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DATE: 21 December 2010

To: Members of the  
**PLANS SUB-COMMITTEE NO. 2**

Councillor Peter Dean (Chairman)  
Councillor Russell Jackson (Vice-Chairman)  
Councillors Simon Fawthrop, Peter Fookes, David McBride, Alexa Michael,  
Gordon Norrie, Harry Stranger and Michael Turner

A meeting of the Plans Sub-Committee No. 2 will be held at Bromley Civic Centre on  
**THURSDAY 6 JANUARY 2011 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**

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**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**

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**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*  
[www.bromley.gov.uk/meetings](http://www.bromley.gov.uk/meetings)

## 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 4 NOVEMBER 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
4.1	Mottingham and Chislehurst North	11 - 14	(10/03347/FULL1) - Dorset Road Infant School, Dorset Road, Mottingham.
4.2	Cray Valley West	15 - 18	(10/03349/FULL1) - Field Studies Centre, Midfield Primary School, Grovelands Road, Orpington.

### SECTION 2 (Applications meriting special consideration)

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4.3	Cray Valley East	19 - 34	(10/00657/VAR) - Bournewood Sand and Gravel, Swanley Bypass, Swanley.
4.4	Chislehurst	35 - 40	(10/02027/FULL6) - Two Chimneys, Oakwood Close, Chislehurst.
4.5	Clock House	41 - 52	(10/02321/FULL3) - 2 Beckenham Road, Beckenham.
4.6	Copers Cope	53 - 58	(10/02849/FULL6) - 16 Scotts Lane, Shortlands, Bromley.
4.7	Chislehurst	59 - 64	(10/02901/FULL6) - 28 Wimborne Avenue, Chislehurst.
4.8	Darwin	65 - 68	(10/03126/FULL6) - 140 Cudham Lane North, Cudham.

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

Report No.	Ward	Page Ref.	Application Number and Address
4.9	Kelsey and Eden Park	69 - 72	(10/02940/FULL6) - 34 Gordon Road, Beckenham.
4.10	Orpington	73 - 78	(10/03037/FULL6) - 205 Charterhouse Road, Orpington.

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

Report No.	Ward	Page Ref.	Application Number and Address
4.11	Crystal Palace Conservation Area	79 - 82	(10/03112/FULL6) - 17 Belvedere Road, Anerley, London, SE19.
4.12	Crystal Palace Conservation Area	83 - 86	(10/03113/LBC) - 17 Belvedere Road, Anerley, London, SE19.

**5 CONTRAVENTIONS AND OTHER ISSUES**

Report No.	Ward	Page Ref.	Application Number and Address
5.1	Bromley Common and Keston	87 - 90	(DRR/10/00142) - Garage Constructed within rear of curtilage of 92 Oxhawth Crescent, Bromley.

**6 TREE PRESERVATION ORDERS**

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

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

NO REPORTS

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## PLANS SUB-COMMITTEE NO. 2

Minutes of the meeting held on 4 November 2010

### Present:

Councillor Russell Jackson (Vice Chairman, in the Chair)  
Councillors Simon Fawthrop, Peter Fookes, David McBride,  
Alexa Michael, Gordon Norrie, Harry Stranger and  
Michael Turner

### Also Present:

Councillors John Ince and Tony Owen

## 26 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

Apologies from the Chairman, Councillor Peter Dean, were received. The Vice Chairman, Councillor Russell Jackson, took the Chair. Councillor John Ince attended as an alternate for Councillor Peter Dean.

## 27 DECLARATIONS OF INTEREST

No declarations of interest were reported.

## 28 CONFIRMATION OF MINUTES OF MEETING HELD ON 9 SEPTEMBER 2010

**RESOLVED** that the Minutes of the meeting held on 9 September 2010 be confirmed.

## 29 PLANNING APPLICATIONS

### SECTION 1

(Applications submitted by the London Borough of Bromley)

### 29.1 BROMLEY TOWN

**(10/02732/FULL1) - Veolia Environmental Services, Baths Road, Bromley.**

Description of application – Installation of two mobile huts.

**THIS REPORT WAS WITHDRAWN BY CHIEF PLANNER**

**SECTION 2**

(Applications meriting special consideration)

**29.2  
CRAY VALLEY EAST**

**(10/01675/FULL1) - Kelsey House, 2 Perry Hall Road, Orpington.**

Description of application amended to read, "Three storey rear extension and rooftop stairwell extension and conversion of Kelsey House to provide 4 one bedroom, 11 two bedroom and 6 three bedroom flats and erection of three storey block comprising 3 one bedroom, 3 two bedroom and 3 three bedroom flats with 28 car parking spaces and associated bicycle parking and refuse storage".

Oral representations in support of the application were received at the meeting. It was reported that further objections to the application had been received. It was also reported that Highways Division had no objection to the application.

Members having considered the report, objections and representations, **RESOLVED** that the application **BE DEFERRED** without prejudice to any future consideration to seek an increase in the number of car parking spaces.

**29.3  
COPERS COPE**

**(10/02346/FULL1) - 125 Park Road, Beckenham.**

Description of application - Demolition of existing buildings and erection of four storey block comprising 2 one bedroom, 4 two bedroom and 3 three bedroom flats, and two storey block comprising 3 business units (Class B1) and 12 car parking spaces.

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

Comments from Councillor Russell Mellor were reported.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** for the reason set out in the report of the Chief Planner with a further reason:-

2. The proposed development will be seriously detrimental to the residential amenities of the occupants of No.123 Park Road by reason of increased noise and disturbance resulting from vehicular activity contrary to Policy BE1 of the Unitary Development Plan.

**29.4  
CHELSFIELD AND PRATTS  
BOTTOM**

**(10/02468/FULL6) - 29 Shelley Close, Orpington.**

Description of development - One/two storey side extension and elevational alterations.

Members having considered the report and objections, **RESOLVED THAT PERMISSION BE GRANTED** as recommended, for the reasons and subject to the conditions set out in the report of the Chief Planner with an informatiave:  
"INFORMATIVE: If the two spruce trees are removed then replacement trees should be planted."

**29.5  
PETTS WOOD AND KNOLL**

**(10/02525/FULL6) - 57 Elm Grove, Orpington.**

Description of development - Single storey detached building to rear RETROSPECTIVE APPLICATION.

Members having considered the report and objections, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reason set out in the report of the Chief Planner. **IT WAS FURTHER RESOLVED that ENFORCEMENT ACTION BE AUTHORISED** to remove the unauthorised development.

**29.6  
FARNBOROUGH AND  
CROFTON**

**(10/02585/FULL6) - 12 Broughton Road, Orpington.**

Description of development - First floor side and rear extension, replacement enlarged roof to existing single storey rear extension.

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

**29.7  
DARWIN**

**(10/02659/FULL6) - 23 Hazelwood Road, Cudham.**

Description of development - Front, side and rear extensions. Front porch. Addition of first floor incorporating front and rear dormers to form two storey house.

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

**29.8  
DARWIN**

**(10/02808/FULL1) - Land North East of Summer Shaw, Cudham Lane North, Cudham.**

Description of development - Single storey building for accommodation of cattle and horses and use of land for agriculture and grazing of horses PART RETROSPECTIVE.

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, for the reasons set out in the report of the Chief Planner with the following condition:

“1. Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details. REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.”

**SECTION 3**

(Applications recommended for permission, approval or consent)

**29.9  
PLAISTOW AND  
SUNDRIDGE**

**(10/02022/FULL1) - Sundridge Park Golf Club, Garden Road, Bromley.**

Description of development - Detached single storey building for use as driving range.

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

**29.10  
PETTS WOOD AND KNOLL**

**(10/02833/PLUD) - 64 Great Thrift, Petts Wood.**

Description of development - Single storey building at rear for use as triple garage and store CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT.

Oral representations in objection to and in support of



the application were received. Oral representations from Ward Member, Councillor Tony Owen, in objection to the application were received at the meeting. It was reported that forty seven further objections to the application had been received. Members having considered the report, objections and representations, **RESOLVED** that **A CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT BE REFUSED**, for the following reason:

1. The proposed development does not fall within Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

### 30 CONTRAVENTIONS AND OTHER ISSUES

#### 30.1 BROMLEY TOWN

##### **(DRR/10/00119) - 25 Lynwood Grove, Orpington.**

Oral representations in favour of no further action were received at the meeting. In the heading of the Chief Planners report the Ward was amended to read, 'Petts Wood and Knoll'.

Members having considered the report and representations, **RESOLVED that NO FURTHER ACTION** be taken with regard to Recommendation 1, and for the remaining issues to be agreed on site with the applicant.

#### 30.2 CHELSFIELD AND PRATTS BOTTOM

##### **(DRR/10/00120) Single Storey Side/Rear Extension at 17 Porthallow Close, Orpington.**

Members having considered the report, **RESOLVED that ENFORCEMENT ACTION BE AUTHORISED** to ensure that the single storey side extension is lowered in accordance with Planning Permission 10/00362.

**The Chairman to move that the attached reports, not included in the published agenda, be considered a matter of urgency on the following grounds:**

**30.3  
BIGGIN HILL**

**(DRR10/00121) 41 Sunningvale Avenue, Biggin Hill. - Unauthorised Works.**

Members having considered the report, **RESOLVED that INJUNCTION PROCEEDINGS BE AUTHORISED** in respect of the unauthorised development.

The Meeting ended at 8.45 pm

Chairman

# Agenda Item 4.1

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

**Application No :** 10/03347/FULL1

**Ward:**  
**Mottingham And Chislehurst  
North**

**Address :** Dorset Road Infant School Dorset Road  
Mottingham London SE9 4QX

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

**Applicant :** Mrs Jean Hiller

**Objections :** NO

## **Description of Development:**

Relocation of existing rear boundary fence

## **Proposal**

The proposal relates to a replacement boundary fence comprising wrought iron railings and concrete posts with timber clad panels.

## **Location**

The application site fronts Portland Road with the main entrance to the school building situated along Dorset Road.

## **Comments from Local Residents**

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

## **Comments from Consultees**

None.

## **Planning Considerations**

Policies BE1 and BE7 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; and to resist the construction or erection of high or inappropriate enclosures where such boundary enclosures would erode the open nature of the area, or would adversely impact on local townscape character.

## **Planning History**

There is no relevant planning history relating to this application.

## **Conclusions**

The main issue relating to the application is the effect that it would have on the character and appearance of the streetscene.

Policy BE7 recognises that the introduction of new boundary enclosures can have a significant effect on the character of an area and that it is important that new enclosures are appropriate in scale, location and design.

In view of the height and materials of the proposed enclosures these are considered sympathetic in relation to their surroundings and unlikely to significantly affect the character of the streetscene.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/02027, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

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

## **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
- BE7 Railings, Boundary Walls and Other Means of Enclosures

The development is considered satisfactory in relation to the following:

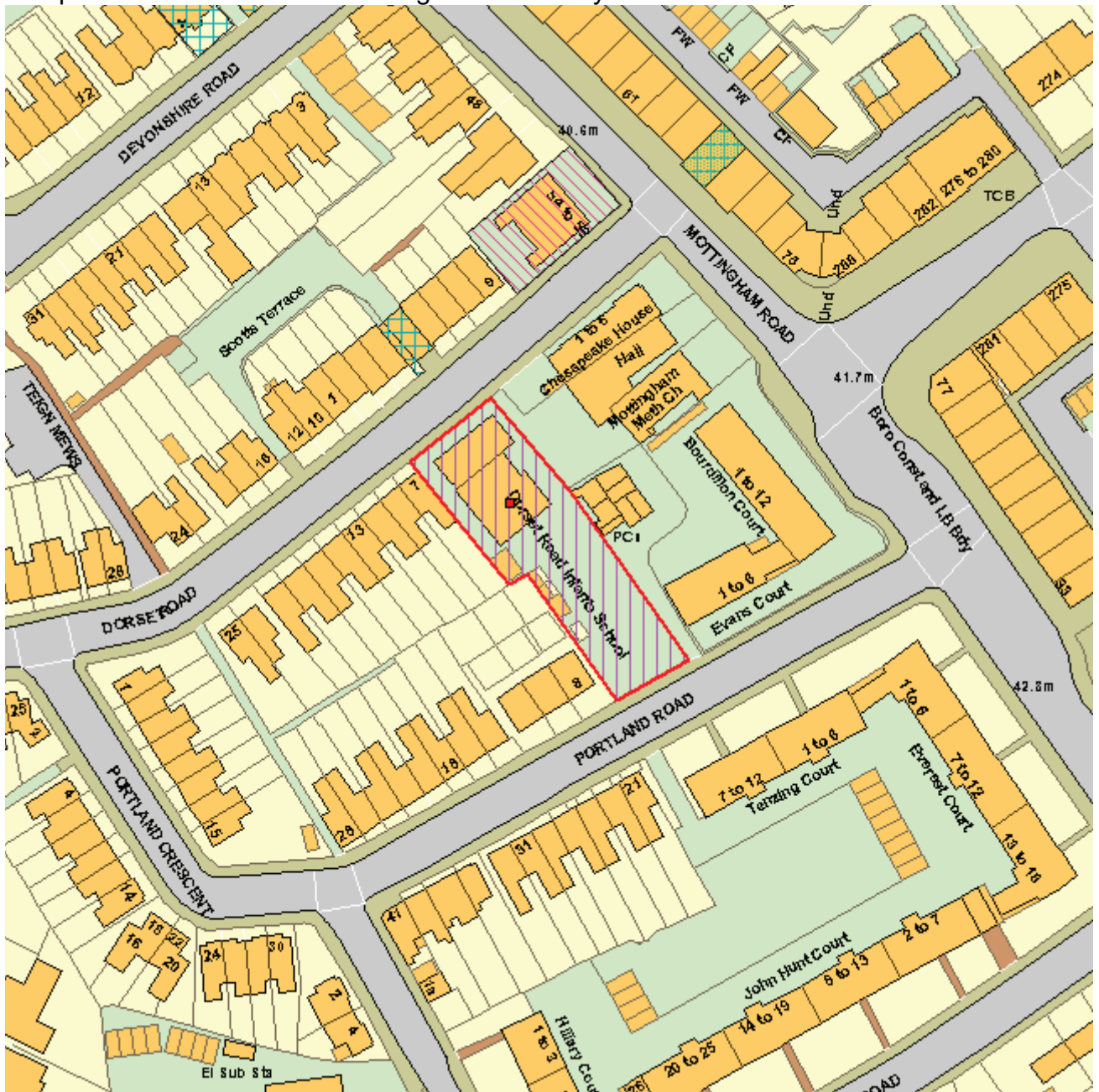
- (a) the appearance of the development in the street scene;
- (b) the character of the development in the area;
- (c) the light and outlook of occupiers of adjacent and nearby properties

and having regard to all other matters raised.

Reference: 10/03347/FULL1

Address: Dorset Road Infant School Dorset Road Mottingham London SE9 4QX

Proposal: Relocation of existing rear boundary fence



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# Agenda Item 4.2

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

**Application No :** 10/03349/FULL1

**Ward:**  
Cray Valley West

**Address :** Field Studies Centre Midfield Primary  
School Grovelands Road Orpington  
BR5 3EG

**OS Grid Ref:** E: 546347 N: 170030

**Applicant :** Midfield Primary School

**Objections :** NO

## **Description of Development:**

Resurfacing of access road to Grovelands Centre from Midfield Way.

Key designations:

Green Belt

## **Proposal**

- The proposal seeks to resurface the existing access road leading from Midfield Way to the east of the Link Youth Centre and toward the school car parking area.
- The materials to be used will be black tarmac and a limestone sub base.

## **Location**

The application site is located on the south of Grovelands Road, and to the north of Midfield Way. It is bounded mainly by residential properties to the south, east and north-east, and the Scadbury Park Nature Reserve to the north-west. The site comprises school buildings to the north, and playing fields to the south.

## **Comments from Local Residents**

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

## **Comments from Consultees**

No technical highways objections are raised subject to a standard condition.

Comments from a drainage point of view will be reported verbally at the meeting.

## **Planning Considerations**

The main policies relevant to this case are Policies BE1 (Design Of New Development) and G1 (Green Belt) of the Unitary Development Plan.

PPG2 'Green Belts' is also a consideration.

## **Planning History**

Planning permission was granted under ref. 07/01177 for a detached free standing canopy at the school.

## **Conclusions**

The main issues relating to the application are the effect that it would have on the openness and rural character of the Green Belt and the impact on highway safety.

Within the Green Belt there is a general presumption against inappropriate development except where very special circumstances can be demonstrated. New buildings (including extensions to existing buildings) are only appropriate if used for purposes for agriculture, forestry and outdoor sport and recreation. Educational uses are not considered to be appropriate uses in the Green Belt. Built development associated with "appropriate uses" or where very special circumstances can justify such development must not compromise the openness or visual amenity of the Green Belt.

Government guidance in the form of PPG2 "Green Belts" advises that inappropriate development is, by definition, harmful to the Green Belt and that it is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is outweighed by other considerations (paragraph 3.2).

Policy G1 of the UDP states that 'the material change of use, engineering and other operations within the Green Belt will be inappropriate unless they maintain the openness and do not conflict with the purposes of including land in the Green Belt.' It is considered that the proposal would constitute engineering and other operations, rather than development as such. Given that the proposal would replace an existing hard surface and would cover the same area as that existing, it is not considered that the proposal would impact on the openness of the Green Belt and would not alter the current use of the land or interfere with the potential future use of the land for appropriate purposes. No built development would be included and the operation proposed would therefore not result in any impact on either the visual appearance of the Green Belt or the purposes of including this land within it.

In respect to highway safety, the resurfacing will result in the continuation of use of the existing access and is considered not to impact on highway safety or alter the existing access situation on the site.



On balance it is considered that the proposed works would not impact on the character and rural appearance of the Green Belt and would not impact adversely on highway safety. It is therefore recommended that the proposal be granted planning permission.

Background papers referred to during production of this report comprise all correspondence on files refs. 07/01177 and 10/02871, 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 | ACH32  | Highway Drainage                         |
|   | ADH32R | Reason H32                               |

### **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
- G1 Green Belt

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

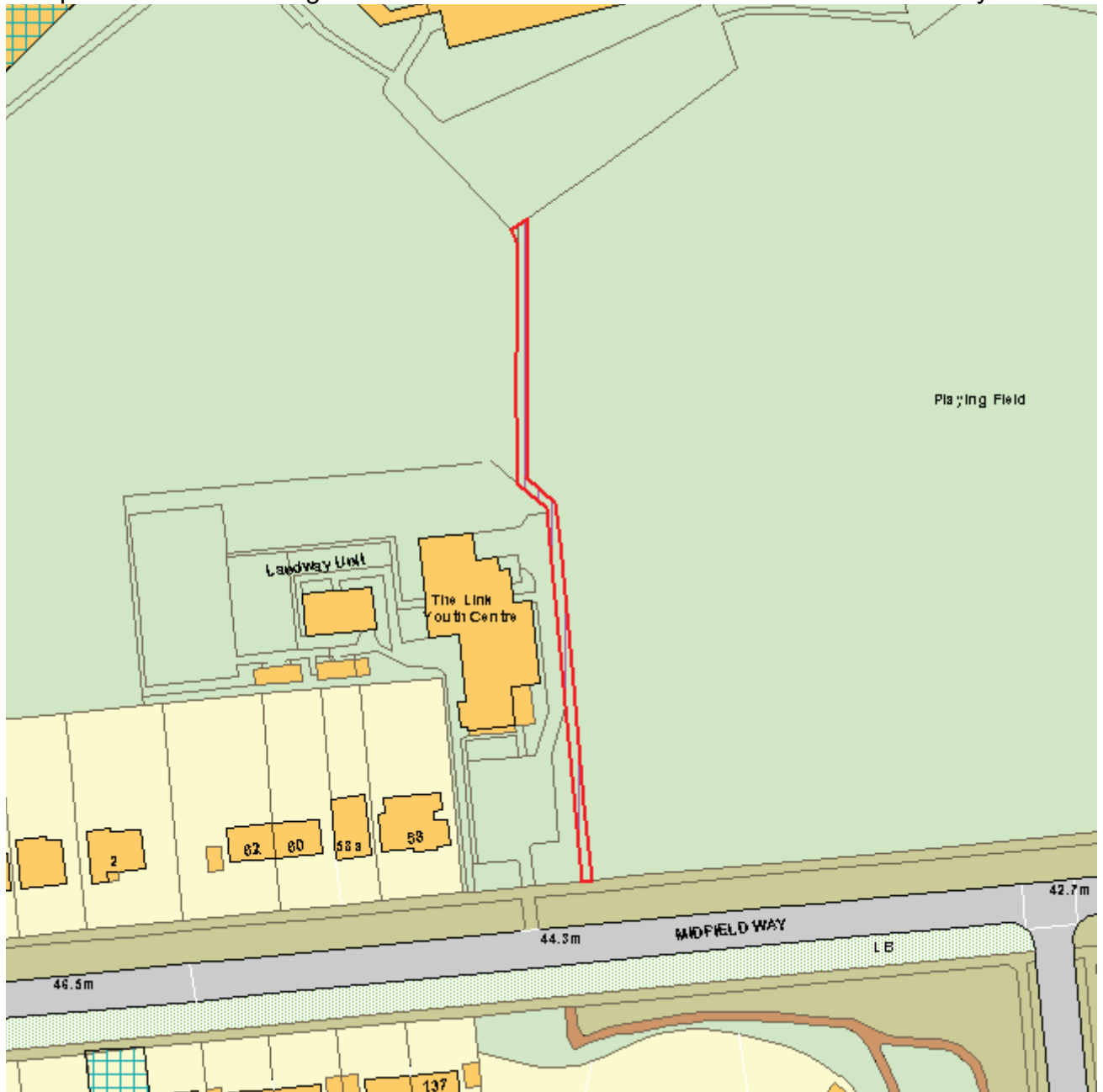
- (a) the character of the surrounding area
- (b) the impact on the amenities of the occupiers of adjacent and nearby properties
- (c) the impact on the openness and rural character of the Green Belt

and having regard to all other matters raised.

Reference: 10/03349/FULL1

Address: Field Studies Centre Midfield Primary School Grovelands Road Orpington  
BR5 3EG

Proposal: Resurfacing of access road to Grovelands Centre from Midfield Way.



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## SECTION '2' – Applications meriting special consideration

**Application No :** 10/00657/VAR

**Ward:**  
Cray Valley East

**Address :** Bournemouth Sand and Gravel Swanley  
Bypass Swanley BR8 7QH

**OS Grid Ref:** E: 550231 N: 168274

**Applicant :** Bournemouth Sand and Gravel Ltd

**Objections :** YES

### **Description of Development:**

Variation of conditions 1,12 and 13 of 00/02071 and condition 1 of 08/03444 to allow extraction of Thanet Sand, restoration and recontouring with inert waste and associated access, buildings and structure to continue/ remain until 14th Jan 2018

### **Proposal**

This application in simple terms seeks an extension of time within which to complete the permitted extraction and filling at this site, which is currently required to end and the land be restored by 14th January 2011.

In procedural terms this involves the variation of three conditions from a permission granted in 2000 for the works, and one condition from a permission granted in 2008 for buildings at the site in connection with the works all of which impose a time limit on aspects of the development:

Condition 01 of 00/02071 requires that “The use hereby permitted shall cease on or before the 14th January 2011. The repair shed, security compound comprising 3m high palisade fence around perimeter of the compound, caravan for overnight accommodation for security guard, storage container, mess hut, two storey office/inspection and 3 metre high palisade fence along the northern boundary of the site facility and any associated structures or materials shall be removed from the site on or before the 14th January 2011.”;

Condition 12 of 00/02071 requires that “The use of the means of access to the A20(T) included in the development hereby permitted shall be discontinued, the works and structures removed and the site restored on or before the 14th January 2011.”;

Condition 13 of 00/02071 requires that “The signs approved under reference 99/02071, and more specifically shown on drawing No. 98023/4 shall be maintained as such to the satisfaction of the Traffic Director for London for the

duration of the development and removed on or before the 14th January 2011.”; and

Condition 01 of 08/03444 requires that “All of the buildings and structures hereby permitted shall be completely removed from the land on or before 14th January 2011.”

- The period requested for the extension of time is 7 years – to 14th January 2018.
- The application supporting documents explain that it is submitted on the basis that it is now not possible to adhere to the original timescale for the excavation and restoration of the land due to progress on site, in particular in order to restore the land within the current timescale would involve sourcing material from a wide area and excessive vehicle trips.
- It is stated that the current economic conditions mean that the amount of material available for infilling has been much reduced.
- It is further stated that delays in achieving the required licence from the Environment Agency effectively meant that the infilling was delayed by approximately 7 years, only commencing in December 2007.

The application has been the subject of lengthy and detailed negotiations since first submission, and the views of a specialist minerals consultant have been sought to inform this report and the recommendation. He has visited the site. Since the commencement of discussions further information has been submitted. This information informs the headed sections below regarding the primary issues for consideration.

### **Location**

The site is located to the eastern edge of the Borough, between the A20 and railway line on the east and south sides and open land to the north and west. The site is already a working quarry with vehicular access directly onto the A20.

### **Comments from Local Residents**

A number of concerns have been raised by local residents including Crockenhill Parish Council and Swanley Town Council regarding the site and proposal, and additionally activities on land adjacent to the site. Comments have been summarised only insofar as they relate to this application:

- the extension of time is unreasonably long
- the site is unsightly and works cause noise and pollution to nearby residents
- services offered from the site go beyond the terms of the planning permission
- skips are stored at the site
- the only vehicular access to the site should be from the A20
- access from the A20 is unsafe and mud is often brought onto the road
- the site is over intensively used

- an extension of time would be unacceptable and will delay the restoration of the land
- a more restrictive timescale should be imposed
- dust pollution is not effectively controlled
- insufficient evidence has been submitted to support the demand and supply claims
- backfilling only should be allowed and no further extraction is necessary
- the applicant ignores obligations to minimise impact of the works on the Green Belt which means the proposal is inappropriate development
- it is accepted that an outright refusal would not solve the problem but no further extraction would be the most appropriate way to resolve the situation

The Sevenoaks Committee of Protect Kent CPRE does not support the extension of time application and asks that the site be restored to Green Belt without further delay.

### **Comments from Consultees**

The Highways Engineer comments that with regard to the public footpath 170 which originally ran through the site, this was subject of a Public Path Temporary Diversion Order made in 1998 under Section 261 of the Town and Country Planning Act effective from 14/01/2000 for 11 years, and a Public Path Creation Agreement under Section 25 of the Highways Act 1980 which dedicates the diversion created by the Section 261 Order until the same date. A completely new order would be required for the period of the extension and the application may be premature in advance of such an order being agreed. It is suggested that a condition could be imposed to require an order to be in place by 14/01/2011 which would safeguard this. Given the current timescales achieved for reporting this application and update has been sought on this matter and will be reported verbally.

Network Rail has no comments on the proposal.

The Environment Agency (EA) has responded that they have no objection to the application on the basis that all aspects of the permit they issued for the site are adhered to. They are aware that there was a large diesel spill at this site in late 2009 and the contaminant migrated beneath the site offices and it was agreed that the area would be fully investigated once the offices were moved as part of the proposed future working at the site. The applicant must be aware that if the proposed time extension inhibits the remediation from being undertaken within a reasonable time frame, then the EA will expect the remedial work to be commenced regardless.

Any comments from the Council's Environmental Health Officer will be reported verbally.

The Highways Agency (responsible for the A20) have no objection to the scheme.

Kent County Council comment that the use is appropriate in the Green Belt and that the infilling with inert waste offers an effective means of achieving the

restoration of the land. It is further noted that the site offers a rare resource for the disposal of inert waste and makes a potentially significant contribution to reducing the export of construction, demolition and excavation waste from London for landfill into Kent and the south east. The sand quarry is also considered to be a rare resource.

Sevenoaks DC comment that insufficient evidence has been presented to demonstrate that the continued operations will have no greater harm upon air quality within the adjacent A20(T) Air Quality Management Area (AQMA) and no greater harm to amenity of residents from poor air quality than the existing permission.

### Response from Independent Minerals Consultant

The Council has sought an external specialist consultant's view on the proposal, and this advice has subsequently been updated following negotiations. The consultant has examined all of the relevant documentation and his correspondence is available on file.

The original comments can be summarised as follows: The report states that there is little demand for Thanet Sand, particularly since 2003 when the aggregates tax was introduced by the government, low grade minerals such as Thanet sand have become significantly less competitive in relation to other recycled products. The advice continues: "the applicant refers to an estimated 170 lorry loads per week of saleable sand anticipated at the quarry and this equates to a tonnage per annum of approximately 160,000 tonnes which would suggest that the life of the mineral on this site would be less than two years. This seems most unlikely and does not fit with other details within the Supporting Statement suggesting that Area C alone has another twelve months of excavation and Area B a further 36 months, although a difference of two years is not great given the uncertainties prevailing and the quarry. Nevertheless my own view of the annual output currently of about 25-50,000 tonnes would give a much longer life for the quarry, say something between 6 and 12 years. However this is based purely on estimates and assuming that the applicant can provide evidence that recent mineral sales are in the region of in excess of 150,000 tonnes, I would have no reason to disbelieve him."

With regard to the infilling, the other major aspect of the site's operations, his views are as follows: "The applicant admits that to fully restore all the site he will require sufficient waste to backfill some 1.5m cubic metres in Area C. Thereafter it is unclear how much remaining void space will be available but assuming a further 300,000 tonnes is extracted in Area B and C and assuming some additional void space is made available due to the merging of the two cells it might be assumed that approximately 2 million cubic metres of void space (say 4 million tonnes) might well be available at present. The applicant indicates in his Supporting Statement that approximately 200 lorries a week will enter the site and this would translate to a tonnage of approximately 170,000 tonnes per annum. On the basis that there is approximately two tonnes to one cubic metre of compacted fill, that would provide for an input life of well over twenty years. Clearly this is inconsistent with the application for restoration in a further seven years." and continues "Furthermore of course the current state of the construction industry is such that with demand for

both mineral and inert waste disposal in a depressed state the chances of reducing the timescales above are even less.”

Further advice is provided regarding the potential control of operations into the future should permission be granted, and additionally points out that should permission be refused, the applicant may walk away from the site leaving it in its current state. It is pointed out that the application is an opportunity to reduce the harm which is being caused in the locality, and in particular to what the consultant describes as excessive numbers of machinery and plant held on site apparently for uses outside of quarrying and backfilling operations.

The Council’s consultant suggests several options to take matters forward. It is considered that a refusal of planning permission might cause considerable doubts regarding the future of the site and would probably not be beneficial to either party. The relevant suggestions which Members should consider are:

1. To grant permission up to 2018 and allow the continuation of the quarrying and infilling for the requested period, subject to suitable safeguarding conditions
2. To grant permission to only allow backfilling of the existing void and no further quarrying, subject to suitable safeguarding conditions

Subsequent negotiations and a site visit have lead to further correspondence and information being submitted. This has included a revised phasing plan, a list of plant and machinery to remain on site, and an up to date topographical survey and the consultant has subsequently provided further comments which are taken into account in the conclusions section below.

### **Planning Considerations**

The site lies within the Green Belt and it is necessary to consider relevant policies in relation to this, and additionally highway and footpath matters, residential amenities, environmental impact, footpath diversion, mineral planning, waste and recycling and the impact on the Site for Nature Conservation which is to the west of the site, slightly overlapping the application area, in Bourne Wood. All of these are issues which have been previously considered and for this application, the impact resulting from an increased time period for mineral working and infilling must be considered with regard to current policy.

Policies from the 2006 Bromley Unitary Development plan of relevance are:

T2	Assessment of Transport Effects
T18	Road Safety
NE2 & NE3	Development and Nature Conservation Sites
NE12	Landscape Quality and Character
G1	The Green Belt
G14 & G15	Mineral Workings and Associated Development

Policies from the London Plan (as amended 2008) of relevance include:

- 3D.9 Green Belt
- 4A.19 Improving Air Quality
- 4A.20 Reducing Noise and Enhancing Soundscapes
- 4A.21 Waste Strategic Policy and Targets
- 4A.22 Special Policies for Waste Management
- 4A.24 Existing Provision – Capacity, Intensification, Re-use and Protection
- 4A.28 Construction, Excavation and Demolition Waste
- 4A.30 Better Use of Aggregates
- 4A.32 Land Won Aggregates

National Planning Policies of relevance include:

- PPS1 Delivering Sustainable Development
- PPG2 Green Belts
- PPS10 Planning for Sustainable Waste Management

In particular, mineral extraction need not be inappropriate development within the Green Belt (as set out in PPG2 paragraph 3.11) provided that high environmental standards are maintained and the site is well restored.

### **Planning History**

Planning permission was initially granted at appeal under reference 96/00962 in 1997 for the “Extraction of Thanet sand and restoration and re-contouring by disposal of inert waste and creation of new vehicular access.” at this site.

“Details of dust suppression noise control and protection of the water course, signing changes on the A20(T) restoration and aftercare of the site, retention and protection of trees and hedgerows, trespass proof fence pursuant to conditions 06, 14, 17, and 18 of application 96/00962 granted on appeal for extraction of Thanet Sand and restoration and re-contouring by disposal of inert waste; creation of new vehicular access” were approved under reference 99/02071.

In 2000 permission was granted by the Council for some changes to the permitted scheme under reference 00/02071 for “Variation of condition 20 of application 96/00962 granted on appeal for extraction of Thanet Sand regarding restoration and re-contouring by disposal of inert waste, creation of vehicular access, the reduction in the width of the surface berm running along the eastern boundary of the site. Erection of repair shed. Erection of security compound comprising 3m high steel palisade fence around perimeter of compound, caravan for overnight accommodation for security guard, storage container, mess hut and 2 storey office/inspection facility. Erection of 3 metre high steel palisade fence along northern boundary of the site.” This remains the primary extant permission for the site.

Replacement workshop, weighbridge, offices and parking area were permitted in 2008 under reference 08/03444, as the area within which the original site offices were located is intended to be excavated.



Application 09/02818 for an identical proposal was withdrawn by the applicant in order that further discussions could take place.

## **Conclusions**

It is necessary in this case to balance the benefits of allowing additional time to achieve the extraction and infilling at this site with any harm caused for an extended period of 7 years. In particular it is pertinent to examine whether the background justification for the original appeal decision still exists, and whether the extension of the timescale for the proposal can be supported by current planning policies. In light of the consultant's report it would seem permission ought to be granted for an extension in order to have any certainty that the land will be suitably restored, given the current stage of the extraction and infilling and the likely timescale to complete works.

### The need for Thanet Sand

The justification for the original permission relied upon a number of factors, including the need for Thanet Sand and a general increase in construction activity in London and the South East. The Inspector concluded that there was an established need for the material which outweighed harm to amenity, provided that the site can be operated and restored to a high standard and within a realistic timescale. With regard to current need for Thanet Sand mixed views exist. The applicant has confirmed in this submission that in their view the demand for Thanet Sand has held up well despite the downturn and the applicants have currently provided quotes to the Olympic Delivery Authority for the supply of quantities ranging from 36,000 – 120,000 tonnes over the next 15 months (from March 2010 to June 2011). As set out above the Council's consultant does not view the demand in the same way, stating that "there is little demand for Thanet Sand, particularly since 2003 when the aggregates tax was introduced by the government, low grade minerals such as Thanet sand have become significantly less competitive in relation to other recycled products."

UDP Policies G14 and G15 address mineral workings. In particular G14 requires that the quality and quantity of the mineral concerned is such that any workings would be economically viable, and associated development on the site is essential to the viability of the proposal and that the land will be restored to appropriate Green Belt use when extraction is complete. Policy G15 requires that the effects of mineral extraction are minimised. The supporting statement considers that these policies are complied with as the proposal is an extension of time and the original proposal met the tests.

### The need for void space for inert waste

In 1997 there was an identified need for void space for inert waste which was considered by the Inspector to partly justify allowing the appeal. Since that time the current London Plan has been published and this includes policies specifically relating waste. Bournemouth Sand and Gravel can be regarded as an existing landfill site, however no substantive evidence has been provided that it meets any specific need. At the time of the original decision, the Inspector stated that the site

would “need to attract a relatively small proportion of [the significant amounts of inert waste exported into Kent for disposal] in order to keep pace with extraction.” Despite the positive economic conditions prevailing through the early 2000s, the pace of works at the site appears to have been slow. However, information submitted with the application confirms that during 2009, a total of 315,836 tonnes of inert waste was delivered to the site and this equates to 143,562 cubic metres of fill at a rate of 2.2 tonnes per cubic metre. The applicant is confident that demand will rise further as the economy picks up.

The supporting text to London Plan Policy 4A.28 states that “Construction, excavation and demolition waste facilities do not form part of the overall forecast provision for new facilities. It is estimated that London reuses/recycles some 90% of this waste stream already. However it is the intention in the future to encourage more beneficial and higher order uses of this inert waste. There is no additional permanent new site provision identified up to 2020. However, it is anticipated that a combination of effective use of existing sites and the provision of recycling facilities at aggregate extraction sites and, where appropriate, safeguarded wharves, together with on-site mobile facilities, is capable of meeting the anticipated future requirement within London to achieve a more beneficial re-use of this material.”

Waste sorting, processing and storage in the Green Belt is not recognised in UDP Policy or national policy in PPG2 as being an exception to the general presumption against inappropriate development. Such a use is inappropriate in the Green Belt and there must be ‘very special circumstances’ to warrant overriding the general presumption against it. In this instance the infilling of the site following extraction of the valued Thanet Sand was considered to be a suitable very special circumstance which justified such inappropriate activity. It is necessary to consider whether this is still the case.

With regard to the increased timescale, the Council raised concerns about this at the first public inquiry, stating that a marginally viable operation might be drawn out over many years with continuing impact upon the character and appearance of the wider locality. The Inspector recognised that there are uncertainties concerning the timescale of extraction and restoration, however he was satisfied that on the balance of probabilities that the Bournemouth operation could be carried through in the envisaged 10-11 year timescale. The Inspector placed considerable weight upon the limited period over which the activity would take place. Policy G14 of the UDP requires that mineral extraction should be economically viable. Some limited evidence of the ongoing viability of this site has been submitted.

There have been concerns that vehicular access to the site has been gained via a widened public footpath from Hockenden Lane, and this appears to be an ongoing matter, with the applicant having not yet taken any action to close the access formed to the rear of the site. Should this application be approved a condition specifically prohibiting this and requiring reinstatement of suitable boundary enclosures could be imposed.

The current permission for the site (and any revised permission issued as a result of this application) is for the extraction of sand and infilling with inert materials. Processing of materials does not form part of the permission. There have been

concerns that recycling of materials has been ongoing at the site in breach of a previously issued enforcement notice, and indeed an Environment Agency permit has been issued to allow such activity. The applicant considered that this could be carried out under the current planning permission, but the Council does not agree with this view. The agent has confirmed subsequently that the applicant is prepared to accept that the permission does not include recycling and a tightened condition is proposed to ensure that this can be suitably controlled should permission be granted.

The proposal now includes a revised phasing plan which indicates that an area underneath the existing offices will now be the subject of extraction (Area D). This area was not previously shown on the phasing plan with the original application as being extracted. Clearly this will extend the period of extraction and infilling to some degree.

It is clear that the activity subject of this application is harmful to the character and appearance of the area and the Green Belt given its scale and the nature of the activity. It also gives rise to concerns from local residents in terms of noise, dust, highway safety and other impacts, which is apparent from the correspondence received in response to local consultation. Whilst it is accepted that these concerns can be reduced through the imposition and enforcement of planning conditions, it is necessary to consider this impact in considering the extension of time requested, alongside the other pertinent issues such as the future for the quarry and how the land will be returned to open Green Belt.

In determining this application Members need to consider primarily whether the current situation regarding the demand for Thanet Sand and the supply of inert waste justifies the requested 7 year extension to activities at the site, and in particular whether the mineral extraction upon which the justification for all activity and development at the site rests in Green Belt terms remains appropriate as considered by the Inspector in 1997 with regard to PPG2, and UDP Policies G14 and G15.

Works commenced in January 2000 at the site and have therefore been ongoing for almost ten years. Given the time period originally envisaged, and the good economic conditions prevailing for the majority of the ten years the site has operated, it is questionable whether best endeavours have been made to comply with the proposed timescale, and it is clear that careful consideration must be given to all the issues discussed above. However, given the consultant's observations and the current state of the site, Members may consider it would be appropriate to grant an extension of time and accept that the very special circumstances originally considered remain relevant to justify such a decision in the Green Belt.

Background papers referred to during production of this report comprise all correspondence on files refs. 96/00962, 99/02071, 00/02071, 08/03444, 09/02818, and 10/00657, excluding exempt information.

as amended by documents received on 25.11.2010

**RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- 1 The use hereby permitted shall cease on or before 14th January 2018. All associated buildings, structures, plant and machinery, including the bund formed at the site boundary with the A20(T), shall all be removed from the site on or before 14th January 2018.

**Reason:** In the interests of the openness and character of the Green Belt and to accord with Policies G1, G14 and G15 of the Unitary Development Plan.

- 2 The use shall not operate, no machinery shall be operated, no process carried out and no deliveries taken at or dispatched from the site outside the following hours: 07:00 to 19:00 Mondays to Fridays inclusive and 07:00 to 13:00 on Saturdays, nor at any time on Sundays, Bank or Public Holidays.

**Reason:** To protect the amenities of nearby residential properties and in the interests of the openness and character of the Green Belt and to accord with Policies BE1, G1, G14 and G15 of the Unitary Development Plan.

- 3 The works shall be carried out only in accordance with the approved phasing drawing no 1749/4A rev11/10 received 25.11.10 unless otherwise agreed in writing by the Local Planning Authority. A revised written phasing plan shall be submitted to the Local Planning Authority within 1 month of the date of this permission and works shall only proceed in accordance with the approved details.

**Reason:** In the interests of the openness and character of the Green Belt and to accord with Policies G1, G14 and G15 of the Unitary Development Plan.

- 4 The depth of working shall not at any point be below 52m AOD in Area A and 55m AOD in Areas B and C as shown in drawing number 1749/2 received 7th October 2009.

**Reason:** To prevent pollution to the water environment and to comply with Policies G15 of the Unitary Development Plan, 4A.17 of the London Plan and PPS25.

- 5 An updated scheme for dust suppression, noise control and the protection of the water course shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this permission. The approved scheme shall be implemented for the full duration of the permission hereby granted unless otherwise agreed in writing by the Local Planning Authority or if operations cease.

**Reason:** To protect the amenities of nearby residential properties and to prevent pollution to the water environment and to comply with Policies BE1 and G15 of the Unitary Development Plan, 4A.17, 4A.19 and 4A.20 of the London Plan and PPS25.

- 6 No topsoil, subsoil or overburden shall be removed from the site.

**Reason:** To ensure that adequate material is left for the restoration of the site and to comply with Policy G15 of the Unitary Development Plan.

- 7 There shall be no floodlighting or other external lighting at the site without the approval in writing of the Local Planning Authority. Any approved lighting shall be retained in accordance with the approved details.

**Reason:** To protect the amenities of nearby residential properties and in the interests of the openness and character of the Green Belt and to accord with Policies BE1, G1, G14 and G15 of the Unitary Development Plan.

- 8 Stockpiling of Thanet Sand if necessary shall only take place in the phase being worked and only be sufficient to provide material for a days operation.

**Reason:** To protect the amenities of nearby residential properties and in the interests of the openness and character of the Green Belt and to accord with Policies BE1, G1, G14 and G15 of the Unitary Development Plan.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any amending, revoking and re-enacting this Order, no operation permitted by Part 19 Class A and B shall be carried out.

**Reason:** To protect the amenities of nearby residential properties and in the interests of the openness and character of the Green Belt and to accord with Policies BE1, G1, G14 and G15 of the Unitary Development Plan.

10 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with washdown facilities for the cleaning of all vehicles of an accumulation of mud or other material prior to the vehicle leaving the site and any mud or material deposited by vehicles on the site access road shall be removed without delay and in no circumstances be left beyond the end of the working day.

**Reason:** In the interests of highway safety on the A20(T) and to accord with Policy T18 of the Unitary Development Plan.

11 The implemented highway works to provide access to the A20(T) as shown on drawing No. 0796/WD/6A submitted for application 00/02071 shall be maintained as such to the satisfaction of the Highways Authority.

**Reason:** In the interests of highway safety on the A20(T) and to accord with Policy T18 of the Unitary Development Plan.

12 The use of the means of access to the A20(T) included in the development hereby permitted shall be discontinued, the works and structures removed and the site restored on or before the 14th January 2018.

**Reason:** In the interests of the openness and character of the Green Belt and to accord with Policies G1, G14 and G15 of the Unitary Development Plan.

13 The signs approved under reference 99/02071, and more specifically shown on drawing No. 98023/4 shall be maintained as such to the satisfaction of the Highways Agency for the duration of the development and removed on or before the 14th January 2018.

**Reason:** In the interests of highway safety on the A20(T) and to accord with Policy T18 of the Unitary Development Plan.

14 All loaded lorries shall have their cargo area sheeted over prior to the departure from the site.

**Reason:** In the interests of highway safety on the A20(T) and to accord with Policy T18 of the Unitary Development Plan.

15 No access other than the approved access to the A20(T) shall be used by any vehicle for the purpose of entering or leaving the site during the operation period of the development hereby approved. Details of measures to prevent access into and out of the site around the remainder of its boundary shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this permission and the approved measures shall be implemented within 2 months of the date of approval. This restriction does not apply to access for the purpose of restoration and aftercare following removal of the temporary access to the A20(T) for which a suitable access route shall be approved in writing by the Local Planning Authority as part of the restoration scheme as required by condition 16 of this permission.

**Reason:** To protect the amenities of nearby residential properties and in the interests of the openness and character of the Green Belt and highway safety and to accord with Policies T18, BE1, G1, G14 and G15 of the Unitary Development Plan.

- 16 An updated scheme for the restoration and aftercare of the site, retention and protection of trees and hedgerows and trespass proof fence shall be submitted to and approved in writing within 3 months of the date of this permission. Restoration shall be carried out in accordance with the details approved unless otherwise agreed in writing by the Local Planning Authority. Restoration of completed Area A shall be completed within one year of this permission unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To protect the amenities of nearby residential properties and in the interests of the openness and character of the Green Belt and the area in general and to accord with Policies BE1, G1, G14 and G15 of the Unitary Development Plan.

- 17 No excavations are to be carried out, overburden tipped or building erected within an undisturbed 20 metre surface berm from the southern boundary of Railtracks Land until an independent geotechnical engineers report detailing the working method, parameters to be used in slope calculation and giving a safety factor against failure of the excavation slope is submitted to and approved by the Local Planning Authority. These works shall be carried out as approved.

**Reason:** To ensure the structural integrity of the railway embankment.

- 18 Only inert waste conforming to the categories as set out in the submitted Schedule 3 extract List of "Permitted Wastes for Landfill Activities" from the current site permit shall be imported to the site for restoration purposes and no other material shall be imported to the site for any other reason unless agreed in writing by the Local Planning Authority.

**Reason:** To protect the amenities of nearby residential properties and the Green Belt, and to prevent pollution to the water environment and to comply with Policies BE1 and G15 of the Unitary Development Plan, 4A.17, 4A.19 and 4A.20 of the London Plan and PPS25.

- 19 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

**Reason:** To prevent pollution to the water environment and to comply with Policies G15 of the Unitary Development Plan, 4A.17 of the London Plan and PPS25.

20 Except with the prior written agreement of the Local Planning Authority, no vehicle brought onto the site for aftercare following the cessation of the use in accordance with condition 1 of this permission shall exceed 5 tonnes GVW. For the purpose of this condition aftercare shall be defined as the maintenance of the completed landscaping scheme after cessation of all other works on the site.

**Reason:** To protect the amenities of nearby residential properties and to accord with Policy BE1 of the Unitary Development Plan.

21 The re-seeding of each restored phase shall take place within the first planting season following completion of tipping within that phase.

**Reason:** To ensure adequate restoration of each phase, and to protect the amenities of nearby residential properties and in the interests of the openness and character of the Green Belt and to accord with Policies BE1, G1, G14 and G15 of the Unitary Development Plan.

22 The buildings and structures permitted under reference 08/03444 shall be used only for purposes in connection with the permitted use of the land for the extraction of Thanet Sand and infilling with inert waste and for no other purpose.

**Reason:** To protect the amenities of nearby residential properties and in the interests of the openness and character of the Green Belt and highway safety and to accord with Policies T18, BE1, G1, G14 and G15 of the Unitary Development Plan.

23 The existing repair shed, security compound, caravan, storage containers, mess hut, inspection facility, offices and all other structures and buildings within Area D shall be completely removed from the site within 3 months of the siting / erection of the buildings / structures permitted under reference 08/03444.

**Reason:** To accord with the planning permission for the use of the site and in the interests of the openness and visual amenities of the Green Belt and in order to comply with Policies G1, G15 and BE1 of the Unitary Development Plan.

24 Details of the extent and material to be used for the hardstanding approved under permission 08/03444 shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the buildings / structures hereby permitted. The approved hardstanding shall not be altered without the prior approval in writing of the Local Planning Authority. The hardstanding shall be completely removed from the site by 14th January 2018 or before.

**Reason:** To accord with the planning permission for the use of the site and in the interests of the openness and visual amenities of the Green Belt and in order to comply with Policies G1, G15 and BE1 of the Unitary Development Plan.

25 No hire or sale of plant or other equipment or machinery including skips shall take place from the site at any time including the storage of any such plant. No equipment, plant, machinery, or vehicles shall be kept or stored at the site other than that required for the mineral extraction and infilling operations hereby permitted and as set out in the list received 25.11.2010.

No more than one skip required for any non-conforming waste shall be kept at the site at any time.

**Reason:** To protect the amenities of nearby residential properties and in the interests of the openness and character of the Green Belt and highway safety and to accord with Policies T18, BE1, G1, G14 and G15 of the Unitary Development Plan.

26 There shall be no import of soil or material for recycling, and no recycling of material shall take place at the site without the prior written approval of the Local Planning Authority.

**Reason:** To accord with the planning permission for the use of the site and in the interests of the openness and visual amenities of the Green Belt and in order to comply with Policies G1, G15 and BE1 of the Unitary Development Plan.

27 An annual monitoring report setting out a programme for extraction, remediation and restoration shall be submitted to the Local Planning Authority annually within one month of the anniversary of the date of this decision for approval by the Local Planning Authority. The report must set out the works proposed over the following 12 month period to enable the Local Planning Authority to monitor the works required for the future completion of the restoration of the site and ensure that these are being carried out in a satisfactory manner.

**Reason:** To protect the amenities of nearby residential properties and in the interests of the openness and character of the Green Belt and highway safety and to accord with Policies T18, BE1, G1, G14 and G15 of the Unitary Development Plan.

The proposal is considered to be a case where very special circumstances justify the setting aside of normal Green Belt policies due to the mineral extraction and infilling benefits with regard to UDP Policies G1, G14 and G15 and advice in PPG2, PPS10 and the London Plan, and subject to suitable conditions.



Reference: 10/00657/VAR

Address: Bournemouth Sand And Gravel Swanley Bypass Swanley BR8 7QH

Proposal: Variation of conditions 1,12 and 13 of 00/02071 and condition 1 of 08/03444 to allow extraction of Thanet Sand, restoration and recontouring with inert waste and associated access, buildings and structure to continue/ remain until 14th Jan 2018



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## SECTION '2' – Applications meriting special consideration

**Application No :** 10/02027/FULL6

**Ward:**  
Chislehurst

**Address :** Two Chimneys Oakwood Close  
Chislehurst BR7 5DD

**OS Grid Ref:** E: 543096 N: 170558

**Applicant :** Mr And Mrs M Jones

**Objections :** YES

### **Description of Development:**

Erection of acoustic fence within the curtilage adjacent to the south and south east boundaries of the property max height 3 metres

#### Key designations:

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

### **Proposal**

The proposal relates to a 3m acoustic fence to be erected adjacent to the south and south east boundaries of the property. The submitted plan indicates that the fence will be erected within 3m of the boundary and set within existing vegetation. An arboricultural assessment has been submitted relating to the proposed fence and its potential impact on the trees growing within the site.

The proposal is justified on the basis that the occupants at the application property have experienced an increasing loss of amenity arising from traffic noise given the proximity of the site to surrounding roads. A Noise Impact Assessment has been produced in support of the application.

### **Location**

The property is located adjacent to the junctions between Yester Road, Yester Park and Oakwood Close. The southern boundary is defined by a substantial brick wall, whilst a dense layer of bushes and trees straddles the south and south east boundaries which serve to obscure most of the dwelling at 'Two Chimneys'. The rear garden of the property slopes downwards to the boundary with Yester Road.

## **Comments from Local Residents**

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

- proposed fence will be seen by motorists coming up the hill towards Oakwood Close
- the amount of traffic using Yester Road has been restricted as a result of width barriers. The installation of a wide tarmac cushion at the junction of Yester Road with Oakwood Close could be deployed to slow traffic adjacent to the site and improve road safety conditions which are unsatisfactory
- fencing is of excessive height
- proposed fencing could have a harmful effect on the existing hedging by cutting out its surface of light
- mature plants should be planted to ensure that there is adequate vegetative screening to obscure the proposed fence

Objections have been raised by the Chislehurst Society on the basis that

“This type of construction is alien to the residential locality and particularly a relatively quiet area within the conservation area. The area is hilly and it is difficult to make a full assessment of the impact of such a fence without more detailed topographical information which we would have expected to accompany this application. There is the potential for the proposed acoustic fence to be visible from several perspectives.”

## **Comments from Consultees**

Objections were raised by the Advisory Panel for Conservation Areas on the basis that the proposal will be harmful to the character and appearance of the Chislehurst Conservation Area.

No objection has been raised from an Environmental Health perspective, although it is unable to comment on the validity of the claims made in the acoustics report in respect of the anticipated noise reduction.

## **Planning Considerations**

Policies BE1, BE7 and BE11 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; to ensure the retention of railings, walls, plantings and hedgerows of native species and other means of enclosure where they form an important feature of the streetscape; resist the construction or erection of high or inappropriate enclosures where such boundary enclosures would erode the open nature of the area, or would adversely impact on local townscape character; and to protect the overall character of conservation areas.

## **Planning History**

There is no relevant planning history relating to this application.

## Conclusions

The main issue relating to the application is the effect that it would have on the character and appearance of the streetscene and the wider Chislehurst Conservation Area.

Policy BE7 recognises that the introduction of new boundary enclosures can have a significant effect on the character of an area and that it is important that new enclosures are appropriate in scale, location and design. In this case the application site forms a prominent and relatively elevated plot, particularly visible from the junction of Yester Road and Yester Park.

However, it is recognised that the site benefits from significant vegetative screening which rises to a significant height. Following a reduction in the proposed height of the fence to 3m (down from 3½m) it is considered that the introduction of an acoustic fence of the height proposed may be justified on the basis that this may be screened by the screening which exists. In addition, a condition is suggested to ensure that the areas surrounding the proposed fencing are adequately landscaped to ensure that the appropriate screening remains. Furthermore, the materials of the proposed fencing should also be conditioned to ensure that they are appropriate to the surroundings.

Background papers referred to during production of this report comprise all correspondence on file ref: 10/02027, excluding exempt information.

as amended by documents received on 17.12.2010

## RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs  
ACA01R A01 Reason 3 years
- 2 Details of the materials to be used for fencing hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.

**Reason:** In order to comply with Policies BE1, BE7 and BE11 of the Unitary Development Plan and in the interest of the character and appearance of the Chislehurst Conservation Area.

- 3 Details of a scheme of landscaping around the proposed acoustic fencing shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

**Reason:** In order to comply with Policies BE1, BE7 and BE11 of the Unitary Development Plan and in the interest of the character and appearance of the Chislehurst Conservation Area.

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

BE1 Design of New Development  
BE7 Railings, Boundary Walls and Other Means of Enclosure  
BE11 Conservation Areas

The development is considered satisfactory in relation to the following:

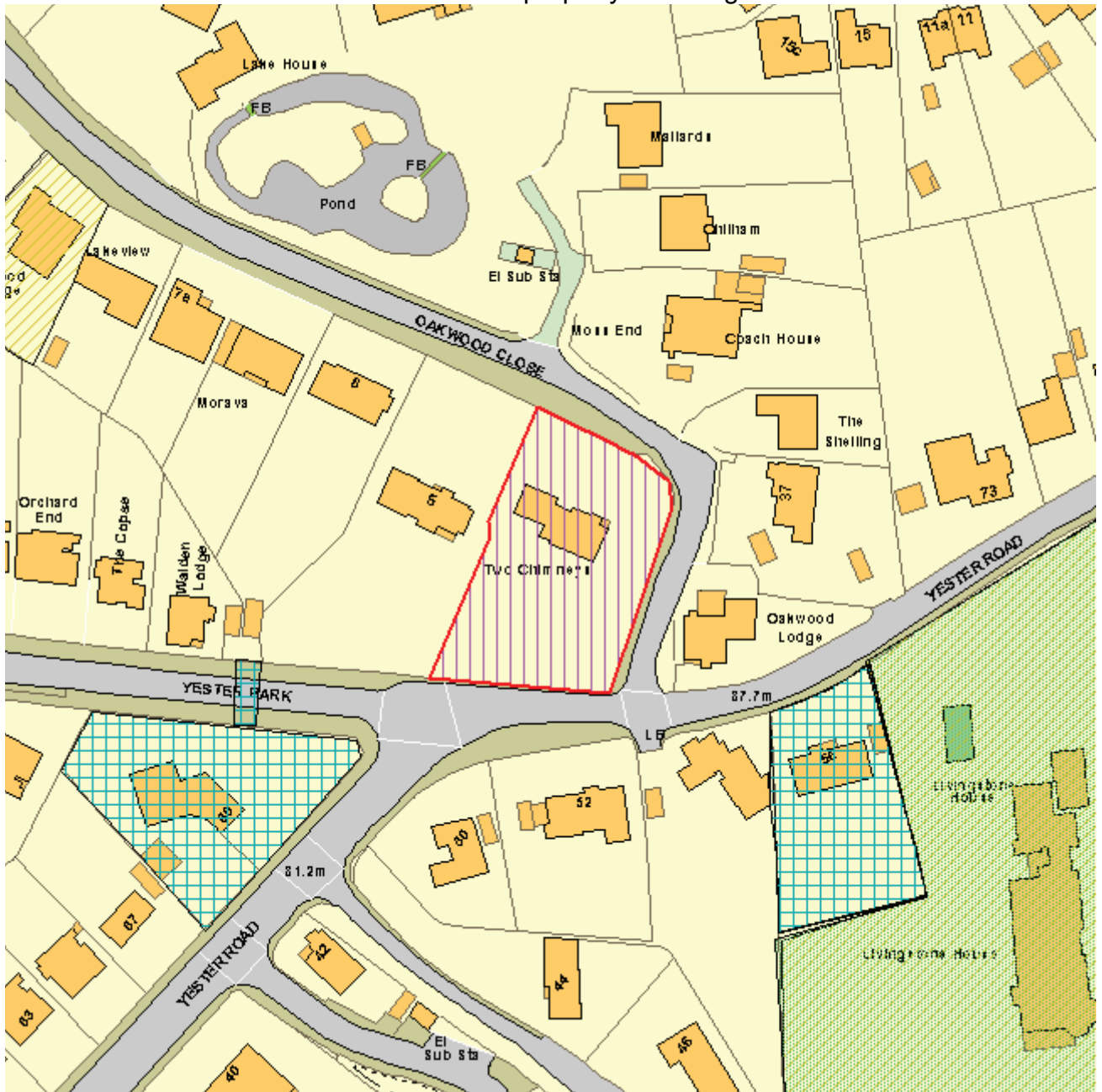
- (a) the appearance of the development in the street scene;
- (b) the character of the development in the Chislehurst Conservation Area;
- (c) the amenities of occupiers of adjacent and nearby properties

and having regard to all other matters raised.

Reference: 10/02027/FULL6

Address: Two Chimneys Oakwood Close Chislehurst BR7 5DD

Proposal: Erection of acoustic fence within the curtilage adjacent to the south and south east boundaries of the property max height 3 metres



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## SECTION '2' – Applications meriting special consideration

**Application No :** 10/02321/FULL3

**Ward:**  
**Clock House**

**Address :** 2 Beckenham Road Beckenham BR3  
4PH

**OS Grid Ref:** E: 536881 N: 169485

**Applicant :** Pastor Julian Melfi (Citygate Church)      **Objections :** YES

### **Description of Development:**

Conversion into five 2 bedroom apartments, landscaping, removal of access ramp on property frontage, change of use from business (Class B1) to dwellinghouse (Class C3 (a)) and from business (Class B1) to non-residential institution: function hall (Class D1) for rear building.

Key designations:

London Distributor Roads

### **Proposal**

Issues from previous Plans Sub Committee Meeting

This application was previously deferred without prejudice from Plans Sub Committee 3 on 18th November 2010 in order to address the following issues:

1. Clarification of the uses that would take place within the large hall to the rear of the site;
2. Hours of use of the building (finish times in particular);
3. Access from existing car park to the site;
4. Access to the site alongside the proposed flats – amenity of the future occupiers need to be safeguarded, so possible alteration to access?
5. Assess whether the doors in the rear elevation of the building can be secured in order to prevent undue noise and disturbance to residents adjoining the rear of the site;
6. Landscaping to be addressed in order to soften the appearance of the rear boundary and any fence that will be implemented in order to reduce noise impact;
7. Clarify parking arrangements.

As a result a subsequent meeting was arranged between the developers and the residents of Rectory Green to clarify these details, the outcome of which is summarised below:

1. Proposed use of the building to the rear: daytime and afternoons will be for the mother and toddler groups, and evenings may be used for business meetings and youth groups. There will also be the possibility of other uses in the future, as allowed within the classification of a D1 use (non-residential institutions).
2. Hours of operation: Concerns were raised at Plans Sub Committee 3 about the proposed hours of operation whereby the use shall not operate before 07:00 and after 22:30. The site must be cleared by 23:00 on any day. Following discussions with the applicants they did not wish to amend the proposed times as it was considered to potentially affect the viability of the proposal. Initially the 23:00 site clearance time was chosen as it was in line with the restriction on noise levels before 07:00 and after 23:00 as outlined in the freeholder and leaseholder agreements of the residents of Rectory Green. However, following further discussions with residents some individuals remained concerned as to the potential impact in terms of noise the proposed hours of operation would pose and an earlier finishing time was preferred by some.
3. Parking use: As mentioned in the previously submitted Transport Statement and Travel Plan, which was agreed by the Highways Department, no vehicle parking will be provided for the rear building on site, however, the building will work 'hand in hand' with the 2 Rectory Road site, also owned by Citygate Church, which has ample off street parking facilities, and provides 'safe' walking routes between the two sites.
4. Access arrangements: The key concern relating to this point is the potential disturbance for future occupants of the proposed residential units at the front of the site when individuals are exiting the proposed function hall to the rear. With regards to alternative exits from the site the applicants felt this was not feasible due to the site layout and only one point of entry. The applicants felt that the potential impact in terms of noise generated as visitors leave the proposed function hall would be minimal as the windows in the flank elevation will be at a higher level due to the existing raised floor level. The applicants proposed that the windows to the flank and rear elevation (at ground floor level) of the residential block could be additionally sound proofed if required by way of a planning condition.
5. Rear doors: Members had considered the possibility of having the doors to the rear fixed shut, however, the applicants felt this would be unacceptable as these doors are a fire exit to the building and that securing these would be an endangerment to the users as it will only leave one means of escape, contradicting Building Control Regulations primarily Approved Document Part B.

6. Landscaping: the applicants and the residents of Rectory Green had previously agreed that a 2m close-board fence would be erected around the rear boundaries to help prevent noise pollution to the surrounding properties. Were permission to be granted a planning condition could be attached for details of boundary enclosures to be agreed upon by the Local Planning Authority prior to commencement of works on the site to ensure suitable boundary enclosures are constructed. It was suggested at Committee that planting be introduced to help soften the fencing, however this would be outside of the sites boundaries and not something that could be implemented by the applicant.
7. Parking for proposed residents of the building to the proposed residential property: As previously mentioned the vehicle parking spaces on site are solely for the residential portion of the development, this was also agreed with the highways officer and deemed satisfactory.

The following sections of the report are as per the report submitted to Committee on 18th November 2010 (amended as necessary) to provide a contextual background to the application.

This proposal is comprised of two parts:

1. A proposed change of use from financial and professional services (Class A2) to dwellinghouse (Class C3 (a)) to incorporate the conversion of the existing two storey property with accommodation in the roofspace into five 2 bedroom self-contained apartments. Elevational alterations including the insertion of two rooflights into the rear elevation, a window at both a ground floor and first floor level in the eastern flank elevation and insertion of three rooflights and a window on the ground floor and one of the first floor of the western flank elevation. The existing access ramp on the front elevation is to be removed and the walkway connecting the property to the function hall at the rear is also to be removed. Associated landscaping is to be undertaken and the existing hardstanding at the front of the property is to be replaced and this shall provide parking for three vehicles. Two cycle stores for 5 bicycles are to be provided one to the front of the property and one to the rear.
2. A change of use is also proposed for the single storey property to the rear from financial and professional services (Class A2) to non-residential institution to operate as a function hall (Class D1).

## **Location**

The property is located on the northern side of Beckenham Road and is a two storey detached property with accommodation in the roofspace which is currently connected via a walkway to a single storey development at the rear. The property once served as a job centre with the single storey rear development operating primarily as a training facility, both properties have been vacant for some time. The majority of properties in close proximity to the application site are of a similar architectural style and scale although they vary in terms of their usage, with a

combination of residential properties and offices and training facilities. The property to the east of the property is an apartment complex (Molvic Court) of a different scale and style to that of the surrounding area and there is also a fire station in close proximity to the site. To the rear of the property is Rectory Green a private estate where properties are of a lower density than those on Beckenham Road.

### **Comments from Local Residents**

No objections were raised to the change of use from financial and professional services (Class A2) to dwellinghouse (Class C3 (a)) and conversion into five 2 bedroom apartments, however, a number of objections were raised with regards to the change of use of the single storey property to the rear from financial and professional services (Class A2) to non-residential institution to operate as a function hall (Class D1). Initially residents at Rectory Green were not consulted with regards to the application, however, following concerns at this lack of consultation an additional 21 day public consultation period to include residents at Rectory Green was undertaken, their comments are outlined below:

- there is a potential for children to run around the proposed function hall unattended;
- the change of use will result in an increase in noise levels at the proposed function hall which will be disruptive for the residents of Rectory Green which is less than 40ft from the proposed site and is currently a peaceful area;
- the proposed 'hours of use' condition limiting the use to no later than 23:00 is insufficient to allow people to leave the site and an earlier time of 21:00 would be more appropriate to avoid disturbing the sleep of the residents of Rectory Green;
- the rear wall of the proposed function hall has many windows and a double door opening onto a small garden area which will result in a lack of privacy for the residents at Rectory Green;
- concerns the proposed change of use would affect the existing trees at the site which should be preserved both for privacy and also to minimise noise levels;
- a condition should be attached to forbid music audible above a certain number of decibels (to be decided by the planning officer) with no music to be played on Saturdays and Sundays and the premises to be cleared by 22:00 on weekdays;
- alcohol should not be permitted to be consumed in the function hall except by temporary licence;
- the hall should be double-glazed;
- there is insufficient car parking provided on the site and limited parking on Beckenham Road and the proposal would result in an increased demand for car parking spaces which would lead to the parking of cars in Rectory Green which is a private residential estate;
- while there is good public transport in the area there is a concern that people visiting the site will not use this particularly at night;

- a condition should be attached to any permission requiring the applicants to provide car parking for the site and impress upon them that they are not allowed to trespass upon Rectory Green private property;
- previous building works along Beckenham Road in the past have been severely disruptive for the residents of Rectory Green particularly with contractors using the private estate for access and were permission to be granted a condition should be attached to interdict the use of the estate by builders;
- were permission to be granted a high (6 foot) and solid fence with concrete posts should be constructed prior to the commencement of works;
- the area is already too intensively developed as in the past a fire/ambulance station has been constructed, the probation offices have been considerably expanded, a probation hostel has been established and a bail hostel and job centre have been developed all on land once classified as residential;
- concern as to the use of the rear building for children and young people's activities in such close proximity to a hostel housing sex offenders.

### **Comments from Consultees**

The Council's Highway's Department were consulted who initially stated that the site is located on the north side of Beckenham Road; Beckenham Road (A234) is a London Distributor Road. The site is located in an area with high PTAL rate of 5 (on a scale of 1 - 6, where 6 is the most accessible). No car parking would be provided; furthermore the applicant is losing 2 existing car parking spaces. This is unsatisfactory. As the transport accessibility is good a reduction in the parking requirement may be justified as the site is considered accessible to public transport links, being within walking distance of bus routes and a Rail Station.

Based on 2001 census results, car ownership in Clock House ward was approx. 1.0 car per household. Considering that the available census information is approximately 9 years old, and the growth in car ownership level since 2001, greater parking demand is likely to exist now. For the 'Day Centre' element of the application the Highway's Department were satisfied with the staff parking arrangement however the new Day Centre would generate traffic by parents dropping off & picking up their children. Information describing existing and expected child and staff numbers, including parent helpers, must be provided to assess the likely increase in parking demand. This information should be accompanied by survey results indicating the current travel modes of the existing users. This is to enable an estimation of the likely affects that the proposal will have on parking demand. The location of the car parking spaces should be shown on the site plan, in relation to the adjoining highway. The plan should clearly illustrate the vehicle access arrangement to this space, and any manoeuvring room required. The applicant is also required to provide a parking stress survey showing the availability of on-street parking during the morning & evening peaks and late evening. Moreover the developer should consider providing some off-street car parking for the residential element of the application.

Further information was received from the applicant received on 13 September 2010. The applicant provided the Highway's Department with a parking stress survey carried out on 9th and 10th September 2010 between 7:00am and 8:00am,

5:00pm & 6:00pm and 10:00pm & 11:00pm indicating that there are on-street parking spaces available for additional demand during the hours of maximum residential parking requirement. Furthermore the developer is providing 3 parking spaces for the residential element of the development and thus the application was deemed satisfactory from a highways perspective.

The Council's Environmental Health Department was consulted who stated that in principle no objections were raised with regards to the development. However, there were concerns raised with regards to the proposed function hall as this could result in serious noise nuisance and loss of amenity if not properly controlled. A hours of use condition to be imposed is recommended limiting the hours on any given evening and also a condition whereby a Lettings Policy needs to be approved in advance by the Local Planning Authority to give a further level of control.

The Council's Waste Advisors were consulted who raised no objections to the proposal.

The Council's Highway's Drainage Section were consulted who raised no objections to the proposal.

Thames Water was consulted who stated that with regard to the sewerage infrastructure no objections were raised to the proposal.

The Council's Sustainable Transport Officer was consulted who stated that the two sets of storage for 5 bicycles was sufficient and meets the minimum criteria of one bicycle parking per dwelling. There is also a good level of access to the storage area from the street and the main entrance to the residential block is in close proximity. Consideration should be made for lighting around the cycle storage area to aid users outside of daylight hours and increase security. Were permission to be granted a condition should be attached with regards to the dimensions and type of storage to be provided.

### **Planning Considerations**

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

- H1 Housing Supply
- H7 Housing Density and Design
- H12 Conversion of Non-Residential Buildings to Residential Use
- BE1 Design of New Development
- BE2 Mixed Use Development
- T3 Parking
- T8 Other Road Uses
- EMP3 Conversion of redevelopment of Offices
- C1 Community Facilities

### **Planning History**

In 1985 under planning ref. 85/01158, planning permission was refused for the erection of a two storey portacabin for use as offices.

In 1985 under planning ref. 85/02830, for a two storey portacabin was submitted and subsequently withdrawn.

In 1985 under planning ref. 85/02831, for a single storey portacabin was submitted and subsequently withdrawn.

In 1985 under planning ref. 85/02832, for a two storey portacabin was submitted and subsequently withdrawn.

In 1986 under planning ref. 86/01086, planning permission was refused for a single storey building for use as an unemployment benefit office.

In 1986 under planning ref. 86/02088, planning permission was granted for a detached single storey replacement building for the rear of No. 2 Beckenham Road.

In 1991 under planning ref. 91/01643, planning permission was granted for a single storey rear extension.

In 1992 under planning ref. 92/01062, advertisement consent was granted for three non-illuminated and one internally illuminated signs.

In 1999 under planning ref. 99/00407, planning consent was granted for a non illuminated projecting sign.

## **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.

In terms of the conversion of the main property and single storey rear development from business space to any other use Policy EMP3 is a key consideration in this proposal, it states:

“The conversion or redevelopment of offices for other uses will be permitted only where:

- (i) It can be demonstrated that there is no local shortage of office floorspace and there is evidence of long term vacancy despite marketing of the premises; and
- (ii) There is no likely loss of employment resulting from the proposal”.

The property has been vacant since June 2007 and as such there is no likely loss of employment resulting from the proposal. In the Design and Access Statement accompanying the application evidence of marketing of the premises was supplied which stated that initially there was considerable interest in the property with a

number of offers including one for use as offices and one as a theatrical school. However, following a downturn in the market all offers were withdrawn or did not proceed. Subsequently there has been limited interest in the property particularly as the offices to the front of the building are relatively dated and the offices to the rear have no facilities. Citygate Church subsequently purchased the property; however, the estate agents believe that while the office market has recovered somewhat since the depths of the recession, there is not any realistic prospect of letting the property as offices in the short to medium term. The Council's Economic Development Team stated that 96 searches for office space in the Beckenham area were undertaken in the since the beginning of 2010. Members are asked to consider whether the loss of business space is acceptable in this instance.

In terms of the conversion of the main building into five self-contained 2 bedroom apartments Policy H12 is a key consideration when determining the application, it states:

“The Council will permit the conversion of genuinely redundant office and other non-residential buildings to residential use, particularly above shops, subject to achieving a satisfactory quality of accommodation and amenity”.

The accommodation provided is deemed to be of an acceptable standard and members are asked to consider given that the premises have been vacant since June 2007 whether the conversion of the main property into five 2 bedroom apartments is acceptable in this instance.

In terms of the impact caused by the elevational alterations on the eastern flank elevation the insertion of a window at a ground floor level is not anticipated to result in a loss of privacy to neighbouring properties at Molvic Court. The window which is proposed to be inserted at a first floor level may result in a degree of overlooking as it is to be located approximately 3m from the boundary and will service a bedroom. There are a number of windows and balconies on the flank wall of Molvic Court facing the site and there are existing windows at a first floor and second floor level at the application site at present which are not obscure glazed. At present there is planting along the boundary which provides a degree of screening which may limit the potential loss of privacy to the residents of Molvic Court. Members are asked to consider whether this insertion of a window at a first floor level in the eastern flank elevation will result in excessive degree of overlooking, or whether a condition should be attached to ensure this window is obscure glazed. Two windows and three rooflights are to be inserted in the western side elevation, however, as these face onto a property which is currently being used as offices it is not anticipated this will result in significant loss of privacy.

Extensive discussions were held with both the applicant and the residents of Rectory Green in order to come to a satisfactory agreement on how to limit the potential detrimental impact of the proposal on the residential amenity of neighbouring properties. The rear wall of the proposed function hall, due to the high degree of fenestration, may potentially result in a degree of overlooking and loss of privacy primarily for No. 50 – 55 Rectory Green. In order to limit the potential impact were permission to be granted a condition would be attached to ensure that before any part of the development is first occupied details of the



height and type of boundary enclosures are to be approved in writing by the Local Planning Authority and permanently retained thereafter. No trees are proposed to be felled as a result of the application, however, were permission to be granted a condition would be attached to ensure this was adhered to.

In terms of noise generated by the proposal the applicant and the residents of Rectory Green came to an agreement whereby the proposed function hall would be cleared by 23:00 on any day which is in line with the terms stipulated in the contracts of the freeholders and leaseholders of Rectory Green where noise levels must be kept to a minimum after 23:00. Members are asked to consider whether these proposed hours of operation will potentially impact on the residential amenity of neighbouring properties to such an extent as to warrant refusal.

In terms of the provision of car parking at the proposed site, both a parking survey and a travel plan were submitted as part of the application. The Highway's Department are satisfied a sufficient level of car parking is to be provided as the applicants also have a property on nearby Rectory Road which has 14 car parking spaces. The proposed function hall is proposed to be used in conjunction with the Rectory Road site and as such it is anticipated that the proposal is satisfactory in terms of car parking. The three car parking spaces to the front of the property for use by the residents of the apartments were deemed to be acceptable given the high level of public transport in the area.

With the exception of the removal of the access ramp there are to be no elevational alterations to the property frontage, with only the insertion of windows in the flank elevations being visible from the highway and as such the proposal is not anticipated to impact detrimentally in terms of the overall appearance of the property or the streetscene.

On balance, Members may consider that the proposal is acceptable in that the loss of office space is acceptable in this instance due to the lack of demand for such uses in the area and as the proposal will not be significantly detrimental to the residential amenity of neighbouring properties or be harmful to the character of the area.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/02321, excluding exempt information.

as amended by documents received on 13.09.2010

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

- |   |                 |  |
|---|-----------------|--|
| 0 | D00002          | If Members are minded to grant planning permission the following conditions are suggested: |
| 1 | ACA01<br>ACA01R | Commencement of development within 3 yrs<br>A01 Reason 3 years                             |
| 2 | ACC04<br>ACC04R | Matching materials<br>Reason C04   |
| 3 | ACB01           | Trees to be retained during building op.   |

- ACB01R Reason B01
- 4 The use hereby permitted for the function hall shall be carried out only by Citygate Church and any change in those using the function hall shall not be permitted without the prior approval in writing by the Local Planning Authority.
- ACE04R Reason E04
- 5 ACH03 Satisfactory parking - full application
- ACH03R Reason H03
- 6 ACH12 Vis. splays (vehicular access) (2 in) 3.3 x 2.4 x 3.3m  
1m
- ACH12R Reason H12
- 7 ACH22 Bicycle Parking
- ACH22R Reason H22
- 8 ACH28 Car park management
- ACH28R Reason H28
- 9 ACH30 Travel Plan
- ACH30R Reason H30
- 10 ACH32 Highway Drainage
- ADH32R Reason H32
- 11 ACJ06 Restricted hours of use on any day
- ACJ06R J06 reason (1 insert)
- 12 The use shall not operate before 07:00 and after 22:30. The site must be cleared by 23:00 on any day.

**Reason:** In order to comply with Policies BE1 and H12 of the Unitary Development Plan and in the interest of the amenities of the area.

- 13 No loose materials shall be used for surfacing of the parking and turning area hereby permitted.

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

- 14 Before any part of the development hereby permitted is first commenced boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site as shall be approved and shall be permanently retained thereafter.

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

- 15 The windows to the western flank and rear elevations of the residential block shall be so adapted as to achieve reasonable resistance to airborne sound as far as is practicable having regard to existing construction. These works shall be implemented before the use hereby permitted commences in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and shall be permanently retained thereafter.

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

### Reasons for permission:

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

- H1 Housing Supply

- H7 Housing Density and Design
- H12 Conversion of Non-Residential Buildings to Residential Use
- BE1 Design of New Development
- BE2 Mixed Use Development
- T3 Parking
- T8 Other Road Uses
- EMP3 Conversion of redevelopment of Offices
- C1 Community Facilities

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 transport policies of the UDP;
- (f) the housing policies of the UDP;

and having regard to all other matters raised.

INFORMATIVE(S)

- 1 Street furniture/ Statutory Undertaker’s apparatus “Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker’s apparatus, considered necessary and practical to help with the forming/ alteration of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant.”

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

- 1 The proposal would result in the unacceptable loss of business units contrary to Policies H12 and EMP3 of the Unitary Development Plan.
- 2 Development in the manner proposed and with principal and secondary windows of habitable rooms close to side boundaries would result in mutual overlooking detrimental to the amenities of both existing and the proposed dwellings.

Reference: 10/02321/FULL3

Address: 2 Beckenham Road Beckenham BR3 4PH

Proposal: Conversion into five 2 bedroom apartments, landscaping, removal of access ramp on property frontage, change of use from business (Class B1) to dwellinghouse (Class C3 (a)) and from business (Class B1) to non-residential institution: function hall (Class D1) for rear building.



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

**Application No :** 10/02849/FULL6

**Ward:**  
Copers Cope

**Address :** 16 Scotts Lane Shortlands Bromley BR2  
0LH

**OS Grid Ref:** E: 538705 N: 169291

**Applicant :** Mr F Beechinor

**Objections :** YES

### **Description of Development:**

Two storey front/side extension, resiting of existing shed, creation of new driveway including hardstanding and 3 additional car parking spaces. Erection of new detached garage

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
Local Distributor Roads  
Tree Preservation Order

### **Proposal**

The proposal seeks permission for a:

- Two storey side extension that would measure at 7.2m deep x 9.1m wide with a flat roof measuring at 6.8m high at highest point;
- Part two storey/single storey front extension that would measure at 10.9m deep x 8.75m wide with a pitch roof (two-storey) measuring at 7.5m high and a flat roof (single storey) measuring at 3.3m high;
- Single storey side extension that would measure at 4.5m wide x 12.5m deep with a flat roof measuring at 3.35m high; and
- A detached garage that would measure at 7.7m wide x 5.8m deep with a pitch roof measuring at 4.3m high.

### **Location**

- The site is located to the northern part of Scotts Lane.

- It is a split level type bungalow with garage and utility at low level.

## **Consultations**

Fifteen nearby owners/occupiers were notified of the application and 7 representations/objections were received, which could be summarised as follow:

- extensions to be closer to Oakway than dismissed appeal proposal and likely to be equally intrusive to neighbouring properties,
- proposal likely to overlook adjacent properties in Oakway and inconsistent with Policy BE1 (v),
- concern is expressed over the red dotted line extending into the curtilage of No.2 and the next two properties in Oakway,
- planning conditions should be imposed to protect the trees and landscaping especially during construction,
- potential for overlooking to 2 Lancaster Close due to front extension constructed mainly out of glass panels.
- overlooking of 2 Oak Way due to two-storey extension proposed
- unclear as to full impact on 2, 4 and 6 Oakway,
- property already been extended by too much and would appear inappropriate and out of character

## **Comments from Consultees**

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

In terms of the trees on site it is commented that no significant trees would be affected by this proposal subject to conditions being imposed

## **Planning Considerations**

Policies BE1, H8 and H9 of the Unitary Development Plan apply to the development and should be given due consideration. These policies seek to ensure a satisfactory standard of design, safeguard the amenities of neighbouring properties and preserve and enhance the character and appearance of the area.

## **Planning History**

Application ref. 05/02239 for the demolition of 2 Oakway and 16 Scotts Lane and erection of 8 four bedroom detached houses with integral/attached garages with estate road was withdrawn.

Application ref. 05/04349 for the demolition of 2 Oakway and 16 Scotts Lane and erection of 6 four bedroom detached houses with 1 car parking space at plot 1 and integral/attached garages at plots 2-6 with Estate Road was refused in January 2006. Appeal dismissed in April 2007.

Application ref. 06/02411 for the demolition of 2 Oakway and 16 Scotts Lane and erection of 5 four bedroom detached houses with 1 car parking space at plot 1 and

integral/attached garages at plots 2-5 with Estate Road was refused in August 2006. A subsequent appeal was dismissed in April 2007.

Application ref. 10/00451 for a single storey side extension was granted in April 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.

Paragraph 4.44 of Policy H8 states that "The Council will normally expect the design of residential extensions to blend with the style and materials of the main building. Where possible, the extension should incorporate a pitched roof and include a sympathetic roof design and materials. In particular, flat-roofed side extensions of two or more storeys to dwellings of traditional roof design will normally be resisted unless the extension is well set back from the building line and is unobtrusive."

In terms of the impact on the character of the area, the proposal would involve an extension to the existing dwelling in terms of a two-storey & single storey side extension and part two-storey/single storey front extensions. The surrounding area is characterised by detached dwellings with a variety of designs. The application site is not visible from the highway. Extensions to enlarge a property could be considered acceptable in principle; however it is important that the scale and design should complement, protect and enhance the character of the area. This proposed two-storey front and side extensions would consist of pitched roof and flat roofed elements similar in height to that of the existing dwelling. Although the design would be very modern to this bungalow dwelling, it is nevertheless considered to be appropriate due to the slope of the site and would not adversely affect the main dwelling.

Policy H9 states that "for proposals of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building." The proposed extensions would appear to comply with the requirements of Policy H9 and is considered consistent with the requirements of Policies H8 and BE1 of the UDP in terms of scale and design.

Due to the sloping of the site and location of the extensions away from neighbouring properties, it is considered that the proposed extensions would not adversely affect the amenities of any nearby neighbouring properties.

Given the location of the proposed detached garage, it is considered that in terms of location, design and size, it would not adversely affect the character of the existing or surrounding area or have a detrimental impact on the amenities of neighbouring properties.

Having had regard to the above it was considered that the siting, size and design of the proposed extensions and detached garage are acceptable in that it would

not result in a significant loss of amenity to local residents or impact detrimentally on the character of the area and a judgement needs to be made as to whether the impact is unduly harmful. Members will need to take account of the plans for the extensions and detached garage that have been submitted and the comments received during the consultation process.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/00451 and 10/02849, 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     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     ACB19        Trees - App'ment of Arboricultural Super  
      ACB19R      Reason B19
- 8     ACH03        Satisfactory parking - full application  
      ACH03R      Reason H03
- 9     ACH32        Highway Drainage  
      ADH32R      Reason H32
- 10    No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in any elevation(s) of the extensions hereby permitted, without the prior approval in writing of the Local Planning Authority.

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

- 11    The detached garage hereby permitted shall only be used for purposes incidental to the residential use of the main house and for no other purpose.

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

### **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



## H9 Side Space

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.

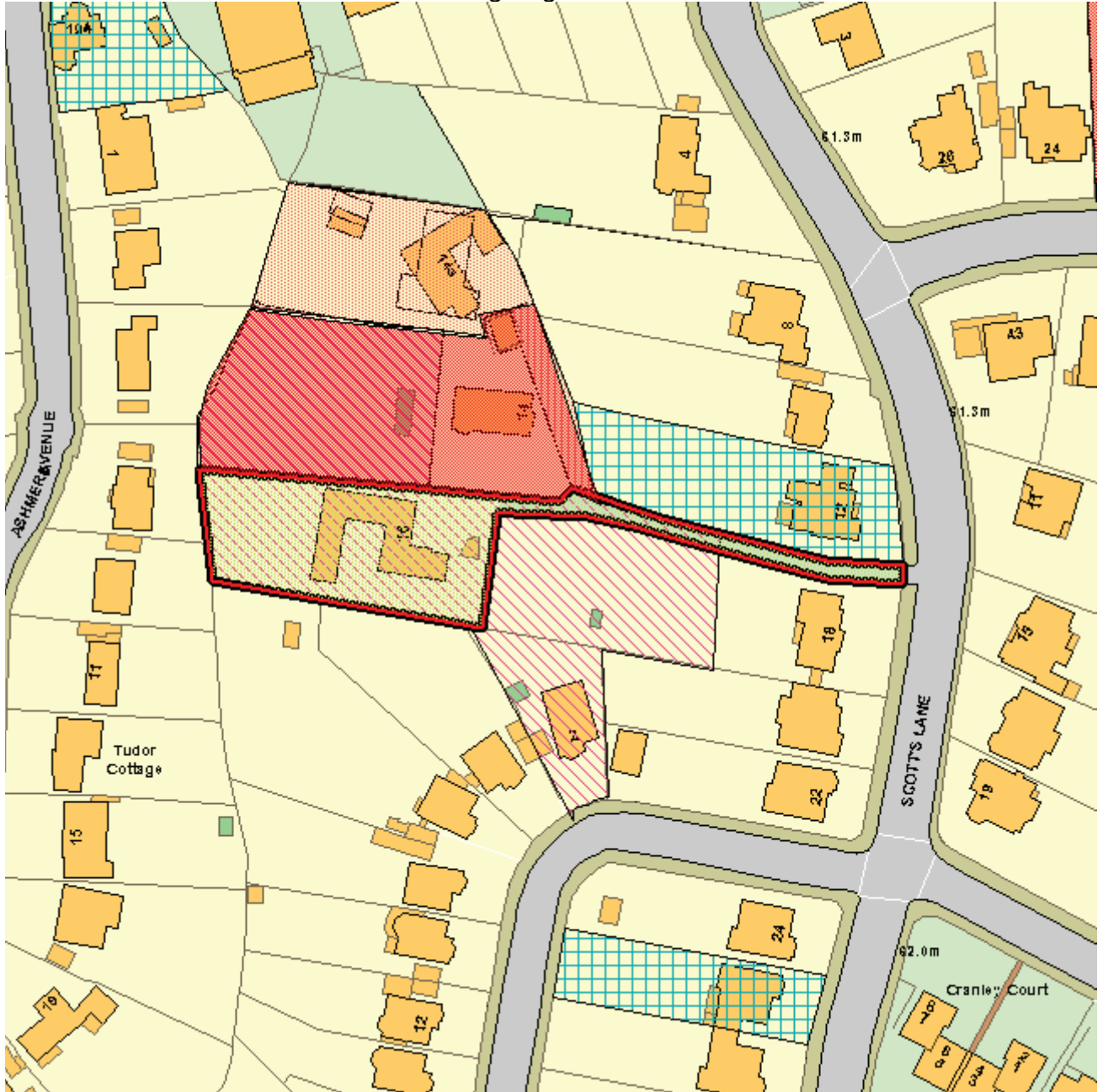
### INFORMATIVE(S)

- 1 RD121 Seek Building Control advice

Reference: 10/02849/FULL6

Address: 16 Scotts Lane Shortlands Bromley BR2 0LH

Proposal: Two storey front/side extension, resiting of existing shed, creation of new driveway including hardstanding and 3 additional car parking spaces. Erection of new detached garage



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## SECTION '2' – Applications meriting special consideration

**Application No :** 10/02901/FULL6

**Ward:**  
Chislehurst

**Address :** 28 Wimborne Avenue Chislehurst BR7  
6RQ

**OS Grid Ref:** E: 545816 N: 168423

**Applicant :** Mr Scott Bowdrey

**Objections :** YES

### **Description of Development:**

Part one/two storey front, side and rear extensions, elevational alterations and ground works to rear to provide sunken terrace with retaining wall.

Key designations:

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

### **Proposal**

- The proposal is to extend the property to the front side and rear at two storeys.
- To the front, the northern side of the property will be extended forward to match the depth of the existing forward projection (1.5 metres). This element will be approximately 4 metres in width and 6.7 metres in height.
- The side element runs the full length of the existing property (6.5 metres) and projects a further 4 metres to the rear at both storeys.
- The rear element runs the full width of the property at single storey and is stepped in from the south of the property by 2 metres, is 4 metres in depth and approximately 7.5 metres in height.
- Alterations to the front elevation are also included. The side element measures 1 metre from the flank boundary and the proposal will accommodate a study, WC, utility and kitchen at ground floor and 2 bedrooms and a bathroom at first floor. There are two windows proposed to the first floor of the side elevation and a Juliet balcony is proposed to the rear.
- A large sunken patio area with retaining walls and steps up to the garden is also proposed and measures the full width of the plot, with the retaining walls forming the flank boundaries. A further 4 metres beyond the rear of the

proposed rear extension is a terrace. The retaining wall measures approximately 2.2 metres at the highest point with a further 0.8 metres for a balustrade.

## **Location**

- The application site is located to the west of Wimborne Avenue and is a detached family dwellinghouse.
- The area is mainly comprised of detached and semi detached dwellings.
- The properties to the western side of the road are staggered to follow the curve of the road.

## **Comments from Local Residents**

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

- proposal has done very little to address previous reasons for refusal
- new proposal would make loss of privacy worse than previous scheme
- overlooking

## **Comments from Consultees**

No comments have been received from external consultees.

## **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  
H9 Side Space

## **Planning History**

Planning permission was refused for a two storey front, side and rear extensions, elevational alterations and ground works to rear to provide sunken terrace with retaining wall in 2010 under ref. 10/01633.

## **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 ground works to the rear of the property are considerable and are considered an engineering operation. The development is to excavate the ground to accommodate a terrace at the same ground level as the property. It may be

considered that these works are unlikely to have a harmful impact on either neighbouring property.

It is clear that all of the properties to the western side of Wimborne Avenue are of a very similar 'L' shaped design and are staggered at a similar distance. The proposed front/side element, whilst not entirely in keeping with the other properties in the surrounding area may not be considered to have an adverse impact on the overall character of the host dwelling or the neighbouring properties. It may also be considered that the two storey front extension is unlikely to be harmful to the visual amenities of the surrounding area or the streetscene.

The proposed part one/two storey side/rear element will extend slightly beyond the rear of the property to the north of the site. There are two windows proposed to the upper floor of the side elevation which serve a bathroom and landing. There are no windows to the flank elevation of the property to the north and it may therefore be considered that these windows are unlikely to be unduly harmful to the privacy currently enjoyed. The windows to the rear are likely to result in some overlooking of the neighbouring to the north, although this may not be considered sufficient to warrant refusal. Due to the slight rearward projection beyond this property, there may be some loss of sunlight. However, again, this may not be considered sufficient to warrant refusal.

The application site projects a considerable distance beyond the rear of the neighbouring property to the south, No. 30. Planning permission has been granted for a two storey rear extension to No. 30. However, the works have not yet commenced and it is clear from the owners of No. 30 that works may not commence for some time. As this neighbour is sited to the south of the application site, the proposal is likely to have limited impact in terms of daylight. Members are asked to consider whether given the 2 metre step in at first floor, the proposal overcomes the previous ground of refusal and offers a less oppressive and uninteresting flank wall or whether the amendments made are not sufficient to overcome the previous ground of refusal and remain harmful to amenities of the neighbouring property.

Bearing in mind the issues of this application including the previous refusal, the case is presented on list 2 of the agenda.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/01633 and 10/02901, 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<br>ACA01R | Commencement of development within 3 yrs<br>A01 Reason 3 years                             |
| 2 | ACC04<br>ACC04R | Matching materials<br>Reason C04   |

3      ACI17            No additional windows (2 inserts)    southern flank    extension  
       ACI17R          I17 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

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 streetscene
- (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

and having regard to all other matters raised.

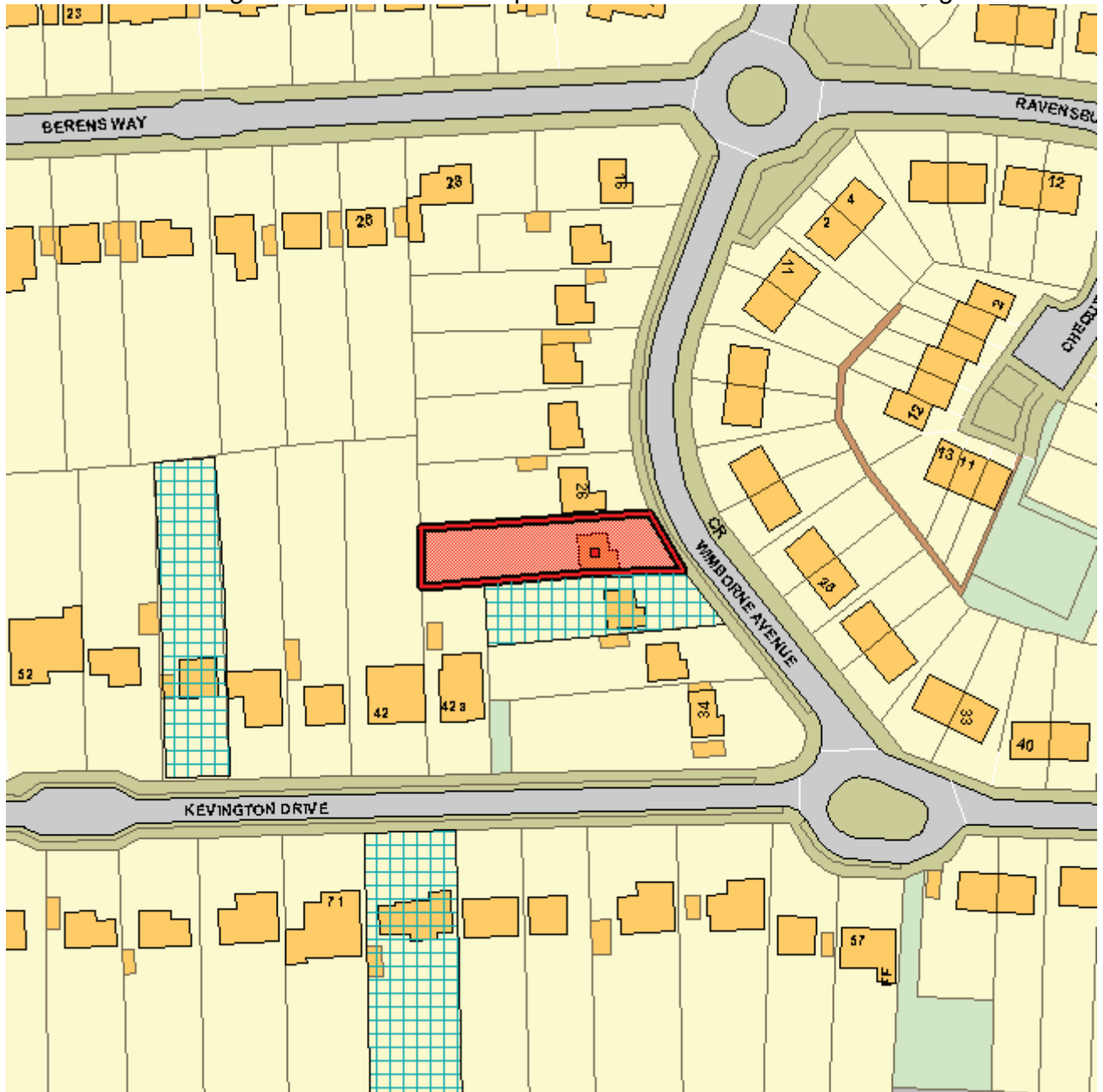
D00003            If Members are minded to refuse planning permission the following grounds are suggested:

- 1      The proposal by reason of the excessive rearward projection and overall bulk and height of the rear element is likely to have a harmful impact on the daylight and visual amenities currently enjoyed by the neighbouring property, contrary to Policies BE1 and H8 of the Unitary Development Plan.

Reference: 10/02901/FULL6

Address: 28 Wimborne Avenue Chislehurst BR7 6RQ

Proposal: Part one/two storey front, side and rear extensions, elevational alterations and ground works to rear to provide sunken terrace with retaining wall.



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## SECTION '2' – Applications meriting special consideration

**Application No :** 10/03126/FULL6

**Ward:**  
Darwin

**Address :** 140 Cudham Lane North Cudham  
Sevenoaks TN14 7QS

**OS Grid Ref:** E: 544540 N: 161222

**Applicant :** Mr And Mrs Digman

**Objections :** NO

### **Description of Development:**

Detached single storey double garage to front

Key designations:

Special Advertisement Control Area  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding  
Local Distributor Roads

### **Proposal**

Permission is sought for a detached double garage which will be sited approximately 5m to the east of the main house within the front garden area. The garage will rise to a maximum height of 4m and will maintain a prominent 'cat slide' design. The structure will comprise of a traditional oak frame and incorporate clay roof tiles.

### **Location**

The application site is situated within the Metropolitan Green Belt at the end of a line of residential ribbon development. The surrounding area is fairly rural and open in character. The property incorporates a substantial curtilage with the main dwelling situated approximately 50m away from the highway. The front garden area is relatively open with views available to the side and rear of the main dwellinghouse.

### **Comments from Local Residents**

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

### **Comments from Consultees**

Not applicable

### **Planning Considerations**

Policies BE1 (design and layout of new development) and G4 of the Unitary Development Plan (dwellings in the Green Belt) apply to the development and should be given due consideration. These policies seek to ensure a satisfactory standard of design and to preserve the character and openness of the Green Belt in respect of residential development.

### **Planning History**

Under ref. 07/00051, planning permission was granted for a two storey side extension and roof alterations together with a front dormer to enable accommodation to be provided within the roofspace. This permission was partly justified on the basis that the proposal involved the demolition of existing structures close to the dwelling.

### **Conclusions**

The main consideration in this case relates to the impact of the development with regard to the character and openness of the Green Belt.

In terms of residential development in the Green Belt, development within the curtilage of a dwellinghouse (i.e. where this is sited within 5m of an existing main house) is inappropriate by definition and may only be permitted where very special circumstances have been demonstrated. Policy G4 of the Unitary Development Plan sets out the criteria whereby residential development in the Green Belt may be acceptable, including where the net increase in the floor area over that of the original dwellinghouse is no more than 10% (as ascertained by external measurement). The Policy seeks to ensure that there is no incremental harm to the Green Belt by excessive subsequent extensions to dwellings within the Green Belt or MOL that collectively may jeopardise the open nature of the countryside, or other open land.

In this case, the application dwelling has been substantially extended with planning permission having been granted in 2007 (under ref. 07/00051) for a two storey side extension and a front dormer. Whilst it is recognised that the proposed structure will be of a design sympathetic to the main dwelling and will incorporate traditional design and materials, given the substantial enlargement of the dwelling which has already taken place, any further development would result in a disproportionate addition to the original dwelling and would, by definition, constitute inappropriate development within the Green Belt. The structure would serve to undermine the openness of the Green Belt, particularly in view of the open nature of the surrounding area, and its prominence within the front garden area.

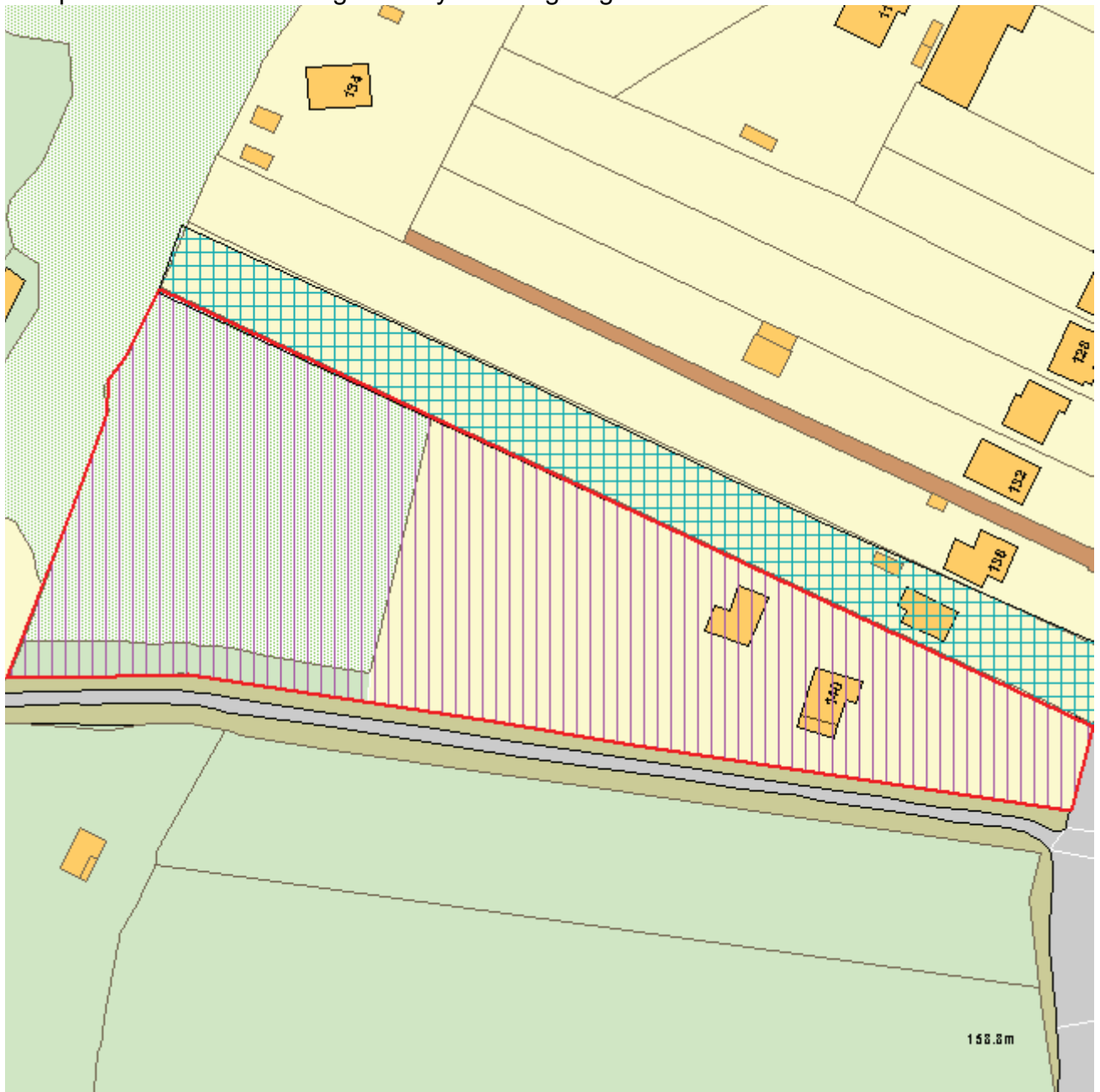
Background papers referred to during production of this report comprise all correspondence on files refs. 07/00051 and 10/03126, excluding exempt information.

**RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

- 1 The proposal would result in an overdevelopment of the site, given its Green Belt location and the fact that the property has already been significantly extended, and no very special circumstances exist to justify this development which would be inappropriate development in the Green Belt and undermine the openness of the area, contrary to Policy G4 of the Unitary Development Plan and national Planning Policy Guidance 2 – ‘Green Belts’.

Reference: 10/03126/FULL6  
Address: 140 Cudham Lane North Cudham Sevenoaks TN14 7QS  
Proposal: Detached single storey double garage to front



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# Agenda Item 4.9

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

**Application No :** 10/02940/FULL6

**Ward:**  
Kelsey And Eden Park

**Address :** 34 Gordon Road Beckenham BR3 3QF

**OS Grid Ref:** E: 536692 N: 168548

**Applicant :** Mr Stephen Wale

**Objections :** NO

### **Description of Development:**

Single storey rear extension

Key designations:

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

### **Proposal**

Permission is sought to erect a single storey rear extension which would measure at 4.2m deep (deepest end) x 5.7m wide with a flat roof measuring at 2.65m high.

### **Location**

- The site is located towards the middle of Gordon Road.
- This area is characterised by terrace dwellings.

### **Comments from Local Residents**

Seven nearby owners/occupiers were notified of the application. No objections/representations have been received.

### **Comments from Consultees**

None.

### **Planning Considerations**

Policies BE1 and H8 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**

None.

### **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.

Policy BE1 of the UDP expects a high standard of design and layout and development should not detract from the existing street scene. Policy H8 of the UDP requires proposals to be compatible with development in the surrounding area in terms of scale, form and materials and should respect and complement those of the host dwelling.

In terms of the impact on the character of the area, the proposal would be located at the rear of the property. At the deepest end the extension would measure at 4.2m deep with a flat roof measuring at 2.65m high. There is a single storey rear extension at neighbouring property at No.32 Gordon Road; however this extension, which appears to be part of the original, is situated over on the north-western side and away from the application site. A single storey rear extension is located at neighbouring property No. 36 Gordon Road measuring at approximately 1m deep. Members will be aware that each case should be assessed on its own merits. The proposal with its limited roof height is considered acceptable due to its orientation with the neighbouring properties although the overall depth must be considered carefully.

However, members will need to consider whether the development with its proposed depth would injure the character and appearance of the host dwelling and result in the loss of amenity to the neighbouring properties.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/02940, 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 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:

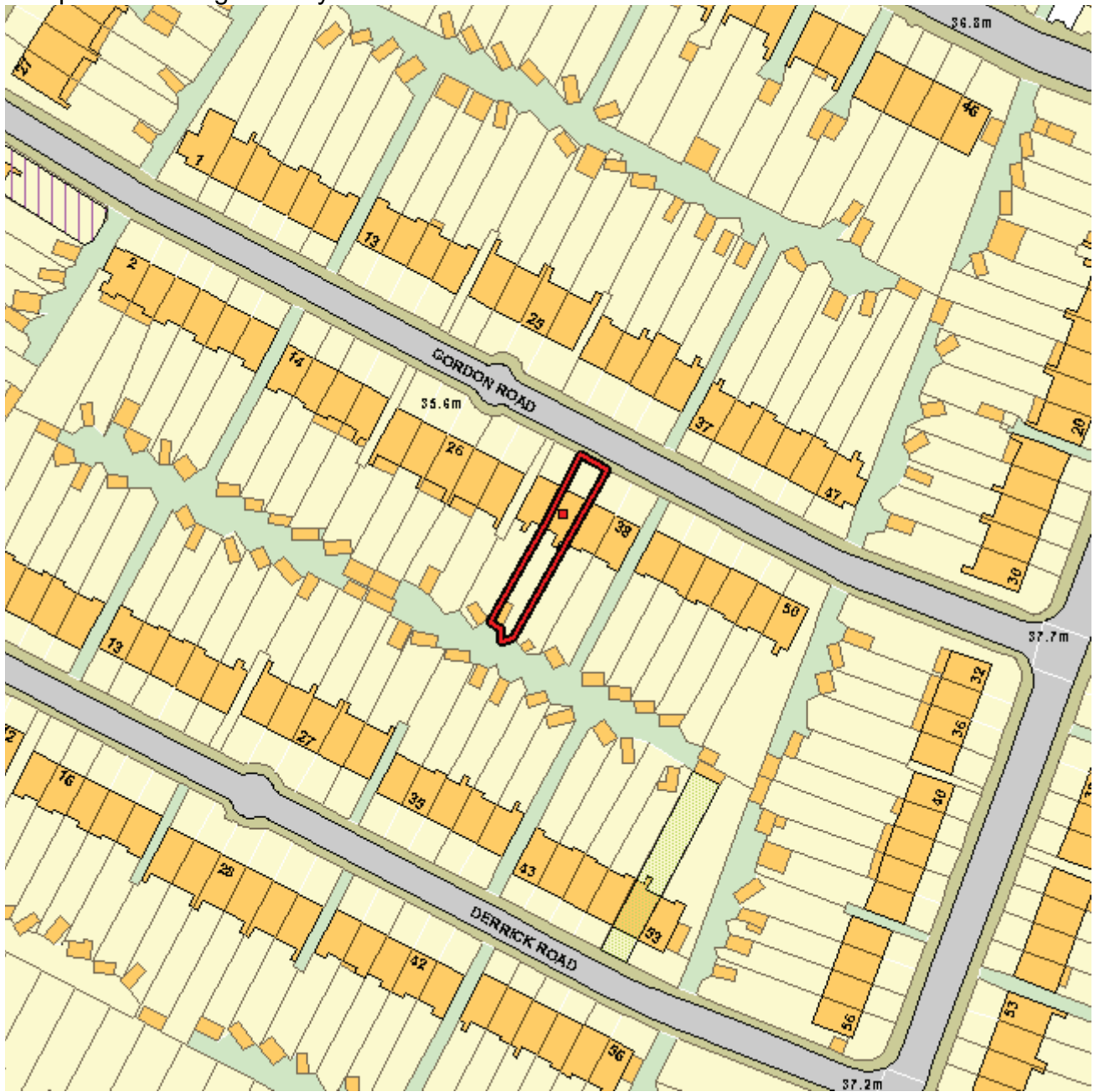
- (a) the relationship of the development to adjacent properties
- (b) the character of the development in the surrounding area
- (c) the impact on the amenities of the occupiers of adjacent and nearby properties

and having regard to all other matters raised.

INFORMATIVE(S)

1 RD121 Seek Building Control advice

Reference: 10/02940/FULL6  
Address: 34 Gordon Road Beckenham BR3 3QF  
Proposal: Single storey rear extension



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

**Application No :** 10/03037/FULL6

**Ward:**  
Orpington

**Address :** 205 Charterhouse Road Orpington BR6  
9ET

**OS Grid Ref:** E: 547021 N: 164885

**Applicant :** Mr Poobalasingam

**Objections :** YES

**Description of Development:**

Part one/two storey side and rear extension. Front porch.

Key designations:

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

**Proposal**

Planning permission is sought for a part one/two storey side and rear extension to the host property, together with a front porch. In addition, a new obscure glazed window is proposed to the original dwelling in the first floor rear elevation, to serve a bathroom.

The part one/two storey side and rear extension would have a width of approx. 3m (with a side space of approx. 0.2m), and would project along the entire depth of the property wrapping around to form a single storey rear extension, which would span the entire width of the dwelling, with a height of approx. 3.85m and a depth of 3m. At first floor level, the extension would again have a width of 3m, although would project no further than the existing rear building line. The side extension would feature bay windows at ground and first floor levels to match the existing dwelling.

The proposed porch would measure approx. 2.47m in width, have a forward projection of approx. 1.35m and a height of 3.4m.

**Location**

The application property is located on the north-western side of Charterhouse Road, and comprises a semi-detached dwellinghouse which does not appear to

have been previously extended. The site is bounded by a gated access way to the north-east, which appears to serve garages to the rear of properties on Court Road.

### **Comments from Local Residents**

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

- no objection in principle to extension as it will balance out pair of dwellings
- objection to porch which will have negative impact on pair of properties, which were designed and built at the same time and to be symmetrical
- concern that rear extension will result in cooking smells and elevated noise while in the garden
- view from neighbouring bedroom will be affected

### **Comments from Consultees**

No consultations were made in respect of this application.

### **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  
H9 Side Space

### **Planning History**

Under ref. 98/02144, planning permission was granted for a part one/two storey side 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.

The proposed side extension would not, in view of its siting, be likely to have a negative impact on the amenities of local residents (there are no residential properties to the north-east of the site), while it may be considered that the visual symmetry of the pair of dwellings (No. 203 already benefits from a two storey side extension) would be restored as a result of the proposal. Regarding the rear extension, this would be of single storey construction and would appear to be of a relatively modest depth, and would not, in view of the orientation of the host property, be likely to result in a significant loss of light to the adjoining property at No. 203. While concerns have been raised locally with regard to the possibility of increased noise and disturbance and cooking smells from the extended

kitchen/dining area proposed, the extension would be unlikely to result in a significantly greater impact than may already arise in the everyday use of the host property.

With regard to side space, it is noted that the minimum requirement of 1m to be maintained between the flank wall of the extension and the flank boundary would not be met. However, in view of the fact that the property is bounded by an access road to the north-east, adequate visual separation would be retained between the host property and the adjacent petrol station building, while the chances of retrograde terracing occurring would be minimal in view of the probable continued use of the access road to serve properties on Court Road. On balance, it may be considered that in these circumstances the usual requirement of a 1m side space can be set aside, and that the extension in the manner proposed may be acceptable.

Regarding the front porch, it is noted that concerns have been raised locally regarding the impact to the pair of dwellings. However, the porch is considered to be of relatively modest dimensions, and would appear to accord with the overall appearance of the extended dwellinghouse and would not be significantly harmful to the character of the area.

Finally, regarding the proposed window to the rear elevation, this would be obscure glazed (serving a bathroom) and would not therefore result in a significant loss of amenity to local residents.

Having had regard to the above Members may agree 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, and that in the circumstances planning permission should be granted.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/03037 and 98/02144, 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    |

## 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 and the provision of adequate separation to adjacent buildings in view of the access road to the side
- (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 conservation policies of the Unitary Development Plan

and having regard to all other matters raised.

Reference: 10/03037/FULL6

Address: 205 Charterhouse Road Orpington BR6 9ET

Proposal: Part one/two storey side and rear extension. Front porch.



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## SECTION '4' – Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

**Application No :** 10/03112/FULL6

**Ward:**  
Crystal Palace

**Address :** 17 Belvedere Road Anerley London  
SE19 2HJ

**OS Grid Ref:** E: 533589 N: 170425

**Applicant :** Mr J Cosgrove

**Objections :** YES

### **Description of Development:**

Two storey rear extension.

Key designations:

Conservation Area: Belvedere Road

Biggin Hill Safeguarding Birds

Biggin Hill Safeguarding Area

### **Proposal**

This application seeks permission for:

- A two-storey rear extension that would measure at 1.9m deep x 2.6m wide
- measuring at 6.5m high;
- Elevational alterations by moving of existing rear entrance door and rear first floor
- window to new locations.

This is a joint report with application ref. 10/03113.

### **Location**

- The application site is a mid-terrace dwelling located on the north-western part of Belvedere Road.
- The immediate surrounding area is mostly characterised by residential units.

### **Comments from Local Residents**

Eight nearby owners/occupiers were notified of the application and two objection letters have been received which can be summarised as follow:

- overlooking of private amenity space,
- loss of sunlight/daylight;
- noise issues with regard to proposed internal layout;
- impact of design on character of Listed Building.

### **Comments from Consultees**

From a Conservation and Historic Buildings point of view objection is raised to the rear extension as it would disrupt the rear elevation and impact adversely of this Grade II Listed Building.

### **Planning Considerations**

Policies BE1, BE8, BE11 and H8 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 Conservation Area and character of this Statutory Listed Building.

### **Planning History**

Application ref. 84/04270 for a single storey rear extension was approved June 1989.

Application ref. 10/01658 for a two storey rear extension with raised decking, balustrade and steps to rear garden was refused in September 2010.

Application ref. 10/01740 for a two storey rear extension with raised decking, balustrade and steps to rear garden was refused in September 2010.

### **Conclusions**

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

In terms of loss of amenities, the only neighbouring properties potentially to be impacted by the proposal are located towards the northern, eastern and western side of the application site and consist of numbers 1 Spring Grove, 15 & 19 Belvedere Road. In terms of loss of outlook or sunlight/daylight loss it is considered it is unlikely that there would be an adverse impact given the depth of the extension and the orientation with these neighbouring properties.

It is considered that the proposed two-storey rear extension due to its design would seriously detract from the character and appearance of the Conservation Area in which the application site is located and also adversely impact on the character of this Grade II Listed Building. The design appears unsympathetic to that of the main dwelling and is considered to be inconsistent with the requirements of Policies BE1, BE10 and BE11 of the UDP.



Background papers referred to during production of this report comprise all correspondence on files refs. 10/01658, 10/01740, 10/03112 and 10/03113, excluding exempt information.

**RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

- 1 The proposed two-storey rear extension would by reason of its unsympathetic design be detrimental to the historic character of this Grade II Listed Building and would be inconsistent with the requirements Policy BE8 of the Unitary Development Plan on Planning Policy Guidance 5 – Planning and the Historic Environment (PPS5).

Reference: 10/03112/FULL6  
Address: 17 Belvedere Road Anerley London SE19 2HJ  
Proposal: Two storey rear extension.



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## SECTION '4' – Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

**Application No :** 10/03113/LBC

**Ward:**  
Crystal Palace

**Address :** 17 Belvedere Road Anerley London  
SE19 2HJ

**OS Grid Ref:** E: 533589 N: 170425

**Applicant :** Mr J Cosgrove

**Objections :** YES

### **Description of Development:**

Internal alterations including blocking in rear window at basement level, new opening in rear wall, relocation of timber stairs to rear garden at ground floor level, creation of internal partition wall, relocation of internal door opening, new internal steps, new internal door, relocation of rear window, new opening in rear elevation at first floor level, insulation to external walls and 2 storey rear extension. LISTED BUILDING CONSENT.

### **Key designations:**

Conservation Area: Belvedere Road  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding

**Joint report with application ref. 10/03112.**

### **Proposal**

This application seeks Listed Building Consent for internal alterations including blocking in rear window at basement level, new opening in rear wall, relocation of timber stairs to rear garden at ground floor level, creation of internal partition wall, relocation of internal door opening, new internal steps, new internal door, relocation of rear window, new opening in rear elevation at first floor level, insulation to external walls and 2 storey rear extension.

### **Location**

- The application site is a mid-terrace dwelling located on the north-western part of Belvedere Road which is a Grade II Listed Building.
- The immediate surrounding area is mostly characterised by residential units.

## **Comments from Local Residents**

Eight nearby owners/occupiers were notified of the application and two objection letters have been received which can be summarised as follow:

- overlooking of private amenity space,
- loss of sunlight/daylight;
- noise issues with regard to proposed internal layout;
- impact of design on character of Listed Building.

## **Comments from Consultees**

From a Conservation and Historic Buildings point of view objection is raised as the proposed changes are too many and the cumulative impact of these changes would compromise the special interest of the building.

## **Planning Considerations**

Policy BE8 of the Unitary Development Plan applies to the development and should be given due consideration. This policy seeks to preserve the character and appearance of this Statutory Listed Building.

## **Planning History**

Application ref. 84/04270 for a single storey rear extension was approved June 1989.

Application ref. 10/01658 for a two storey rear extension with raised decking, balustrade and steps to rear garden was refused in September 2010.

Application ref. 10/01740 for a two storey rear extension with raised decking, balustrade and steps to rear garden was refused in September 2010.

## **Conclusions**

The main issue relating to the proposal is the effect that it would have on the character of the Grade II Listed Building.

It is considered that the proposed two-storey rear extension due to its design would seriously detract from the character and appearance of the Conservation Area in which the application site is located and also adversely impact on the character of this Grade II Listed Building. The design appears unsympathetic to that of the main dwelling and is considered to be inconsistent with the requirements of Policies BE8 of the UDP.

Furthermore the internal alterations involve the addition of a partition in bedroom 2, alterations to the staircase, a new opening from bedroom 1 to bedroom 2 and blocking up the existing opening from bedroom 1 to bedroom 2. It is considered that the cumulative impact of these changes would mean the special interest of the Listed Building is compromised.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/01658 and 10/01740/LBC, excluding exempt information.

**RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

- 1 The proposed alterations would be detrimental to the character and special interest of the Grade II Listed Building by way of the cumulative loss of important historical plan form, removal of historic fabric to form new openings and the relocation of an historic door and window and as such would be contrary to Policy BE8 of the Unitary Development Plan and the advice contained in PPS5 'Planning and the Historic Environment'.

Reference: 10/03113/LBC

Address: 17 Belvedere Road Anerley London SE19 2HJ

Proposal: Internal alterations including blocking in rear window at basement level, new opening in rear wall, relocation of timber stairs to rear garden at ground floor level, creation of internal partition wall, relocation of internal door opening, new internal steps, new internal door, relocation of rear window, new opening in rear elevation at first floor level, insulation to external walls and 2 storey rear extension. LISTED BUILDING CONSENT.



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## London Borough of Bromley

Report No.  
DRR/10/00142

PART 1 - PUBLIC

Agenda  
Item No.

**(A)**

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Title: **GARAGE CONSTRUCTED WITHIN REAR CURTILAGE OF 92 OXHAWTH CRESCENT, BROMLEY BR2 8BW**

Decision Maker: **Plans Sub-Committee No. 3**

Decision Date:  
**06 Jan 2011**

Decision Type: Non-Urgent Non-Executive Key

Budget/Policy Framework: Within policy and budget

Chief Officer: Chief Planner

Contact Officer: Tim Bloomfield, Development Control Manager  
Tel: 020 8313 4687 E-mail: tim.bloomfield@bromley.gov.uk

Ward: Bromley Common and Keston

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### 1. SUMMARY

- 1.1 A garage has been constructed within the rear garden of a dwelling house for which it is believed planning permission is required. An application has been invited, but none has been received.

### 2. RECOMMENDATION

- 2.1 No further action be taken.

### 3. COMMENTARY

- 3.1 The site is a single family residential property in a linked terrace of dwelling houses situated within a residential area of Petts Wood. The properties share a communal private road to the rear, providing access to individual garages belonging to each property.
- 3.2 The current owner took up occupation in August 2005 and demolished an existing garage and commenced building a detached garage to the rear of the property. The new garage was constructed as “permitted development” under the regulations which applied at the time. Building work ceased when the garage had been partially constructed and resumed in 2010 to completion.
- 3.3 A complaint has been received alleging that the garage, as built, does not comply with current “permitted development” rights. The owner was invited to submit an application for a certificate of lawfulness for existing development. It has also been alleged that the garage is being used in connection with the running of a business.
- 3.4 The application was considered by the Council’s Legal Department, which advises that the legality of the completed building should be determined by reference to current “permitted development” rights rather than the regulations which applied when construction commenced.
- 3.5 In this case, that part of the garage completed since 1 October 2008 does not comply with the General Permitted Development Order, under Class E1(d)(ii), because it extends across the entire 7.3m width of the back garden without providing at least 2 metres between the garage and the side boundaries. The overall height of the building measures 3.8 metres and exceeds the height limit of 2.5m set out in the regulations.
- 3.6 The applicant has been invited to submit a planning application to seek retrospective permission for the garage. However no application has been received.
- 3.7 In the absence of an application consideration must be given to whether any further action is required. The garage is considerably higher than the maximum height permitted by the Order. It also occupies the full width of the site right up to the side boundaries. However, as the garage is located at the rear of the property it is not visible from the surrounding roads including Oxhath Crescent and its visual impact is limited. There is a similar garage of comparable size at the adjoining property, although it is of lower height and has a smaller footprint. However, given the location and setting it is concluded that the garage causes no material harm to the amenities of the surrounding area.
- 3.8 With regard to the use of the garage the owner has confirmed that it is used for accommodating his own vehicles and to store household items, gardening tools, etc. It has been alleged that the garage is used in connection with the running of a business but observations have not confirmed this. At present there is considered to be insufficient evidence to support the claim that the garage is being used for non-residential purposes and it would not be appropriate to take enforcement action. However if further evidence is obtained concerning the operation of a business from the property then it may be expedient to review the matter.



3.9 Photographs are available for Members to view.

<b>Non-Applicable Sections:</b>	Financial, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	Enforcement files contain exempt information, as defined in Schedule 12A of the Local Government (Access to Information) Act 1985, and are therefore not available for public inspection.

Ref: ENF/10/00522

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