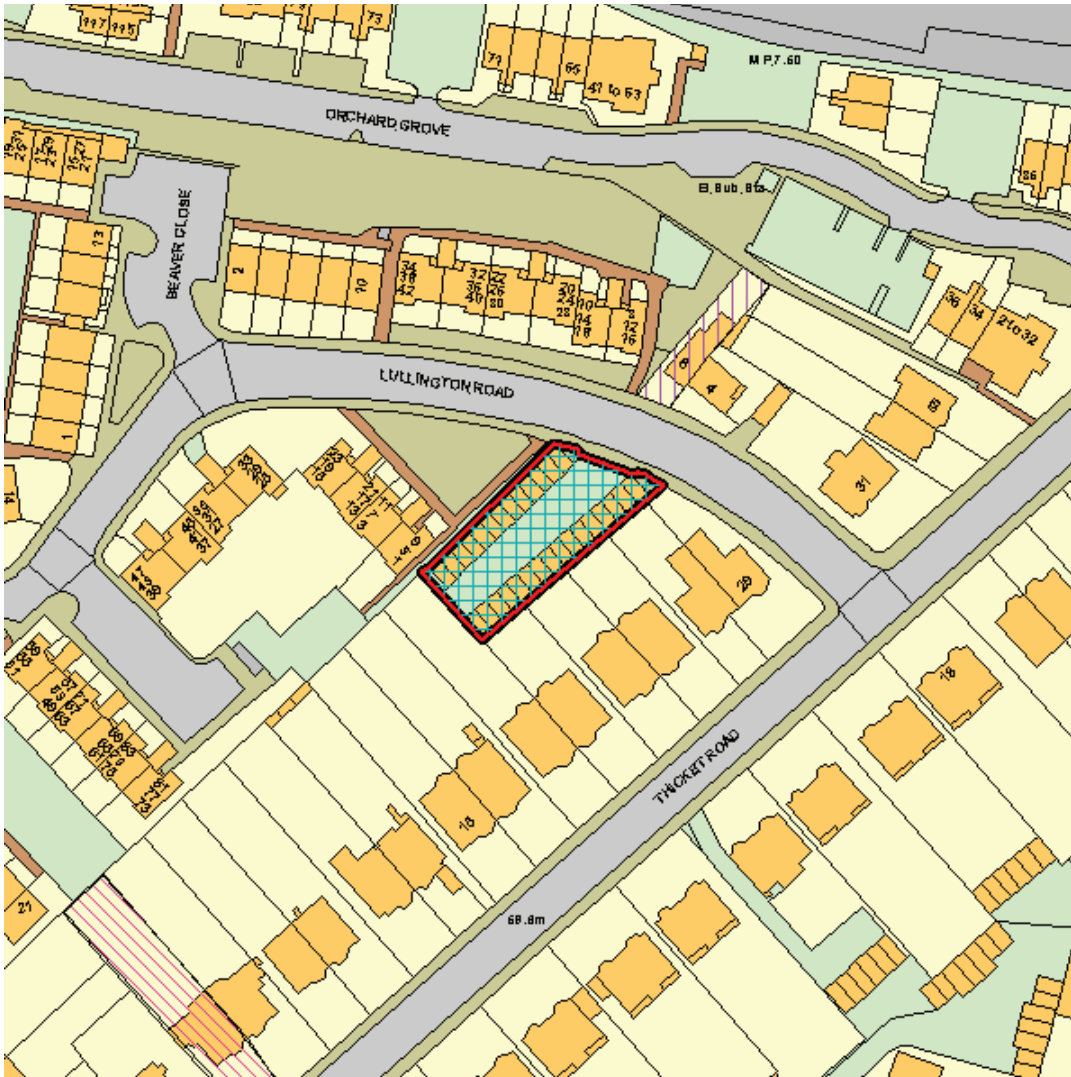
the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 4 Before the use commences, the applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990.

Reference: 10/00881/FULL1

Address: Land Rear Of 21 To 29 Thicket Road Penge London

Proposal: Demolition of existing garages and erection of three storey building to provide 2 two bedroom and 2 one bedroom flats together with 4 three bedroom houses and associated off-street parking and cycle and refuse store.



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Application No : 10/00945/FULL1

Ward:
Bickley

Address : Bullers Wood School For Girls St
Nicolas Lane Chislehurst BR7 5LJ

OS Grid Ref: E: 542533 N: 169755

Applicant : Governors Of Bullers Wood School

Objections : NO

Description of Development:

Detached 3/4 storey building to provide classrooms. Incorporation of a walk way and car parking spaces.

Key designations:

Sites of Interest for Nat. Conservation
Urban Open Space

Proposal

This application seeks permission for a new teaching school block, which is required by Bullers Wood School to improve its vocational training facilities. No increase in the number of pupils is proposed. A walkway and 6 car parking spaces are also proposed in conjunction with the new building.

The building will be four storeys high with a gross floor area of approximately 1000 square metres. The height of approximately 16 metres is comparable to that of the existing chemistry department that is south west of the site.

Location

Bullers Wood School for Girls is located on the eastern side of Nicolas Lane, Chislehurst and is set within expansive grounds with relatively well-spaced buildings. The proposed building will be located to the north east of the modern "chemistry" block and to the east of the statutorily listed building known as The Lodge in an area that is heavily wooded with dense planting of well-established and mature trees as well as having a significant change in ground levels.

Comments from Local Residents

As of the date of reporting, no comments from local residents had been received. Any comments received will be reported verbally at Committee.

Comments from Consultees

From a heritage and conservation perspective, it is considered that as the proposed building is well screened and at a considerably lower level, it will not have any adverse impact on the setting of the nearby listed buildings.

From a trees and landscaping perspective, the proposed loss of 4 grade b trees is regrettable however, it would not impact on public amenity and therefore, unreasonable to refuse on such grounds. Standard conditions to ensure that the retained trees are adequately protected during construction are recommended should permission be granted.

Highways: States that the application advises there will not be an increase in pupils or parking spaces as a result of the proposal. However, 6 car parking spaces are shown adjacent to the proposed building. In response, the applicant has advised that a previously implemented permission (DC/04/03972/FULL1) resulted in the loss of approximately 10 car parking spaces and therefore, the current proposal would not result in a net gain of parking spaces. Any further Highway comments received will be reported verbally at Committee.

Highways (Drainage) have requested that the standard condition requiring the submission of surface water drainage details be attached to any permission granted.

Environmental Health (Pollution) has requested that the standard informative be attached to any permission advising that they be contacted before the use commences.

Waste advisors state that the proposed refuse storage area is acceptable.

Thameswater advise that with regard to sewerage and water infrastructure they would not have any objection to the planning application.

Planning Considerations

The main policies relevant to this case are Policies BE1 (Design of New Development), BE8 (Statutory Listed Buildings), C3 (Access to Buildings for People with Disabilities), C7 (Educational and Pre-School Facilities), G8 (Urban Open Space), NE7 (Development and Trees) and T3 (Parking) of the adopted Unitary Development Plan.

Planning History

The site has a long and varied history with over thirty-five planning applications being submitted to the Council since 1987.

The most recent planning application (08/03842) was granted permission for a new teaching block to the east of the school site located in-between the Sports Hall and Inglewood.

Conclusions

The main issue relating to the application are the design of the new building, the setting of adjacent listed buildings, urban open space and associated trees/landscaping, neighbouring amenity, parking/traffic and access.

The modern design of the building is in-keeping with the chemistry department building that is located to the southwest, immediately adjacent the proposed site. In addition, the proposed building is similar in its modern design, scale and appearance to the building recently granted permission (as noted above) to be located to the east of the proposed building. The proposed use of brick will match the materials of the surrounding buildings while the extensive glazing will provide a modern reference as well as providing large amounts of natural light for the occupants. The design of the new building is therefore considered to comply with policy BE1 of the UDP.

The proposed building is well screened and at a considerably lower level and therefore, will not impact upon the setting of the two nearby statutorily listed buildings The Lodge (to the west) or the main reception building (to the north west) and therefore, complies with policy BE8 of the UDP.

With regard to urban open space, the development is related to the existing use of the site and will be sited in a large area of densely planted woodland that has a significant fall in ground level. In addition, the building is of similar size and scale to the surrounding buildings while being sufficiently separated from them. It is therefore considered that the proposal complies with policy G8 of the UDP.

It is noted that a number of trees are to be removed and although not ideal, as previously mentioned, the area is densely planted with well-established, mature trees. Therefore, subject to conditions ensuring these existing trees are protected during construction, it is considered that the proposal is acceptable and complies with policy NE7 of the UDP.

Given the significant degree of separation that would exist to the boundaries with the nearest residential properties combined with the surrounding densely planted woodland, it is considered that the new teaching block is acceptable and would not cause any loss of neighbouring residential amenity.

Concerning parking and traffic, the applicant states that there will be no increase in pupils attending the school as a result of the proposal. Although 6 car parking spaces are proposed a previously implemented permission (as noted above) resulted in the removal of existing parking spaces and there will not be a net gain in parking spaces as a result. It is therefore considered that the proposal complied with policy T3 of the UDP.

With regard to access, the proposed building will be served by both a staircase and a passenger lift. Ramp and level access into the building will comply with Part M of the

Building Regulations. It is therefore considered that the access arrangements are satisfactory and comply with policy C3 of the UDP.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/00945, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACB18 Trees-Arboricultural Method Statement
 ACB18R Reason B18
- 3 ACB19 Trees - App'ment of Arboricultural Super
 ACB19R Reason B19
- 4 ACC07 Materials as set out in application
 ACC07R Reason C07
- 5 ACD02 Surface water drainage - no det. submitt
 ADD02R Reason D02
- 6 The building hereby permitted shall not result in an increase in the number of pupils attending the school at the site.

Reason: In order to comply with Policies BE1 and C7 of the Unitary Development Plan and to prevent overdevelopment of the site.

Reasons for permission:

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

- BE1 Design of New Development
- BE8 Statutory Listed Buildings
- C3 Access to Buildings for People with Disabilities
- C7 Educational and Pre-School Facilities
- G8 Urban Open Space
- NE7 Development and Trees
- T3 Parking

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

- (a) the design of the new building and its relationship to its surroundings;
- (b) the setting of adjacent listed buildings;
- (c) the character and openness of the urban open space;
- (d) existing trees;
- (e) the amenities of the occupiers of adjacent and nearby properties;

and having regard to all other matters raised.

INFORMATIVE(S)

1 RD129 EHO – Contact Pollution Team

Reference: 10/00945/FULL1

Address: Bullers Wood School For Girls St Nicolas Lane Chislehurst BR7 5LJ

Proposal: Detached 3/4 storey building to provide classrooms. Incorporation of a walk way and car parking spaces.



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Application No : 10/01281/FULL6

Ward:
Chislehurst

Address : 7 Heathfield Chislehurst BR7 6AF

OS Grid Ref: E: 544255 N: 170729

Applicant : Mr N Khakoo

Objections : NO

Description of Development:

Part one/two storey side, two storey rear extensions. Single storey rear extension and replacement roof to existing rear extension. Front porch canopy and front extension to form glazed stairwell. Enlargement of roof including 3 rear roof lights.

Key designations:

Conservation Area: Chislehurst
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds

Proposal

The application site comprises a detached two storey dwelling with attached single storey garage. This application seeks permission to extend and alter the existing dwelling which is summarised below:

- part one/two storey side extension to replace the existing garage. The extension will be set in from the boundary with No.5 by approx. 1m at ground floor level and 2m at first floor level – no flank windows are proposed,
- two storey rear extension to replace the existing single storey storage area, set back approx. 1.1-1.2m from the boundary with No.9 – ground floor flank door to this extension only,
- increased height and replacement of pitched roof to existing single storey rear extension with a new flat roof including roof lanterns,
- single storey infill extension to 'square off' the existing rear extension to the corner adjacent to No.5,
- enlargement of roof to raise the height of the existing lower ridge line to that of the maximum ridge height of the dwelling,
- elevational alterations to include a two storey front bay feature (0.3m front projection), new front porch canopy and 3 rooflights to the rear roofslope.

Location

The application site lies within the Chislehurst Conservation Area within a predominantly residential area. The road comprises mainly detached properties of varying design, many of which have been extended in a similar manner and share a uniform building line set back from the road.

Comments from Local Residents

At the time of writing this report no local objections had been received in respect of the application.

Comments from Consultees

The Advisory Panel for Conservation Areas – raise objections to the bulk due to the provision of loft rooms which is detrimental to the host building and character and appearance of the conservation area.

Planning Considerations

The application site is not on designated land and falls to be determined in accordance with the following policies of the Unitary Development Plan

- BE1 Design of New Development
- BE11 Conservation Areas
- H8 Residential Extensions
- H9 Side Space

Supplementary Planning Guidance for Chislehurst Conservation Area

Planning History

There is no relevant planning history relating to this site, however an application for similar development was withdrawn by the applicant under ref. 09/03520. Members may also be mindful of similar schemes for two storey side extensions at No.3 permitted under ref. 09/02478 and No.6 permitted under ref. 07/04607.

Conclusions

The main issue in this case is the impact of the development upon the site and surrounding area including the Chislehurst Conservation Area and its impact upon adjoining and nearby residential properties.

Policy BE11 in the UDP states that the Council have a duty to ensure that new development will either preserve or enhance the character or appearance of the conservation area, through layout, scale, form, materials and existing landscape that contribute to the value of the area.

The site lies within the Chislehurst Conservation Area whereby Heathfield is characterised by detached dwellings of varying designs and degrees of separation to the flank boundary including examples of a minimum 1m side space to the flank boundary where two storey development already exists.

Policy H9 of the UDP requires that in areas where higher spatial standards exist, proposals will be expected to provide a more generous side space. The proposed part one/two storey side extension adjacent to No.5 would replace an existing single storey garage and would maintain a 1m side space at ground level which extends to 2m at first floor level from the flank boundary. In addition, the first floor element has been set back from the front elevation of the dwelling by approx. 1.5m. In view of the separation to the boundary and the varying degrees of spatial separation between buildings along the road including that of the adjoining development at Nos. 5 and 9, the proposed part one/two storey side extension maybe considered acceptable without detrimental harm to the spatial characteristics of the area.

In addition, the proposed two storey extension to the rear, will replace an existing single storey element. This extension would infill an area which would be flush with the existing two storey eastern flank wall and would not extend beyond the original rear wall of the house. It is not considered that this element of the scheme would compromise the existing side space separation to the flank boundary.

Other elements of the proposal including the enlargement of part of the roof of the existing dwelling to bringing it in line with the maximum ridge height of the existing dwelling and elevational alterations comprising a bay window feature and porch canopy. The extension and replacement roof to the existing rear extension cannot be seen from the road and whilst the alterations and enlargement of the roof will alter the appearance and bulk of the dwelling, it is not considered that the proposals would be harmful to the character and appearance of this part of the conservation area nor to the visual amenities of the street scene in general.

With regard to the impact of the proposal upon the amenities of neighbouring residents, the proposals will be set a reasonable distance away from the properties which are on the opposite side of Heathfield and to the rear in Heathley End.

The greatest impact would be to the properties directly adjacent to the site resulting in built development extending closer to the flank boundaries with Nos.5 and 9. With regard to No.5, the proposed extension would increase the separation of development at ground floor level to provide a 1m side space which does not currently exist. No flank windows are proposed to the extension, and the first floor element would project approx. 3m beyond the recessed rear wall of No.5. In addition it is proposed to square off the existing single storey rear extension and provide a new flat roof. This would result in an increased depth of the single storey element by approx. 1.6m adjacent to the boundary with No.5. Given the orientation of the property and the adequate degree of separation that will be maintained it is not considered that the

proposals would adversely affect the lighting, privacy and prospect of the occupiers of this property.

With regard to No.9, the proposed two storey rear extension would project approx. 1.3m beyond the rear wall of that property. A separation of approx. 2.5m will be maintained between the flank walls of Nos. 7 and 9 which is considered a reasonable distance to ensure that the amenities of the occupiers of that property are maintained.

On balance the proposals are considered an acceptable addition to the property, taking into account the proximity to neighbouring properties, the character, appearance and spatial standards within the Conservation Area. Given the size and design of the proposals and in light of the pattern of neighbouring development, it is considered that the proposed development will preserve the character of the conservation area and would not be significantly detrimental to the amenities of the adjoining occupiers.

Background papers referred to during production of this report comprise all correspondence on files refs. 07/04607, 09/02478, 09/3520 and 10/01281, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | | | |
|---|--------|--|------------|------------|
| 1 | ACA01 | Commencement of development within 3 yrs | | |
| | ACA01R | A01 Reason 3 years | | |
| 2 | ACC01 | Satisfactory materials (ext'nl surfaces) | | |
| | ACC01R | Reason C01 | | |
| 3 | ACI17 | No additional windows (2 inserts) | flank | extensions |
| | ACI17R | I17 reason (1 insert) | H8 and BE1 | |
| 4 | ACK01 | Compliance with submitted plan | | |
| | ACK03R | K03 reason | | |

Reasons for granting permission:

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

- BE1 Design of New Development
- BE11 Conservation Areas
- H8 Residential Extensions
- H9 Side Space

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

- (a) the appearance of the development in the street scene

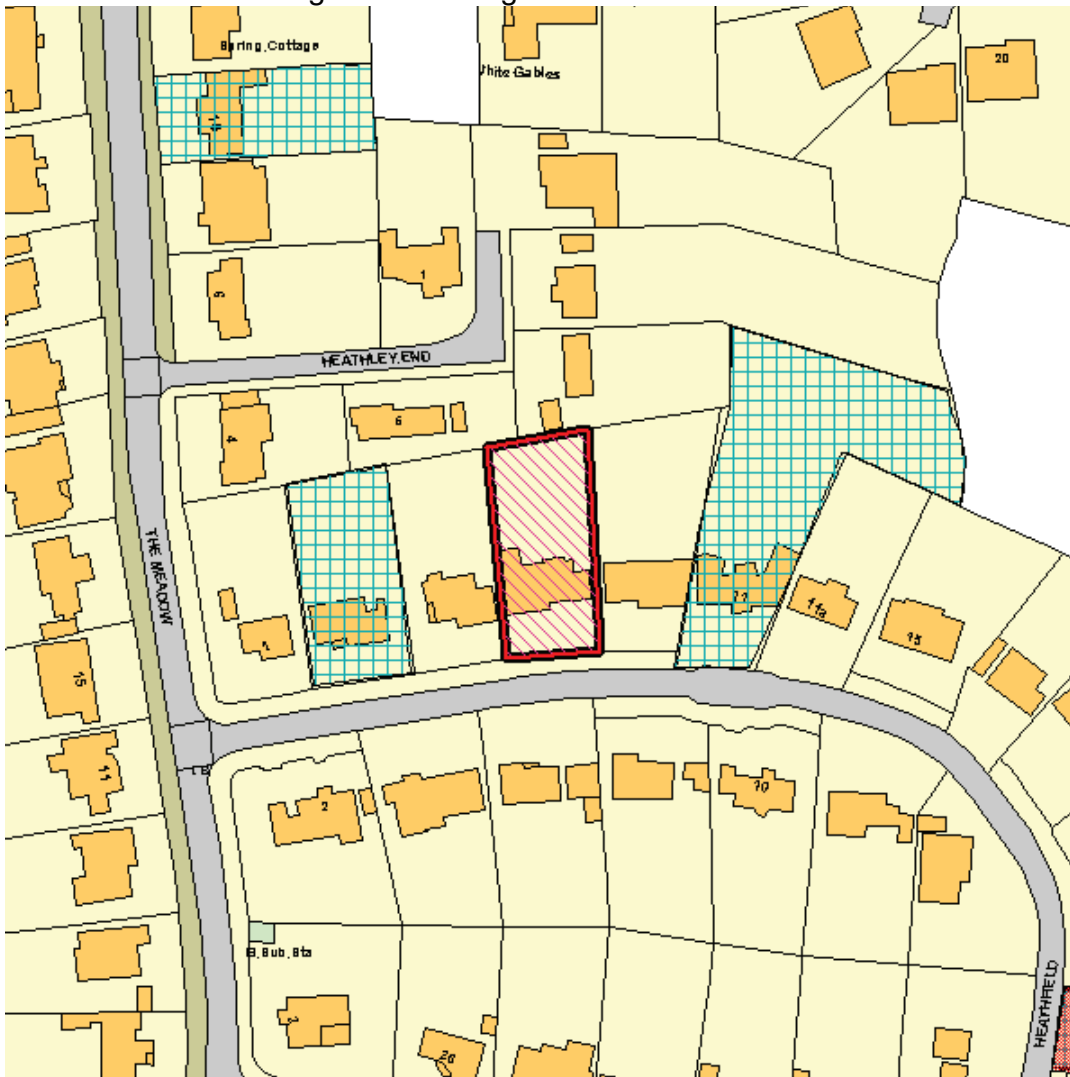
- (b) the relationship of the development to adjacent property
- (c) the character of the development in the surrounding area and within the Chislehurst Conservation Area
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties
- (e) the housing, transport and environmental policies of the UDP

and having regard to all other matters raised.

Reference: 10/01281/FULL6

Address: 7 Heathfield Chislehurst BR7 6AF

Proposal: Part one/two storey side, two storey rear extensions. Single storey rear extension and replacement roof to existing rear extension. Front porch canopy and front extension to form glazed stairwell. Enlargement of roof including 3 rear roof lights.



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Application No : 10/00687/FULL6

Ward:
**Mottingham And Chislehurst
North**

Address : 34 Beaconsfield Road Mottingham
London SE9 4DP

OS Grid Ref: E: 542198 N: 172508

Applicant : Mr S Darch

Objections : YES

Description of Development:

Single storey rear extension
RETROSPECTIVE APPLICATION

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds

Proposal

The retrospective application seeks planning permission for a single storey rear extension. The extension will measure approximately 4.5 metres deep, 2.7 metres wide and 3.4 metres high.

Location

The application site consists of a semi-detached, two-storey dwelling located on the western side of Beaconsfield Road.

Comments from Local Residents

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

- property has become overly dense as it already has an extension and three other outside structures;
- depth and height of extension is over dominant; and
- side windows will compromise privacy.

Planning Considerations

The main policy relevant to this case is Policy BE1 (Design of New Development) and H8 (Residential Extensions) of the adopted Unitary Development Plan.

Planning History

2000: Planning application (00/00373/FULL1) granted permission for single storey side and rear extensions and to increase height of existing garage roof.

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.

The extension would harm the residential amenity of the adjoining property at No. 36 Beaconsfield Road by reason of visual impact and loss of prospect due to its excessive size, having a depth of 4.5 metres and a height of 3.4 metres immediately adjacent to the boundary and a ground floor habitable room.

Having had regard to the above, Members may consider that the development in the manner proposed is not acceptable in that it would result in a loss of amenity to local residents.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/00687, excluding exempt information.

as amended by documents received on 01.04.2010

RECOMMENDATION: PERMISSION BE REFUSED

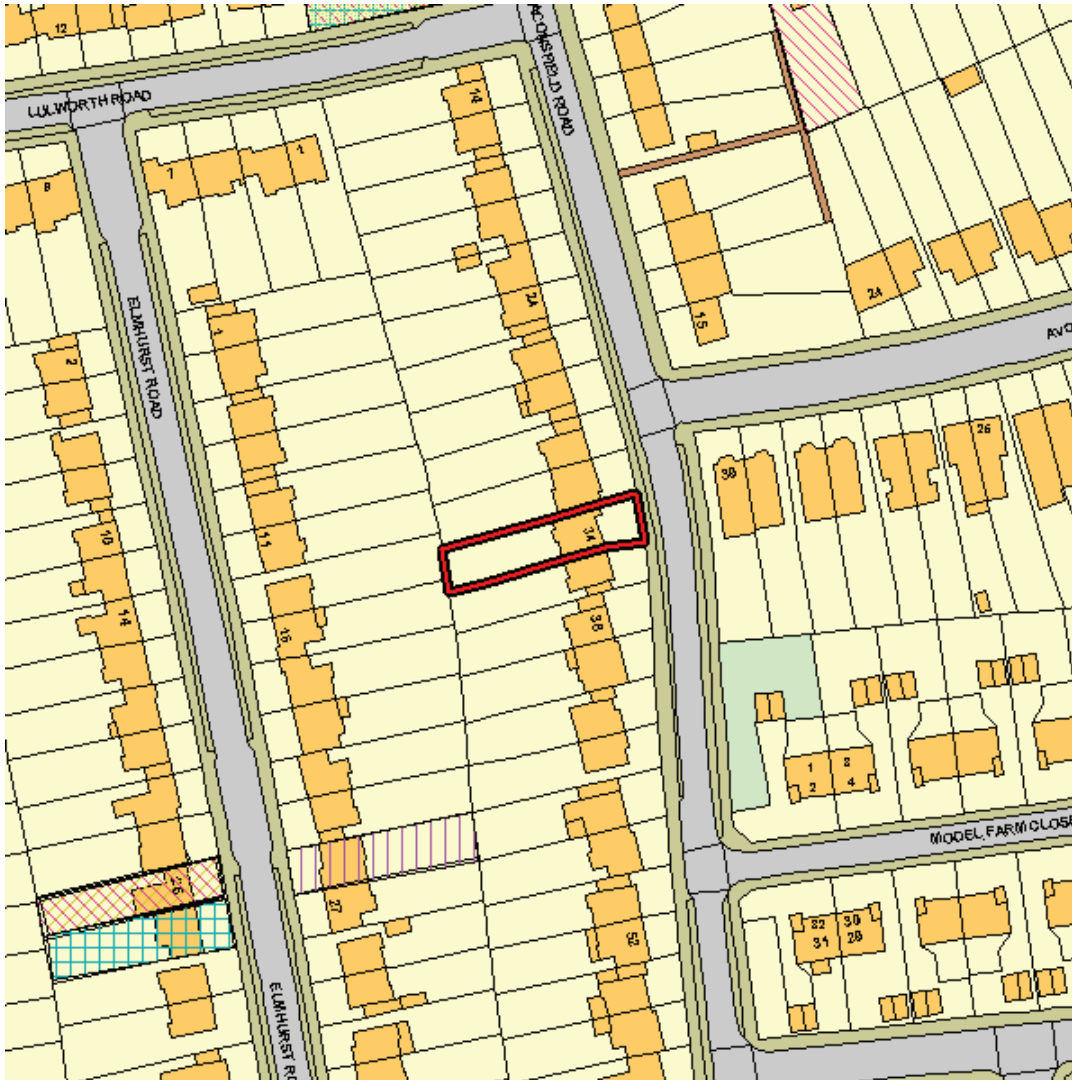
The reasons for refusal are:

- 1 The proposed rear extension would be overdominant and would be detrimental to the amenities that the occupiers of the adjoining property at No. 36 Beaconsfield Road might reasonably expect to be able continue to enjoy by reason of visual impact and loss of prospect in view of its size and excessive depth of rearward projection contrary to Policy BE1 of the Unitary Development Plan.

Further recommendation:

Enforcement action be authorised to seek a reduction in the size of the extension to within the limits of permitted development.

Reference: 10/00687/FULL6
Address: 34 Beaconsfield Road Mottingham London SE9 4DP
Proposal: Single storey rear extension
RETROSPECTIVE APPLICATION



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Report No.
DRR/10/00065

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: Plans 4 Sub-Committee

Date: 17 JUNE 2010

Decision Type: Non-Urgent Non-Executive Non-Key

Title: 39 CHESTNUT AVENUE, WEST WICKHAM

Contact Officer: Andy Lambert,
Tel: 020 8313 4956 E-mail: andy.lambert@bromley.gov.uk

Chief Officer: Chief Planner

Ward: Hayes and Coney Hall

1. Reason for report

- 1.1 Planning permission was granted under application ref. 07/03145 for part one/two storey front and side extension and part one/two storey rear extension.
 - 1.2 The approved plans show a stepped roof detail adjacent to 41 Chestnut Avenue. During building works a parapet wall has been added running the length of this flank elevation as the photographs on file demonstrate.
 - 1.3 A complaint has been raised in respect of this increase in height.
-

2. **RECOMMENDATION(S)**

No further action be taken.

3. COMMENTARY

- 3.1 Planning permission was granted under application 07/03145 for part one/two storey front and side extension and part one/two storey rear extension.
- 3.2 The approved plans had a stepped roof detail adjacent to 41 Chestnut Avenue. During building works the design was amended to include a higher parapet wall running the length of this flank as the photographs on file demonstrate. This would appear to eliminate the requirement for guttering on the side elevation.
- 3.3 A complaint has been received in respect of the increased height of the flank wall. The owners of 39 Chestnut Avenue have been advised that the increase is considered to be materially different to the approved plans and a retrospective application would be necessary for this element.
- 3.4 Members may agree that whilst not in accordance with the approved plans the arrangement on site is acceptable and is not unduly harmful in the street scene and in terms of impact on the neighbouring properties. On balance it is considered that enforcement action would not be expedient.

4. POLICY IMPLICATIONS

- 4.1 Policies BE1 and H8 of the adopted Unitary Development Plan are relevant.

Non-Applicable Sections:	Financial, Legal and Personnel
Background Documents: (Access via Contact Officer)	

Ref: H(DC)/ADL/07/03145

Report No.
LDCS10114

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: Plans 4 Sub-Committee

Date: 17 June 2010

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **DIRECT ACTION UNDER S219 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IN RESPECT OF 14 BROOMWOOD ROAD, ORPINGTON, KENT BR5 2JH**

Contact Officer: Gloria Waya, Senior Lawyer, Planning Litigation and Licensing
Tel: 020 8313 4879 E-mail: gloria.waya@bromley.gov.uk

Chief Officer: Mark Bowen - Director of Legal, Democratic and Customer Services

Ward: Cray Valley West

1. Reason for report

The purpose of the report is to notify Members of the decision made by the Portfolio Holder for Renewal and Recreation at a special meeting on 31 March 2010, to take direct action in this case, and to obtain Members agreement to the proposed action.

2. **RECOMMENDATION(S)**

Members are requested to agree to direct action by the Council under S219 of the TCPA 1990 in order to undertake the steps required by the notice, namely:

Remove all overgrown vegetation; old vehicles; car tyres; vehicle panels; corrugated roofing plastic drums; oil drums, plastics, rotting timber; building blocks; broken manhole covers; sanitary ware; cooker; concrete gas cylinders; corrugated plastics/iron sheets; pipes; car batteries and other miscellaneous rubbish.

Leave the land in a clean and tidy condition.

Also to recover the reasonable costs incurred as a result of the steps taken to comply with the notice, from the Owner or failing which, attach a charge to the land.

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Quality Environment.
-

Financial

1. Cost of proposal: Estimated cost Agreed by Portfolio Holder
 2. Ongoing costs: Non-recurring cost.
 3. Budget head/performance centre: N/A
 4. Total current budget for this head: £N/A
 5. Source of funding: Costs to be recovered from owner or charge attached to the land
-

Staff

1. Number of staff (current and additional): 2 Planning, 1 legal plus contractors staff
 2. If from existing staff resources, number of staff hours: 35 hours
-

Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The recommendation will allow the Council to rectify the breach of planning control.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: Will be reported to Ward Councillors

3. COMMENTARY

The enforcement history of this site can be summarised as follows:

- 3.1 The site is a semi detached dwelling house in a residential area. The land is unregistered and at the time of writing enquires are being made to ascertain whether there are any charges registered against the land. The owner does not reside at the property and there is evidence to suggest the property has been unoccupied for at least 15 years.
- 3.2 Following various complaints concerning the condition of the site a visit was carried out by one of the Council's planning enforcement officers on 8th June 2009. The front of the house was boarded at ground level and curtains were drawn across the first floor windows. Along the front of the house were stacks of building materials, a pile of full bin liners and a stack of other materials encased in roofing felt. The rear garden was shown to have heavy growth of vegetation, stacks of old tyres, vehicle body panels, dilapidated corrugated roofing including asbestos roofing, various plastics including large blue plastic drums and timber in various stages of decay.
- 3.3 Despite a number of requests to clear the site, the owner refused to do so. As a result authority was given to take enforcement action against the owner. On 4th September 2009 an s215 TCPA notice was served on the owner which (as per paragraph 2 above) required him to clear the site. The notice took effect on 5th October 2009 and required compliance by 2nd November 2009.
- 3.4 The owner refused to clear the site on the grounds that he has an established use certificate (granted on appeal on 22nd March 1985) to store building materials on the site. The certificate states:-

“Use for the storage for re-sale of building materials, machinery cars and vans for repair and/or dismantling such items, including welding, all such activity being on such a limited scale as to cause no material inconvenience to nearby residents due to noise, vibration, smell, fumes smoke, soot, ash, dust or grit: i.e. limited to light industrial use”

Although this is the case, it has no relevance here. The items on the site can clearly be distinguished from what is covered by the certificate. Further there is no justification to leave the site in an untidy condition.

- 3.5 The owner failed to comply with the notice within the required period. As a result on 26th January 2010, the Council commenced prosecution proceedings against him. The owner was subsequently prosecuted under S216 (2) of the TCPA on 17th February 2010 and ordered to pay a fine in the sum of £500 plus costs.
- 3.6 The condition of the site has deteriorated further and despite this factor the owner has still not complied with the notice in clear breach of planning control. Planning and Environmental Health have been heavily involved in this case, which has generated a number of complaints from local residents.

4. POLICY IMPLICATIONS

- 4.1 The adopted UDP contains a number of objectives related to the protection and improvement of the built environment and promotion of environmental quality. Policy BE1 of the UDP relates to the design of new development in general and requires a high standard of design and layout. The use of the site for long-term storage of a diverse range of items materially detracts from the

character and appearance and of the surrounding area. The nature of the use creates an overall sense of decay and neglect which has an adverse effect on the amenities of adjoining residents.

5. FINANCIAL IMPLICATIONS

The Portfolio Holder has agreed the financial implications.

6. LEGAL IMPLICATIONS

Section 219 (1) of the TCPA states that: If, within the period specified in a notice under section 215 in accordance with subsection (2) of that section, or within such extended period as the local planning authority who served the notice may allow, any steps required by the notice to be taken have not been taken, the local planning authority who served the notice may –

(a) enter the land and take those steps, and

(b) recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so

In the event that the Council is unable to recover from the owner the reasonable expenses incurred for taking the steps required by the Notice, the Council can attach a charge to the land, thus ensuring full cost recovery and base rate interest on sale. Expenses recoverable under S219 of the TCPA constitutes an automatic charge and is therefore binding on successive owners of the land. The charge takes effect as from the date of the completion by the Council of the steps required to be taken by the notice.

3. LEGAL IMPLICATIONS

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4. FINANCIAL IMPLICATIONS

4.1 The estimated cost of the proposed works under S219 of the TCPA 1990 will be £30k. Written quotes will be sought in accordance with Financial Regulations to ensure value for money.

4.2 Officers will endeavour to recover from the owner of the land all expenses reasonably incurred by the Council for carrying out the works, including registering a charge against the land if necessary.

5. LEGAL IMPLICATIONS

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Non-Applicable Sections:	PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	Enforcement File – Ref: 09/00366/UNTIDY

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Report No.
ES TPO 2350

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: Plans Sub-Committee No. 4

Date: 17 June 2010

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **OBJECTIONS TO TREE PRESERVATION ORDER 2350 AT
CARTERS HILL CLOSE, MOTTINGHAM**

Contact Officer: Coral Gibson, Principal Trees Officer
Tel: 020 8313 4516 E-mail: coral.gibson@bromley.gov.uk

Chief Officer: Chief Planner

Ward: Mottingham and Chislehurst North

1. Reason for report

To consider comments made about the making of the Tree Preservation Order.

2. **RECOMMENDATION(S)**

2.1 The Chief Planner advises that the tree make an important contribution to the visual amenity of the surrounding area and not withstanding the objections raised, the order should be confirmed.

3. COMMENTARY

- 1.1 This order was made on 6 January 2010 and relates to one cedar tree at the front of Carters Hill Close, Mottingham.
- 1.2 Comments have been received from two residents. One was concerned about the removal of dead wood from the tree and it has been explained that the formal consent of the Council is not needed for the removal of dead wood from a tree covered by a Tree Preservation Order.
- 1.3 The other comments related to the following: the increasing size of the tree and the risks of it falling or losing limbs in a high wind and damage to the nearby path and risks of the tree contributing to subsidence. They have been advised that whilst it is never possible to guarantee the safety of a tree, the cedar is in a healthy condition and because of this, it is normally accepted that there is a low risk of a tree falling or being damaged.
- 1.4 With regard to the cracking of the path, there are several options for its repair which need not adversely affect the tree. If total replacement of the path were required, again there are technical solutions which may allow the retention of the tree without damage, but the consent of the Council would be needed for the carrying out of works which would affect the roots of the tree.
- 1.5 Turning to the possibility of future damage to the property, it was pointed out that the TPO does not prevent tree surgery, but it does mean that the consent of the Council is required for almost any works. If it is demonstrated in the future that property foundations are being damaged, and the only means of solving the problem is by tree surgery or even tree removal, then it would be unusual for the Council to withhold consent. However, the possibility of future damage is not normally sufficient to prevent the confirmation of Tree Preservation Orders.
- 1.6 They also raised a number of questions about the lack of contact between residents and the management committee for Carters Hill Close, they asked how many complaints the Council received, the period of time involved and the basis of the complaints. They have been advised that this information is not publicly available and they could not be told who asked for the tree to be protected. However anyone can ask for a tree to be protected whether or not they have a legal interest in the property or even if they are a resident of the Borough. It is therefore normal practice for the making of TPOs to be considered if the Council is made aware of threats to trees. The cedar tree is an attractive specimen and is of public amenity value and it is for this reason that the tree has been protected.
- 1.7 The Council receives thousands of queries about the status of trees each year. It is not Council practice to inspect each tree prior to letting people know the status of their trees but the objector and their tree surgeon were advised by telephone at the time of asking that the tree was not protected. The objector has been assured that prior to the making of the Order the tree was inspected and it met the criteria for statutory protection - that is, it was of amenity value and was also in a healthy condition. They were advised that the consent of the Council is not needed for the removal of dead wood and broken branches from a protected tree. Residents or tree surgeons can make an application at any time to work on the tree, although work (other than removal of dead wood and broken branches) should not be carried out without first obtaining consent.
- 1.8 They asked about the Council's responsibility for costs of any damage if a branch were to fall. The Tree Preservation Order does not alter responsibility for the tree, and the owner of the tree remains responsible for it. It is prudent for the health of a tree to be periodically checked and it was recommend that this be done by a competent tree surgeon approximately every 5 years. The "rules" regarding compensation and Tree Preservation Orders are as follows - claims can only be made if an application to the Council to carry out work to a protected tree has been

refused or given consent subject to conditions. Claims have to be made within 12 months of the Council's decision and are only payable if an owner has suffered loss or damage as a result of the Council's decision to refuse or grant consent.

- 1.9 They asked for clarification about preservation of amenities. This means the public benefit of a tree, that is whether or not the tree can be seen from a public place, such as a road or path. With regard to the assessment of amenity for Tree Preservation Orders, no standard method is in use which determines when a tree merits a Tree Preservation Order, and when it does not. All methods of amenity assessment contain some inherent subjectivity. The amenity value of trees depends on many factors, and a tree may be appropriate in one location, but out of place or unattractive in another. Trees do not lend themselves to classification into high or low landscape value categories. In this case the size, potential growth, location and intrinsic characteristics of the tree indicate that it is worthy of statutory protection.
- 1.10 They expressed disappointment that the Council did not consult with the management committee prior to protecting the tree. They have been advised that the Council does not notify affected parties prior to the making of TPOs, because of the risk of trees being removed whilst unprotected. It is appreciated that this can appear rather uncompromising, but the legislation sets out a two stage process for making and confirming TPOs, to allow objections to be raised.
- 1.11 Their final point asked if the Council records show who planted the tree and when and if it was not planted by the Council can an Order still be made. The Council does not have any records to show when the tree was planted or by whom. Any tree can be protected regardless of who originally planted it.
- 1.12 A further letter raised some additional points and clarification was sought about procedures for dealing with comments about the making of a Tree Preservation Order. They were advised that an officer responds in detail to the comments that have been made and then a report for a Plans Sub-Committee of the Council is prepared. This report simply states what the comments are and the responses that have been made and a recommendation is made. The Plans Sub-Committee is made up from Councillors and they make the final decision as to whether or not the Tree Preservation Order should be confirmed. Objectors are advised of the date of the Committee meeting as they are entitled to speak at the meeting.
- 1.13 Further concerns were made about how the Order was made. The previous comments were repeated about the Council receiving thousands of requests about the status of trees every year. Officers are not able to inspect trees prior to letting people know the status of the trees and when a telephone query is made our maps are checked and callers advised that at the time the tree was not protected and that the consent of the Council was not needed for the carrying out of work to the tree. Subsequently a request was made for the tree to be protected, the tree was then inspected and it was recommended that a Tree Preservation Order be made.
- 1.14 They expressed concern about the appearance of the tree and photographs are available for the members of the Committee.
- 1.15 They queried the amenity value of the tree and sought clarification of the meaning of the intrinsic characteristics of the tree. They were advised that this relates to the size and form of the tree which are typical of its species.

2. POLICY IMPLICATIONS

- 2.1 This report is in accordance with Policy NE6 of the Council's adopted Unitary Development Plan.

3. LEGAL IMPLICATIONS

3.1 If not confirmed the Order will expire on 6 July 2010.

Non-Applicable Sections:	Financial and Personnel Implications.
Background Documents: (Access via Contact Officer)	