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

Councillor Russell Jackson (Chairman)
Councillor Simon Fawthrop (Vice-Chairman)
Councillors Reg Adams, Peter Dean, Peter Fookes, Russell Mellor, Alexa Michael,
Gordon Norrie and Michael Turner

A meeting of the Plans Sub-Committee No. 2 will be held at Bromley Civic Centre on
THURSDAY 8 DECEMBER 2011 AT 7.00 PM

MARK BOWEN
Director of Resources

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

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

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

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

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

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

Copies of the documents referred to below can be obtained from
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 13 OCTOBER 2011**
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- 4 PLANNING APPLICATIONS**

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

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SECTION 2 (Applications meriting special consideration)

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4.1	Plaistow and Sundridge	9-16	(11/01174/VAR) - 84 London Lane, Bromley.
4.2	Biggin Hill	17-20	(11/02137/TPO) - 35 Valley View, Biggin Hill.
4.3	Chislehurst Conservation Area	21-28	(11/02967/FULL6) - Craigvarren, Yester Park, Chislehurst.
4.4	Kelsey and Eden Park	29-38	(11/03103/FULL1) - Meadowbrook, 12 Kemerton Road, Beckenham.
4.5	Farnborough and Crofton	39-42	(11/03134/FULL6) - 22 Grasmere Gardens, Orpington.

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

Report No.	Ward	Page No.	Application Number and Address
4.6	Chislehurst Conservation Area	43-48	(11/01535/FULL6) - 3 Islehurst Close, Chislehurst.

4.7	Darwin Conservation Area	49-60	(11/02727/FULL1) - Angas Convalescent Home, Church Approach, Cudham, Sevenoaks.
4.8	Chelsfield and Pratts Bottom	61-66	(11/02773/FULL1) - 23 Oxenden Wood Road, Orpington.
4.9	Kelsey and Eden Park	67-74	(11/03147/FULL1) - 121 Kenwood Drive, Beckenham.

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

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4.10	Chelsfield and Pratts Bottom	75-80	(11/02841/FULL1) - 62 Windsor Drive, Orpington.
4.11	Chelsfield and Pratts Bottom Conservation Area	81-88	(11/03108/FULL1) - Lilly's Farm, Chelsfield Lane, Orpington.

5 CONTRAVENTIONS AND OTHER ISSUES

Report No.	Ward	Page No.	Application Number and Address
5.1	Bickley	89-92	(DRR/11/145) - Former Widmore Public House, Bickley Road, Bickley.
5.2	Orpington	93-100	(DRR/11/143) - Unauthorised Telecommunications Installation at Spur Road, Orpington.

6 TREE PRESERVATION ORDERS

Report No.	Ward	Page No.	Application Number and Address
6.1	Crystal Palace	101-104	(TPO 2421) - Objections to Tree Preservation Order 2421 at 79 Belvedere Road, Anerley.

6.2	Chislehurst	105-108	(TPO 2427) - Objections to Tree Preservation Order 2427 at 32 Holbrook Lane, Chislehurst.
6.3	Penge and Cator	109-112	(TPO 2428) - Objections to Tree Preservation Order 2428 at 163 Venner Road, London SE26.
6.4	Bromley Town	113-116	(TPO 2433) - Objections to Tree Preservation Order 2433 at Bromley and Sheppards College, London Road, Bromley.
6.5	Farnborough and Crofton	117-120	(TPO 2437) - Objections to Tree Preservation Order 2437 at 2 Pondfield Road, Orpington.

7 MATTERS FOR INFORMATION: ENFORCEMENT ACTION AUTHORISED BY CHIEF PLANNER UNDER DELEGATED AUTHORITY
NO REPORTS

PLANS SUB-COMMITTEE NO. 2

Minutes of the meeting held at 7.00 pm on 13 October 2011

Present:

Councillor Russell Jackson (Chairman)
Councillor Simon Fawthrop (Vice-Chairman)
Councillors Peter Dean, Peter Fookes, Russell Mellor,
Alexa Michael, Gordon Norrie, Tom Papworth and Michael Turner

Also Present:

Councillors Michael Tickner and Stephen Wells

13 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

An apology for absence was received from Councillor Reg Adams; Councillor Tom Papworth acted as alternate.

14 DECLARATIONS OF INTEREST

There were no declarations of interest.

15 CONFIRMATION OF MINUTES OF MEETING HELD ON 18 AUGUST 2011

It was noted that Councillor Peter Fookes had attended the meeting.

RESOLVED that subject to the above amendment, the Minutes of the meeting held on 18 August 2011 be confirmed and signed as a correct record.

16 PLANNING APPLICATIONS

SECTION 2

(Applications meriting special consideration)

16.1 KELSEY AND EDEN PARK

(11/01643/FULL1) - Langley Park Sports And Social Club, Hawksbrook Lane, Beckenham.

Description of application - 2 all weather 5 a side football pitches with floodlights (8.3m high) and 3.1m high timber/mesh fencing around perimeter.

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

It was reported that the application had been amended by documents received on 14 September 2011.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions

and informative set out in the report of the Chief Planner.

**16.2
WEST WICKHAM**

(11/01921/FULL1) - 32 Corkscrew Hill, West Wickham.

Description of application - Sub-division of existing plot and erection of detached four bedroom house and attached single garage.

THIS REPORT WAS WITHDRAWN BY THE CHIEF PLANNER.

**16.3
CRAY VALLEY EAST**

(11/02429/FULL1) - Olleys Posh Wosh, 151 Sevenoaks Way, Orpington.

Description amended to read - 'Retention of canopy at front for temporary 5 year period RETROSPECTIVE APPLICATION.'

Comments from Ward Members Councillors Roxhannah Fawthrop and John Ince were reported at the meeting.

Members having considered the report and objections **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the following conditions:-

1 The building hereby permitted shall be removed and the land reinstated to its former condition on or before the 31 October 2016.

Reason: In order that the situation can be reconsidered in the light of the circumstances at that time in the interest of the amenities of the area.

2 The lighting on the canopy shall only be used between 9 am and 7 pm and the lights shall not be on at any other time. The lights shall be oriented and screened to prevent light spillage and shall be retained as such thereafter.

The following reason for granting permission was also added:-

London Plan: Policy 5.12 - Flood risk Management.

SECTION 3

(Applications recommended for permission, approval or consent)

**16.4
CHISLEHURST
CONSERVATION AREA**

(11/02233/FULL6) - Donegal House, Camden Way, Chislehurst.

Description of application - Two storey side extension and elevational alterations together with ground and first floor additions to detached garage.

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

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

**16.5
COPERS COPE**

(11/02266/FULL1) - Site of 84-86 Overbury Avenue and 2 Stanley Avenue, Beckenham.

Description of application - Part two/three storey block comprising of 7 two bedroom and 2 three bedroom flats with 13 car parking spaces, vehicular access onto Stanley Avenue and Overbury Avenue, detached car ports, cycle and refuse stores (amendments to scheme permitted under ref 07/04526).

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

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

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** for the following reason:-

1 The proposed development, by reason of its excessive bulk and size, would constitute a cramped form of development, harmful to the character of the area and contrary to Policies BE1 and H7 of the Unitary Development Plan.

**16.6
BICKLEY**

(11/02395/FULL1) - Newlands, St Georges Road, Bickley.

Description amended to read - '2 detached five bedroom houses with integral double garages fronting St. Georges Road West with integral double garages at land to rear of Newlands and 77 St. Georges Road West.'

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 the Advisory Panel for Conservation Areas had objected to the application. The Planning Officer informed Members that a Habitat Survey had revealed there would be no adverse effect on wildlife.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** for the following reasons-

1 The proposal would result in the loss of undeveloped garden land, constituting a cramped overdevelopment of the site by reason of the amount of coverage by buildings and hard surfaces and would be out of character with adjoining development and the visual amenities of the area and adjoining Bickley Park Conservation Area, thereby contrary to Policies H7, BE1 and BE13 of the Unitary Development Plan, Planning Policy Statement 3 - Housing (2010) and Policy 3.5 of the London Plan.

**16.7
WEST WICKHAM**

**(11/02483/FULL6) - 72 Barnfield Wood Road,
Beckenham.**

Description of application - Two storey side and single storey rear extension. Single storey front extension.

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

**16.8
HAYES AND CONEY HALL**

(11/02511/FULL6) - 3 Hurstfield, Bromley.

Description of application - Part one/two storey side and rear extension.

Comments from Ward Member Councillor Mrs Anne Manning were reported at the meeting.
Members having considered the report and objections **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

**16.9
FARNBOROUGH AND
CROFTON**

**(11/02576/FULL6) - 141 Lovibonds Avenue,
Orpington.**

Description amended to read - 'Part one/two storey side and rear extension.'

Oral representations in objection to and in support of the application were received at the meeting.
Members having considered the report and objections **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

**16.10
FARNBOROUGH AND
CROFTON**

**(11/02679/FULL1) - Farnborough Primary School,
Farnborough Hill, Orpington.**

Description of application - Elevational alterations to year four classroom relating to position of windows, doors, pitched roof and gable features. (Amendment to planning permission 10/01118 granted for a single storey extension to provide enlarged classroom and 1 additional classroom with associated link walkway and sun canopy.)

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

SECTION 4

(Applications recommended for refusal or disapproval of details)

**16.11
BROMLEY TOWN**

**(11/02294/FULL1) - Land adjacent 29 Rochester
Avenue, Bromley.**

Description of application - Two storey 3 bedroom detached dwelling at land rear of 112 Murray Avenue and adjacent to 29 Rochester Avenue.

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

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the following reasons:-

- 1 The proposal would constitute an overdevelopment of the site by reason of the amount of site coverage by buildings and hard surfaces, thus would be out of character with the surrounding residential properties with significant rear gardens and contrary to policies H7 and BE1 of the Unitary Development Plan, PPS 3: Housing and Policy 3.5 of the London Plan.
- 2 The proposal would be an overdevelopment of the site, out of character with the locality thereby detrimental to its visual amenities and character, contrary to Policies H7 and BE1 of the Unitary Development Plan, PPS 3: Housing and Policy 3.5 of the London Plan.

17 CONTRAVENTIONS AND OTHER ISSUES

17.1 BICKLEY

(DRR/11/103) - Ventilation Ducting at 214 Widmore Road, Bromley.

Members having considered the report, **RESOLVED that the DETAILS BE APPROVED** as recommended in the report of the Chief Planner.

THE CHAIRMAN MOVED THAT THE FOLLOWING REPORT, NOT INCLUDED IN THE PUBLISHED AGENDA, BE CONSIDERED A MATTER OF URGENCY ON THE FOLLOWING GROUNDS:

“In the light of the substantial scale and extensive environmental damage caused by the recent deposit of waste material on the land, urgent consideration should be given to authorising appropriate action to ensure that no further waste material is deposited and the material is removed from the land to restore it to its former condition.”

17.2 CRAY VALLEY EAST

PSC2 131011 Land at Lower Hockenden Farm, Star Lane, Orpington - Unauthorised Deposit of Waste Material, Formation of Vehicle Access and Construction of Hardstanding

Councillor Tom Papworth had not received a copy of this supplementary item and declared that he would not take part in the discussion or vote.

Members having considered the report, **RESOLVED** that:-

- 1. authority be given to issue an Enforcement Notice requiring the deposit of waste material to cease and the deposited material to be removed from the land;**
- 2. in the event of further waste material being deposited on the land, further authority be given to take injunction proceedings in the County Court to prohibit the unauthorised tipping of waste material on the land; and**
- 3. enforcement action be authorised to secure the removal of gates and reinstatement of the front boundary enclosure.**

THE CHAIRMAN MOVED THAT THE FOLLOWING REPORT, NOT INCLUDED IN THE PUBLISHED AGENDA, BE CONSIDERED A MATTER OF URGENCY ON THE FOLLOWING GROUNDS:

“Following the decision by PSC on 15-9-11 works on site have been suspended. A new planning application has been received which will be reported to a forthcoming committee but the applicant has requested that the decision to issue a stop notice is urgently reviewed so that construction work on the scheme permitted in 2010 is not subject to further delays.”

**17.3
COPERS COPE**

Land r/o 80 High Street, Beckenham - Reinstatement of Fire Damaged Building

Oral representations in support of and in objection to the retention of the Council's authority to issue a Stop Notice if works on the site do not cease, were received.

Oral representations in support of and in objection to the retention of the Council's resolution were received from Ward Members Councillor Michael Tickner and Stephen Wells respectively.

Members were advised that since the resolution on the 15th September 2011, works on the site had ceased and a planning application had been submitted. Also, as per the report, permission was granted in July 2010 for a part one/two storey replacement building for continued use as light industrial (Class B1) and leisure (Class D2). In light of these developments, Members were advised that the resolution should be changed in favour of the recommendation contained in the officer's report and that any decision to retain the authority should also include a decision to serve an Enforcement Notice if works on the site do not cease.

Councillor Tom Papworth had not received a copy of this supplementary item and declared that he would not take part in the discussion or vote.

A motion in favour of withdrawing the Council's resolution fell at 3-4.

A second motion in favour of retaining the Council's resolution resulted in a vote of 4-4.

Subsequent to the Chairman's deciding vote, **MEMBERS RESOLVED that THE COUNCIL RETAIN THE AUTHORITY TO ISSUE A STOP NOTICE IF WORKS ON THE SITE DO NOT CEASE.**

Councillor Dean's vote against the resolution was noted.

The Meeting ended at 8.35 pm

Chairman

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SECTION '2' – Applications meriting special consideration

Application No : 11/01174/VAR

Ward:
Plaistow And Sundridge

Address : 84 London Lane Bromley BR1 4HE

OS Grid Ref: E: 540355 N: 170325

Applicant : Sundridge Medical Practice (Dr A Arora) **Objections :** YES

Description of Development:

Continued use as a doctors surgery with variation of condition 8 of appeal decision 98/01709 (restricting use to a single handed doctors practice of no more than one doctors and for no other purpose) to allow 3 doctors to practice from Sundridge Medical Centre.

Key designations:

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

Proposal

Planning permission was granted on appeal in December 1998 for the doctor's surgery and pharmacy. A condition attached at this time set out that the surgery should be used as a single handed doctor's practice of no more than one doctor and for no other purpose.

The current application seeks to vary this condition to allow up to three doctor's to practice from the surgery.

Location

The application building is a modern 2 storey detached structure with a single storey side element. It is sited in a corner location at the eastern end of London Lane at the junction with College Road. The area is mainly residential in character. Its close proximity to Bromley town centre means that many of the surrounding streets are subject to controlled parking zone (CPZ) between 12 noon and 2pm Monday to Saturday or single yellow lines. There is a small car park [accessed via College Road] within the application site to the south of the main building for 5 cars. To the north there is a pharmacy.

Internally, the building is spacious and appears to provide a generously proportioned functional use of the available floorspace. There are 5 consultation rooms over 2 floors in total including 3 for medical consultation and 2 for therapy/ treatment and interventions. In addition there is also a reception, waiting room, office, records storage room, managers room / meeting room / kitchenette.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and 13 representations were received including a petition signed by 19 local residents a letter on behalf of partners of the nearby London Lane Clinic and one letter in support of the proposal. The representations can be summarised as follows:

- the nearby London lane Clinic has the capacity to register a further 3,500 patients, whilst still remaining within the Department of Health list size guidelines. In addition there is a large dedicated car park attached to the clinic for patient use.
- the chances of being able to take a photograph of London lane and Burnt Ash Lane during a weekday showing no traffic and plenty of parking spaces is extremely unlikely. The photographs submitted are extremely misleading.
- the surgery already employs staff for a host of other services including nurse practitioner, community psychiatric nurse, health visitor , dietician, chiropodist, yet there are only 5 off street parking spaces available
- any increase in parking demand in this location will give rise to illegal parking and would be harmful to traffic and pedestrian safety
- households already experience daily difficulties of access to and from their own properties as a result of individual parking a cross their driveways
- the continued expansion of the Sundridge Medical Practice has led to serious traffic and parking problems which causes delays for doctors and nurses when going out on urgent house calls
- if the practice is increased to 3 doctors it is imperative that the practice patient numbers are kept to a reasonable manageable level
- any new doctors appointed could bring patients with them and greatly increase existing patient numbers
- two surgeries running simultaneously would mean twice as many appointments per hour and twice as many patients coming to the surgery
- the applicant gave written assurances when he originally applied for planning consent in 1998 that he had no intentions of recruiting another doctor, that his patient list would be around 2,500, that the pharmacy would dispense medicine only, the outcome has been very different which has resulted in an overintensive use of the site and traffic and parking problems

Comments from Consultees

From a highways point of view the following comments are made:

The practice is located in an area with a medium Public Transport Accessibility Level (PTAL) of 3. The submitted parking surveys were carried out on three occasions, Tuesday 15 February 2011 between 10:45am to 11:15am, Friday 18 February 2011 between 9:15am-9:45am and Monday 7 March 2011 between 12:10pm to 12:25pm.

The results show that there are a good number of car parking spaces available within the locality. Also as the area has a good public transport links it is considered that the increase in number of doctors to 3 wouldn't have a significant impact on the parking demand and highway safety and no objection to the proposal are therefore raised.

Following input from local residents regarding the existing parking difficulty within the vicinity of the proposed development the site was visited on a number of occasions to determine the validity of the evidence produced by the applicant's agent.

Four separate car parking surveys were carried out between 8th-13th September 2011 within 5 minutes of the development over this period between 27 and 37 available parking spaces were observed.

During the surveys it was noted that the pharmacy has a number of visitors stopping to pick up prescriptions, it is considered that a lot of the short term parking may be as a result of patients picking up their prescriptions and causing inconvenience to local residents.

On balance no objections are raised from a highways point of view.

Bromley Primary Care Trust (PCT) have expressed their strong support for the application for three key reasons:

- significant additional demand will be placed on general practices as a result of the Adopted Bromley Town Centre Area Action Plan. Sundridge Medical Practice (SMP) is well placed to offer high quality, accessible services to Bromley residents, giving them a genuine choice of quality primary medical providers
- there is a significant drive towards delivering services within the community to avoid patients having to go to hospital SMP is well placed to support the PCT in delivering more services locally
- unlike many of the GP premises in Bromley SMP is a modern building and is more than adequate to accommodate additional clinical support staff with minimal investment in infrastructure.

Planning History

Planning permission was originally refused under planning ref. 98/1709 for a detached one/ two storey building for doctors surgery and pharmacy with new vehicular access. A subsequent appeal was allowed the Inspector did not consider that the proposal would give rise to a significant parking

demand which would be unduly prejudicial to highway safety. In reaching a decision the Inspector reasoned as follows:

“You have estimated based on the appellants current list and allowing for those coming to the surgery on foot or by public transport, the practice would give rise to demand of 3 on street parking spaces per hour during the main opening hours...However, your figure seems to me a conservative estimate given that the current patient list could expand without sanction and the other health services provided at such a commodious building could also generate additional traffic. But even an underestimate of 30-40% would only account for an additional car and this is a reflection of a demand which even if doubled cannot in my opinion be regarded as, to use the Council’s term, ‘substantial’”.

In 2001 under planning ref. 01/00522 a very similar application to that currently being considered was refused to vary condition 8 to allow more than one doctor. A subsequent appeal was dismissed. In this instance the Inspector concluded the following:

“I have seen no evidence that either parking or traffic conditions are better now than they were in 1998...The surgery is situated at fairly sharp corner within what appears to be a busy road system, and cars stopping at this location to deposit patients would be a source of traffic conflict and a lower safety level. Furthermore an increase in parking demand in an area where very few spaces are available would generate considerable pressure to find spaces with a significant risk of illegal or unsuitable parking and on-street manoeuvring. Both would cause inconvenience and, in some locations, risk to traffic and pedestrian safety. I conclude that all of these factors would, in combination, be unacceptably prejudicial to traffic safety and as such, would be contrary to local policies whose aim is to avoid such problems.

Planning Considerations

The current application must be determined in the context of present circumstances. Since permission was originally allowed on appeal in 1998 Planning Policy Guidance Note 13-Transport PPG13 has been significantly amended placing emphasis on the importance of accessibility by means of transport other than the car. Additionally the nature of healthcare has radically altered with a drive to deliver services that were formerly provided in hospitals, in GP surgeries. Additionally the Bromley Town Centre Action Plan (AAP) proposes significant increases in the population of Bromley an additional 1,820 residential units. Whilst additional health provision is proposed within the AAP it is likely that some of the additional residential development will occur in advance of the intended health care provision.

Policy C1 of the Unitary Development Plan (UDP) concerns ‘Community Facilities’ it states that the Council will normally permit developments which meet an identified health need. The proposal has the strong support of the

PCT which indicates that the proposal will help to improve the health and well being of patient in the area.

Policy C4 of the UDP concerns 'Health Facilities' it states that the Council will support improved facilities where they are accessible by public transport. The site has a PTAL rating of 3, being within walking distance of Sundridge Park train station and 4 bus routes.

The applicants agent has provided justification for the requirement for a further 2 doctors at the practice. The detailed comments can be summarised as follows:

The number of patients currently registered at the SMP is currently 4,778 which is twice the recommended 1,500- 2,400 patients per doctor ratio set out in the Department of Health (DoH) guidelines. The practice also has the highest patient to doctor ratio in Bromley. The additional two doctors are therefore needed to alleviate the workload of the current doctor who is currently struggling to meet the demands for consultations at the surgery. The advice from DoH is that the patient list should remain open and can only be closed in exceptional circumstances.

It is stated that analysis carried out clearly demonstrates that SMP is accessible by a number of modes of transport including train, 4 local buses, cycle routes and walking. Furthermore, the results of the submitted parking survey show that during periods when the CPZ was / was not in operation there were ample parking spaces available. It is recognised that circumstances arise where patients need to be dropped off outside the surgery and in this instance it is proposed that one of the five car parking spaces within the existing car park be designated as an emergency drop off point and this arrangement could be secured by way of an appropriate planning condition.

Examples are also given of other surgeries within the Borough that have more staff than the SMP but less off street parking.

It is also stated that the proposal would in line with Government advice enable the business to develop and provide much needed employment opportunities for doctors and other staff thereby promoting sustainable economic growth.

It is not anticipated that list sizes will increase significantly as this is largely dependent upon increases in the size of the local population also increasing. Although the application seeks to allow a total of 3 doctors it is anticipated that for the majority of the time only 2 surgeries will run simultaneously which would (based upon each doctor seeing 6 patients and hour) result in approx. 12 patient visiting the surgery per hour. With 3 simultaneous surgeries occurring only in exceptional circumstances.

Confirmation is also given that it is the applicant's intention to employ 2 doctor's to deal with the current patient list and not for a doctor/s to transfer an existing patient list to the SMP.

Conclusions

UDP policies, the London Plan, the Draft London Plan and Central Government guidance give clear support for the principle of proposals which meet health and community needs.

The main issue in this case is therefore whether the proposal would give rise to a significant parking demand which would be unduly prejudicial to highways safety.

The initial Planning Statement stated that the surgery received on average 10-15 applications per week from local families and individuals wanting to join the practice. This is at odds with later statements which set out "that the list size will not increase significantly in the future". The Bromley AAP proposes an additional 1,820 residential units which could see a significant population increase. Notwithstanding this the staggered appointments system proposed by the applicant with only 2 surgeries running simultaneously would lower by one-third the number of patients visiting the surgery to 12 per hour from a possible 18.

There are a number of areas where it appears that unsanctioned changes could occur which could change the overall impact that SMP has upon parking demand and ultimately highways safety. This includes the ability for a new doctor to transfer patients, for patient lists to expand further, for 3 surgeries to run simultaneously on a regular basis. The intentions of the applicant are clearly set out but as is evident from the applicants original no doubt earnest intentions for the practice [in 1998] regarding number of doctors and patient lists, circumstances can change over time.

It is however considered that the current application must be determined in the context of the present circumstances and from a highways point of view no objections are raised and indeed highways surveys carried out by the Council's own highways engineer would support the contention set out in the applicants statement that their would be sufficient on street parking capacity to cope with the additional patients visiting the practice.

Background papers referred to during production of this report comprise all correspondence on file ref. 11/01174, excluding exempt information.

RECOMMENDATION: APPROVAL

subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
ACA01R A01 Reason 3 years
- 2 The use of the surgery shall not operate on any Sunday or Bank Holiday, Christmas day or Good Friday or before 08.30 hours and after 18.30 hours on Mondays, Tuesdays, Wednesday s and Fridays; before 0.830 and after 19.30 hours on Thursdays; or before 0.900 hours and after 12.00 noon on Saturdays.

Reason: To accord with the terms of the appeal decision (application 98/1709) permitting the redevelopment of the site and in the interest of the residential amenities of the area.

3 The use of the pharmacy shall not operate on any Sunday or Bank Holiday, Christmas Day or Good Friday or before 09.00 hours and after 18.00 hours on Mondays and Fridays; or before 09.00 hours and after 12.00 on Saturdays.

Reason: To accord with the terms of the appeal decision (application 98/1709) permitting the redevelopment of the site and in the interest of the residential amenities of the area.

4 The surgery shall be used for up to 3 doctor's and for no other purpose.

Reason: In order to comply with Policy C1 of the Unitary Development Plan and accord with the terms of the appeal decision (application 98/1709) permitting the redevelopment of the site.

5 The pharmacy hereby permitted shall be for no more than one pharmacist and shall be used for no other purpose.

Reason: In order to comply with Policy C1 of the Unitary Development Plan and accord with the terms of the appeal decision (application 98/1709) permitting the redevelopment of the site.

6 The car park signage clearly indicating the car park is for staff use shall be permanently maintained.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and accord with the terms of the appeal decision (application 98/1709) permitting the redevelopment of the site.

7 The car park barrier which shall be permanently maintained shall be kept in locked and closed position at all times when not being used for the purposes of vehicular ingress and egress.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and accord with the terms of the appeal decision (application 98/1709) permitting the redevelopment of the site.

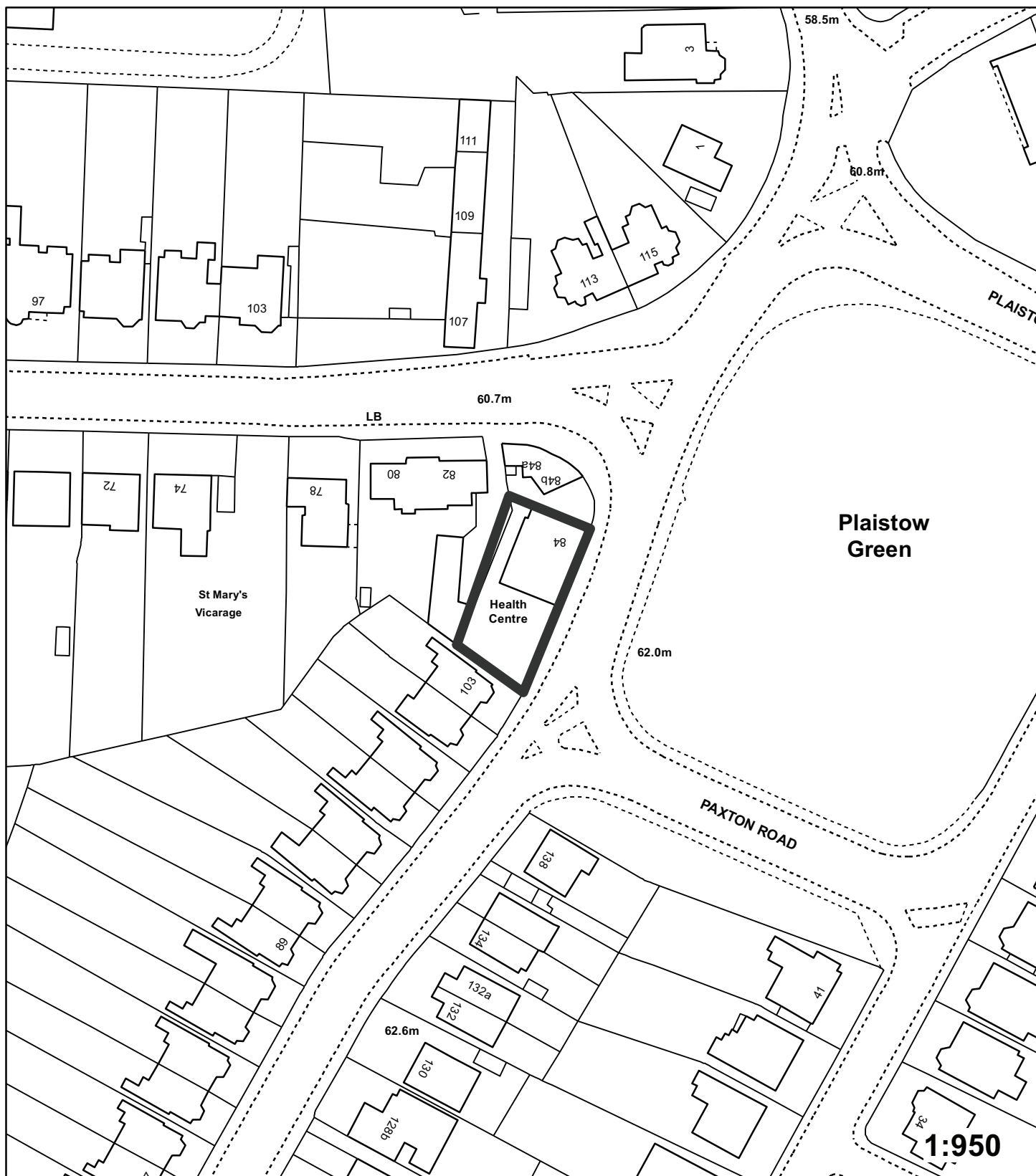
8 The 3.3mx2.4mx3.3m visibility splays shall be maintained and there shall be no obstruction to visibility in excess of 1m in height within these splays.

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

Application:11/01174/VAR

Address: 84 London Lane Bromley BR1 4HE

Proposal: Continued use as a doctors surgery with variation of condition 8 of appeal decision 98/01709 (restricting use to a single handed doctors practice of no more than one doctors and for no other purpose) to allow 3 doctors to practice from Sundridge Medical Centre.



SECTION '2' – Applications meriting special consideration

Application No : 11/02137/TPO

Ward:
Biggin Hill

Address : 35 Valley View Biggin Hill TN16 3QN

OS Grid Ref: E: 541619 N: 158272

Applicant : Mr And Mrs Cheadle

Objections :YES

Description of Development:

Fell 1 Oak tree in back garden
Subject to TPO 301

Proposal

Fell one oak tree.

Location

In back garden of 35 Valley View.

Comments from Local Residents

None, other than a petition that accompanied the application.

Planning Considerations

This application was considered by members of plans sub committee No.4 at their meeting of 15th September. Consideration of the proposal was deferred to obtain a detailed report on the condition of the tree. The case is unusual in that the application concerns an oak tree in the back garden of 35 Valley View but the application has been made by the owner of No. 33. The applicant has no right of access to the property where the tree is growing and the owner of the tree is not a party to the application. After obtaining agreement of the tree owner to access his garden the Principal Tree Officer carried out a survey of the tree on 25th October and a copy of the survey form is appended to this report.

The applicant has stated that he wishes the tree to be felled because of excessive shading and low amenity value. The application includes a petition which has been signed by the owners of Nos. 31, 37 and 39 Valley View and 55 Lusted Hall Lane. The petition states:

“This petition expresses our concerns in respect of the oak tree in the rear garden of 35 Valley View. Although this tree was granted a tree preservation

order in 1986 years of neglect now leave us with a tree whose size and condition give us all a great deal of concern for our safety and quality of life. Its size and proximity to our houses the considerable overhang to our gardens and the organic mess it deposits every year month after month (acorns have not been seen for at least 5 years) and the real possibility of roots undermining our properties lead us to ask that the TPO is lifted as soon as possible with a view to the tree being removed in order that we can all return to a safe and enjoyable environment once again.”

To summarize the survey the tree is a mature specimen 16 metres in height with a wide spreading canopy. The tree overhangs both adjoining gardens as well as a small amount of overhang to the garden to the north. It is in a healthy condition with no external signs of disease or decay. There is no serious risk of branch failure or even total failure of the tree. The back garden of No. 35 is 13 metres long and 9 metres wide, and the tree is 1 metre from the rear boundary. The tree is to the north of the houses and overhangs the back garden of 33 by 4 metres, the garden of 37 by 4 metres and the garden of 55 Lusted Hall Lane by 4 metres. The tree does not cause direct shading of gardens in Valley View but will contribute to loss of ambient light. The tree is to the south of the back garden of 55 Lusted Hall Lane but this garden is 14 metres wide and 37 metres long. The tree is clearly visible between and over the houses and does make a positive contribution to the visual amenities of the area. Photographs of the tree are available on file.

The applicant has not sought the agreement of the owner for the carrying out of the work. The owner has not made any written submissions in respect of this application but has indicated verbally that he is reluctant to have the tree felled. It should be noted that if consent were to be granted for any work the agreement of the owner would be required for the carrying out of any work to the tree as he remains responsible for its maintenance.

The tree is a large specimen and the gardens are relatively small but the tree is of undoubted amenity value – it can be seen from the opposite side of the valley and the loss of the tree would be detrimental to the visual amenities of the area. The problems described are that of inconvenience and relate to the need for increased garden maintenance in clearing debris. As described above the tree is to the north of the houses in Valley View and is to east of the applicants property. The tree will shade this latter garden in the morning only. The problems experienced could be alleviated by appropriate pruning. A crown reduction of the tree over the gardens of Valley View by 20% would be appropriate as it would reduce the impact on these properties but would not seriously impair the overall health and amenity value of the tree.

Conclusions

The tree is a healthy specimen of amenity value to the area. Pruning of the tree would help to alleviate the problems described rather than its complete removal and can be consented under this application.

Background papers referred to during production of this report comprise all correspondence on file ref. 11/02137, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

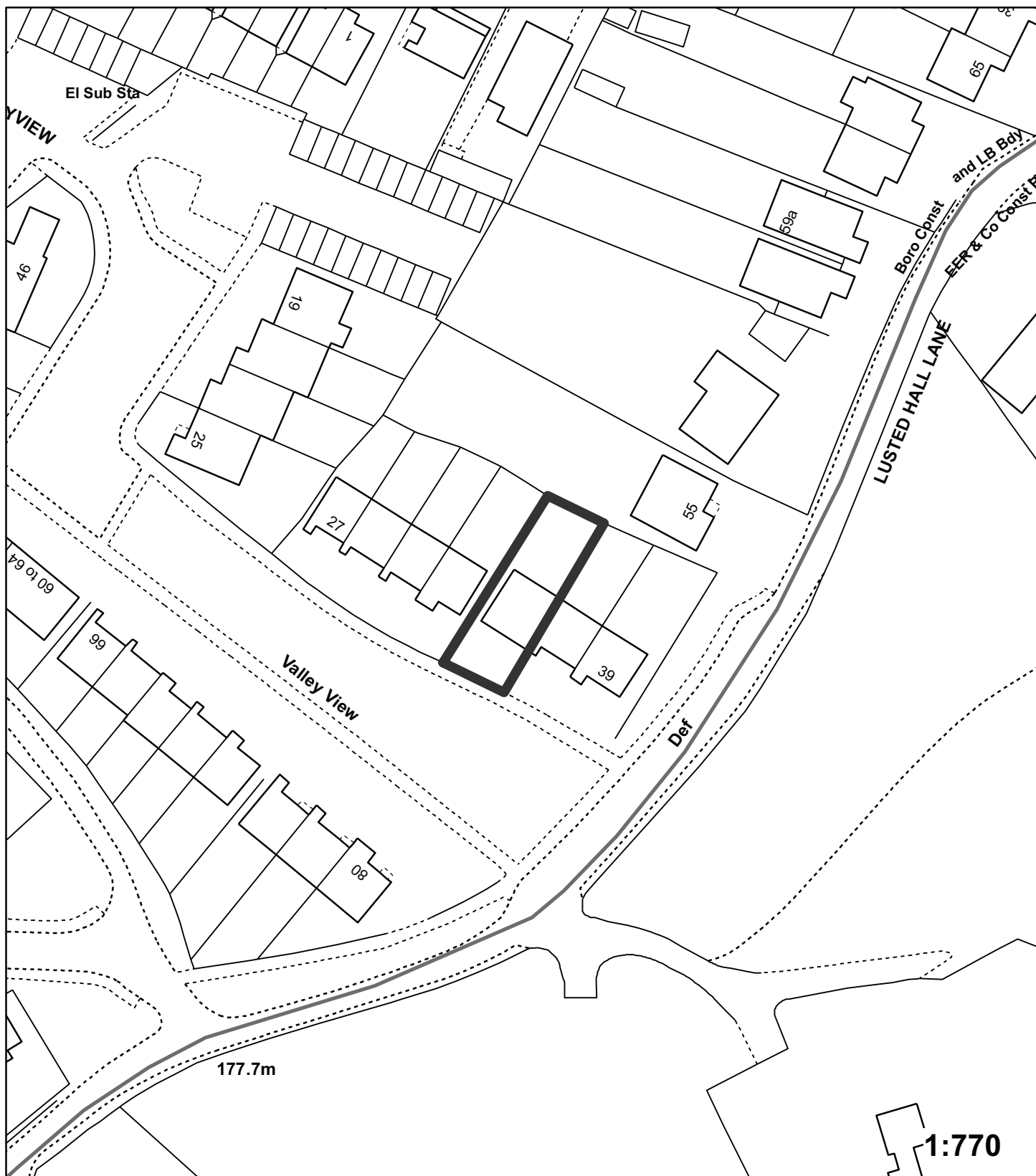
The reasons for refusal are:

- 1 The oak tree is considered to make an important contribution to the visual amenities of the street scene and the proposed loss of the tree would be detrimental to the visual amenities of the area.

Application:11/02137/TPO

Address: 35 Valley View Biggin Hill TN16 3QN

Proposal: Fell 1 Oak tree in back garden
Subject to TPO 301



SECTION '2' – Applications meriting special consideration

Application No : 11/02967/FULL6

Ward:
Chislehurst

Address : Craigvarren Yester Park Chislehurst
BR7 5DQ

OS Grid Ref: E: 542856 N: 170547

Applicant : Mr Ross Tobius

Objections : YES

Description of Development:

Two storey front/side/rear extension, front porch, additional vehicular access and hard standing

Key designations:

Conservation Area: Chislehurst

Biggin Hill Safeguarding Birds

Biggin Hill Safeguarding Area

Proposal

This proposal is for a two storey front/side and rear extension, front porch, additional vehicular access and hard standing. The proposal would project 2.6m to the side of the original dwelling at a first floor level and would project 3.8m to the rear. A minimum distance of 1m from the flank elevation to the boundary is proposed to be retained.

Location

The application property is located on the northern side of Yester Park, and falls within the Chislehurst Conservation Area. The Chislehurst Conservation Area Supplementary Planning Guidance states Yester Park began its development in the same manner as much of Chislehurst: the development of detached houses in large grounds was followed by comprehensive infilling to a higher density. Although largely invisible from beyond its site, the Park still plays host at its core to a fine house, once known as Sitka and now the SIRA Institute. Constructed in large grounds by Ernest Newton (1886), this Arts and Crafts house predates Newton's commissions by Willett in the Camden Estate and provides further evidence of his established local practice. Sitka was at the heart of a small estate, approached by drives with entrances marked by formal lodges.

The Park cannot now be said to have an Arts & Crafts character. Much of the open land and setting of Sitka was developed in the inter-war period (1918 to 1939), although the 19th century entrance lodges do remain and the former drives

have been retained as private roads. Along these, suburban development has occurred in a manner more typical of American suburban development than English suburbs of a similar age. The buildings have a consistency of scale and style, with faint echoes of the neo-vernacular, and elements of the rustic with its un-kerbed street and timber lampposts.

Comments from Local Residents

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

- the proposal would result in a loss of light for the side windows (serving a lounge, dining room and two bedrooms) of the The Squirrels.
- proposal would be detrimental to appearance of Conservation Area and would appear cramped.
- the Chislehurst Society raise objections on the basis that the proposed upper rear window on the westerly side elevation gives rise to unacceptable overlooking of the adjacent property, Firbeck.

Comments from Consultees

From a Heritage and Urban Design perspective, concerns are raised to the detrimental impact on sidespace and impact on the Conservation Area.

The Advisory Panel for Conservation Areas object to the proposal on the basis that it would be a gross overdevelopment of excessive bulk and massing with loss of spatial quality, contrary to Policies BE1 and BE11.

The Council's Highways Division state Yester Park is a gated road. The proposal includes replacing the existing garage and creating an in and out drive with additional parking areas. No objections are raised subject to conditions.

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

BE11 Conservation Areas

H8 Residential Extensions

H9 Side Space

Supplementary Planning Guidance: Chislehurst Conservation Area

Planning History

In 1994 under planning ref. 94/00612, permission was refused for a two storey side and rear extension. This was subsequently dismissed at appeal.

In 2011 under planning ref. 11/00473, permission was refused for a two storey side and rear extension on the following grounds:

The proposed two storey extension would, by reason of its proximity to the flank boundary, constitute a cramped form of development resulting in harm to the visual amenities of the street scene and the retrograde lowering of the spatial standards of the area, failing to preserve or enhance the character and appearance of the Conservation Area, thereby contrary to Policies BE1, BE11, H8 and H9 of the Unitary Development Plan.

The proposed extension would, by reason of its size and siting close to the common boundary with the adjacent property at 'The Squirrels', result in a loss of light and appear overbearing, detrimental to the amenities that the occupiers of this property could reasonably expect to continue to enjoy, contrary to Policies BE1 and H8 of the Unitary Development Plan.

This refusal of planning permission was appealed against and subsequently dismissed.

Conclusions

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

As regards character a key issue raised by the Inspector in dismissing application ref. 11/00473 was the design of the previous proposal with the Inspector stating "this combination of the increased height and length would result in a blocky appearance, hardly relieved by the limited extension of the pitched roofed garage. The lack of windows on the front part of this extension, facing east, would emphasise the solidity of the design at odds with the more highly articulated and varied treatment elsewhere. In order to reduce the height of what would become a deep and wide plan form, a flat area has been introduced at ridge level. This too would make the roofline appear bulky and discordant".

To this end the current application has been redesigned to incorporate mock-Tudor features, front porch extension which would be located centrally within the principal façade and projecting two storey front element with hipped roof to replicate yet appear subservient to the existing two storey front element.

The current scheme as was the case with the previously refused application proposes a distance of 1m be maintained to the boundary. In the previous Appeal Decision the Inspector stated "other examples of extension close to the boundary have been provided, and within the variety of the area, there are other examples of some of the features now proposed. Not all are entirely successful, and each case must be considered on its merits. In this case, the combination of height and depth lead to the feeling of unrelieved bulk that would appear out of place within, and damaging to, the well detailed variety of the road. The proposals would fail to preserve the character and appearance of the Chislehurst Conservation Area...and would not satisfy the requirements of Unitary Development Plan Policies BE1 and BE11 on the standard of development, and Policies H7 and H8 on maintaining gaps where they contribute to the character of the area".

The proposed flank elevation has been altered somewhat in the current proposal incorporating mock-Tudor features for the 3.8m of the first floor closest to the front elevation which adds some detailing to the side elevation. The roof of the flank elevation has also been altered and partly decreased in height reducing the bulk of the proposal. However, the depth of the proposal has been increased by 1m from the previously refused scheme; Members are therefore asked to consider whether this overcomes the Planning Inspectors previous concerns in relation to the “unrelieved bulk” of the proposal. While as the Inspector states there are examples in the area where properties have been constructed in close proximity to the boundary, Members are asked to consider whether retaining a 1m distance to the boundary is acceptable in this instance given its location within the Chislehurst Conservation Area generally recognised as an area where higher spatial standards exist.

In the Appeal Decision for the previously refused application 11/00473/FULL6, the Planning Inspector states “having mind to the Council’s 1m guidance in Policy H9, that is a distance that can be increased if higher spatial standards exist as here, but appears to be considered sufficient in terms of privacy and amenity for buildings of two or more storeys...In planning terms the conclusion is that no real harm would occur to the living conditions of the neighbouring residential occupiers and that the aims of Policy H9 would be satisfied”.

While the previous application was dismissed at appeal the Planning Inspector concluded that the “extension would be sufficiently far from the mutual boundary as to retain a reasonable contribution of light through secondary windows to habitable rooms next door”. The windows on the flank elevation of the adjoining property The Squirrels are as the Planning Inspector notes “subsidiary to the main front and back lighting and would retain a feeling of light and space outside”.

The current proposal is similar in scale to the previously refused application but would project 1m beyond the principal elevation whereas the previously refused scheme was flush with the principal elevation of the original dwellinghouse. However, given the orientation of the site with south facing front elevations; the 1m distance proposed to be retained to the boundary and the fact the windows located in the first floor flank elevation of The Squirrels are also set back from the boundary the proposal is not anticipated to result in a significant impact on the residential amenities for the occupants of The Squirrels to such an extent as to warrant refusal. A window is proposed in the flank elevation close to the boundary with Firbeck, however, to limit the impact in terms of loss of privacy or sense of overlooking for Firbeck a condition could be attached to ensure this window would be fixed and obscure glazed.

Having had regard to the above it was considered that the development in the manner proposed constitutes an improvement on the previous scheme in terms of its design and impact on the residential amenities of adjoining properties, however, Members are requested to consider whether the overall increase in bulk in relation to the boundary and side space available is satisfactory in this instance or whether it would impact detrimentally on the character of the Conservation Area.

Background papers referred to during production of this report comprise all correspondence on files refs. 11/02967 and 11/00473, excluding exempt information.

RECOMMENDATION: MEMBERS VIEWS ARE REQUESTED

- | | | | |
|---|--------|--|-------------------------------------|
| 0 | D00002 | If Members are minded to grant planning permission the following conditions are suggested: | |
| 1 | ACA01 | Commencement of development within 3 yrs | |
| | ACA01R | A01 Reason 3 years | |
| 2 | ACC02 | Sample brickwork panel | |
| | ACC02R | Reason C02 | |
| 3 | ACC03 | Details of windows | |
| | ACC03R | Reason C03 | |
| 4 | ACH03 | Satisfactory parking - full application | |
| | ACH03R | Reason H03 | |
| 5 | ACI09 | Side space (1 metre) (1 insert) | eastern |
| | ACI09R | Reason I09 | |
| 6 | ACI11 | Obscure glaz'g/details of opening (1 in) | in the first floor flank elevations |
| | ACI11R | Reason I11 (1 insert) | BE1 |
| 7 | ACK01 | Compliance with submitted plan | |

Reason: In the interests of the visual amenities of the area and the residential amenities of the neighbouring properties, in line with Policies BE1 and H8 of the Unitary Development Plan.

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
- BE11 Conservation Areas
- H8 Residential Extensions
- H9 Side Space

Supplementary Planning Guidance: Chislehurst Conservation Areas

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 Conservation Area;
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties;

and having regard to all other matters raised.

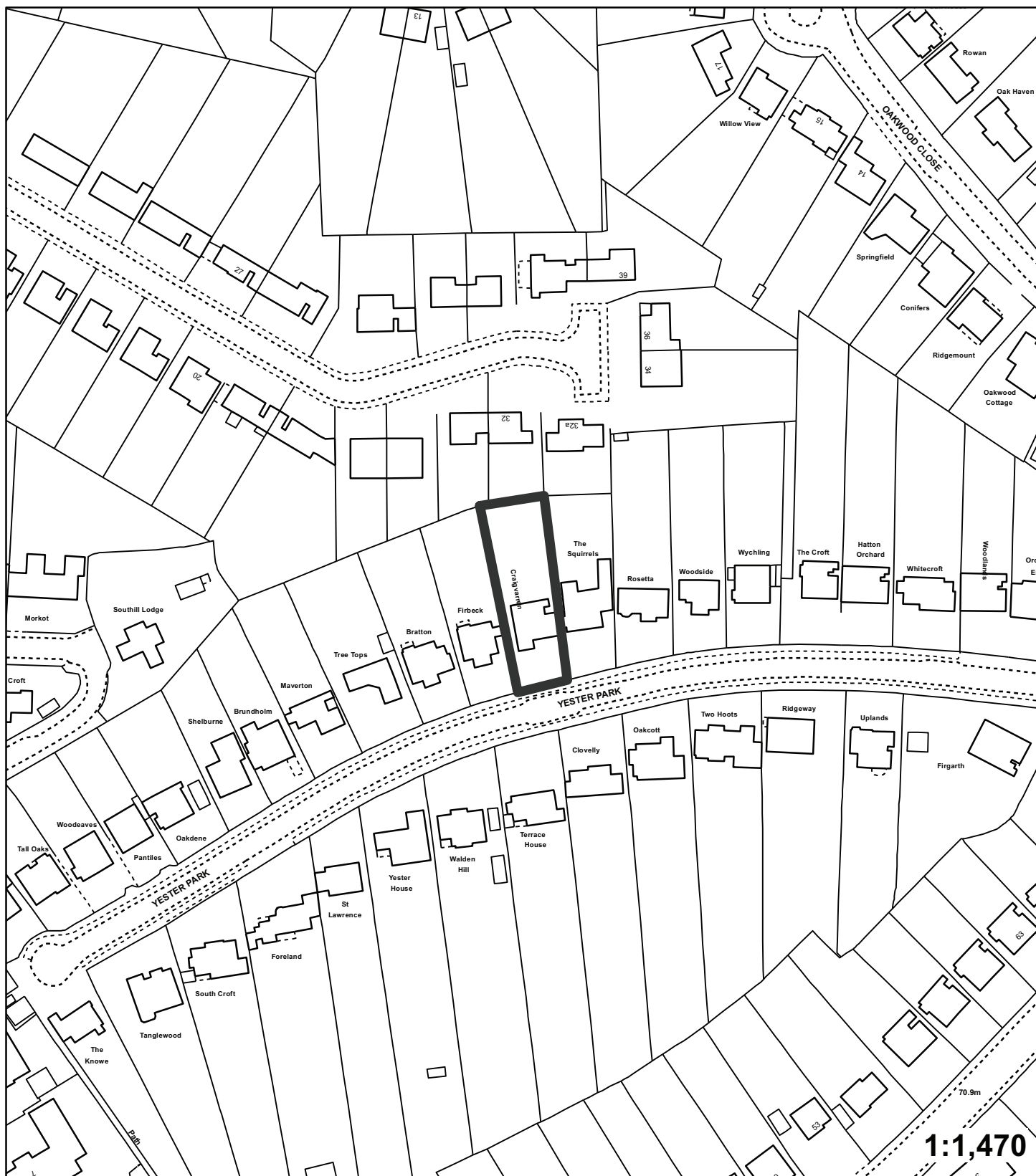
D00003 If Members are minded to refuse planning permission the following grounds are suggested:

- 1 The proposed two storey extension would, by reason of its proximity to the flank boundary, constitute a cramped form of development resulting in harm to the visual amenities of the street scene and the retrograde lowering of the spatial standards of the area, failing to preserve or enhance the character and appearance of the Conservation Area, thereby contrary

Application:11/02967/FULL6

Address: Craigvarren Yester Park Chislehurst BR7 5DQ

Proposal: Two storey front/side/rear extension, front porch, additional vehicular access and hard standing



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SECTION '2' – Applications meriting special consideration

Application No : 11/03103/FULL1

Ward:
Kelsey And Eden Park

Address : Meadowbrook 12 Kemerton Road
Beckenham BR3 6AD

OS Grid Ref: E: 538065 N: 169082

Applicant : Mr. S. Steventon And Co Ltd

Objections : YES

Description of Development:

Three storey block with accommodation in roof comprising 12 two bedroom and 2 three bedroom flats including basement for 16 car parking spaces/ bicycle parking (retention of building with revised siting from that permitted under refs. 09/01141 and 09/02956, including revised external materials, ramp and balcony balustrades, and provision of entrance gates)

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Tree Preservation Order

Proposal

Outline planning permission was granted in September 2009 for a three storey block with accommodation in roof comprising 12 two bedroom and 2 three bedroom flats with a basement for 16 car parking spaces and bicycle parking (ref.09/01141). Detailed approval of landscaping and appearance was subsequently granted in January 2010 (ref. 09/02956).

The building has now been erected, however the siting of the building is not as approved. The eastern corner of the building is approx. 4m further from the boundary with the nearest property fronting Oakhill Avenue and the south corner is approx. 3.2m closer to the boundary with No. 10 Kemerton Road. The west corner of the building is approx. 1m north of the approved siting and the north corner is approx. 2m south-east of the approved siting.

The scheme has also been revised as follows:

- front timber entrance gates will be provided
- revised location of entrance ramp and removal of tunnel

- glass balustrades to the balconies rather than steel railings
- 'mellowing' treatment for the roof tiles involving a mixture of soot, water, yoghurt and cow dung being matured for two weeks before being painted onto the tiles to provide instant weathering / ageing.

The application is accompanied by a design and access statement which includes the following comments:

- choice of materials is in keeping with the surrounding area
- there are restricted views of the property because of the foreground flats in Kemerton Road and the surrounding tree vegetation
- key views are from Oakhill residents abutting the site but they are looking at a new building in an isolated context and tiles relate well to chosen yellow London stock brick
- from Oakhill Road there is a wide range of bricks and tiles – many of the Victorian houses have brick elevations with a similar orange colour to the new roof – the orange looks particularly good against the verdant green trees surrounding the site.

Location

The appeal site is located on the southern side of Kemerton Road, Beckenham, which is a residential cul-de-sac linking to Wickham Road. The site is irregular in shape with a frontage to Kemerton Road and it adjoins the rear gardens of semi-detached properties fronting Oakhill Avenue along its north-west boundary. Kemerton Road comprises a variety of detached and semi-detached houses and modern purpose built blocks of flats and the wider area comprises a similar mixture of development.

Comments from Local Residents

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

- out of character
- excessive bulk and scale
- block extends further into rear of site / successive planning applications over many years have resulted in building being moved further back into site beyond rear building line of adjacent properties fronting Kemerton Road
- roof tiles out of character with area / slate tiles should have been used as indicated on approved plans / Council should insist on slate tiles
- proposal for 'mellowing' of roof tiles is a ridiculous solution
- breach of condition notice in respect of disapproved roof tiles should be served / stance on disapproved roof tiles should be maintained
- construction of building without planning consent and with use of alternative materials is a dereliction of the Council's responsibility
- concern at how matters are being handled, particularly given applicant's acquisition of adjacent site (Little Orchard)
- developer has been able to act as they wish

- misleading quotes from previous Inspector's reports
- applicant has disregarded opinions of local residents
- lack of consultation
- building should be demolished and rebuilt in a less harmful form
- better ways of using land for homes
- reduction in value of adjacent properties
- entrance gates will deter on-site car parking / entrance gates are unnecessary
- overlooking of Oakhill Road properties
- overlooking and loss of privacy at No. 10 Kemerton Road / increased overlooking as scheme has evolved / no other blocks on Kemerton Road overlook neighbouring properties to the same extent / revised siting increases overlooking / overlooking of Oakhill Road properties should not be considered more relevant than that of No. 10 Kemerton Road because there are more adjoining properties on Oakhill Road
- screening to adjoining properties is required / appropriate landscaping scheme should be provided
- no room for additional trees as building has been moved closer to Oakhill Avenue
- increased traffic / increased demand for on-street car parking
- larger vehicles will have problems accessing site
- difficulties in vehicles turning at end of Kemerton Road
- noise and light pollution at No. 10 Kemerton Road / increased disturbance from re-sited access ramp and removal of tunnel / car headlights will shine directly into No. 10
- disturbance from vibration at No. 10 Kemerton Road
- pollution from car fumes at No. 10 Kemerton Road / entrance gates will cause vehicles to stop and increase pollution
- main bedroom at No. 10 Kemerton Road is directly above access ramp
- intercom should be placed within site and not on Council owned land
- boundary fence has been erected 2m inside site boundary
- damage to lime tree subject to Tree Preservation Order to front of site.

Comments from Consultees

Environmental Health – no objections.

Highways – no objections.

Waste Advisors – no objections

Sustainable Transport (cycle parking) – no objections.

Planning Considerations

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

UDP

T1 Transport Demand

T2 Assessment of Transport Effects
T3 Parking
T5 Access for People with Restricted Mobility
T7 Cyclists
T18 Road Safety
H7 Housing Density and Design
BE1 Design of New Development
ER8 Noise pollution

London Plan

2.7 Outer London Economy
3.3 Increasing housing supply
3.4 Optimising housing potential
3.5 Quality and design of housing developments
3.6 Children and Young Peoples Play and Informal Recreation Facilities
3.8 Housing choice
3.9 Mixed and balanced communities
5.3 Sustainable Design and Construction
6.9 Cycling
6.13 Parking
7.1 Building London's neighbourhoods and communities
7.2 An inclusive environment
7.4 Local character
7.6 Architecture
7.21 Trees and Woodland.

Details of materials to comply with condition 4 of planning permission ref. 09/01141 were submitted retrospectively in June 2011 and were referred to Plans Sub Committee 2 on 18 August 2011 following complaints from local residents regarding the colour of the roof tiles. Members resolved that the details of materials be disapproved and a breach of condition notice be served. Discussions subsequently took place between the applicant and Council Officers and the applicant advised that they would be submitting a full planning application to seek to regularise the unauthorised siting of the building. The breach of condition notice was not served immediately as proceedings would have been halted pending determination of the planning application. The applicant is proposing a 'mellowing' treatment for the roof tiles to seek to address concerns regarding their colour.

Planning History

The recent planning history relating to the site is as follows:

- 01/01400/OUT – Three storey block with accommodation in roof comprising 12 two bedroom and 2 three bedroom flats and 21 car parking spaces refused planning permission on grounds of overdevelopment, harm to residential amenities, lack of affordable housing and inadequate parking in November 2001 – dismissed at appeal in April 2002 on grounds of harm to character and appearance
- 02/00354/FULL1 - Three storey block with accommodation in roof comprising 12 two bedroom and 2 three bedroom flats with 12 single and 2

double garages and 5 car parking spaces refused planning permission on grounds of overdevelopment, harm to residential amenities and inadequate car parking in February 2003 – dismissed at appeal in July 2003 on grounds of harm to character and appearance including visual impact from Oakhill Road properties

- 02/04386/FULL1 – Three storey block with accommodation in roof comprising 12 two bedroom and 2 three bedroom flats with 12 single and 2 double garages and 5 car parking spaces refused planning permission on grounds of overdevelopment, harm to residential amenities and inadequate car parking in February 2003 – dismissed at appeal in July 2003 on grounds of harm to character and appearance
- 03/04596/FULL1 – Part two/three/four storey block comprising 14 two bedroom flats with 10 single and 3 double garages and 4 car parking spaces refused planning permission on grounds of harm to the character of the area in March 2004 – dismissed at appeal in March 2005 on grounds of harm to character and appearance
- 05/01707/OUT – Three storey block comprising 8 two bedroom and 4 three bedroom flats with 18 car parking spaces granted planning permission in October 2005
- 05/02710/OUT – Three storey block with accommodation in roof comprising 14 flats with 18 car parking spaces refused planning permission on grounds of harm to character and residential amenities in October 2005
- 06/00157/OUT – Three storey block with accommodation in roof comprising 12 two bedroom and 2 three bedroom flats with 21 car parking spaces refused planning permission on grounds of overdevelopment harmful to character and residential amenities in March 2006 – allowed at appeal in December 2006
- 06/00170/OUT – Two/three storey block comprising 12 two bedroom and 2 three bedroom flats with 21 car parking spaces refused planning permission on grounds of overdevelopment harmful to character and residential amenities in March 2006
- 07/04661/FULL1 – Three storey block with accommodation in roof comprising 12 two bedroom and 2 three bedroom flats with 12 single garages, 2 double garages and 5 car parking spaces refused planning permission on grounds of harm to character and residential amenities by reason of siting and design in February 2008 – allowed at appeal in September 2008
- 09/01141/OUT - Three storey block with accommodation in roof comprising 12 two bedroom and 2 three bedroom flats and including basement for 16 car parking spaces/ bicycle parking granted planning permission in September 2009
- 09/02956 - Details of landscaping and appearance pursuant to outline permission ref 09/01141/OUT granted for three storey block with accommodation in roof comprising 12 two bedroom and 2 three bedroom flats and including basement for 16 car parking spaces/ bicycle parking approved in January 2010

An application has also been submitted seeking approval of the revised siting of the block as a minor material amendment to the previously approved scheme

(application ref. 11/03152). At the time of writing it is anticipated that the application will be refused under delegated authority as the siting of the block is considered materially different from that approved.

Conclusions

The principle of the development has been established through the most recent planning permissions therefore the main issues to be considered in this case are the highways implications of the entrance gates and the impact of the following on the character and residential amenities of the area:

- The applicant has submitted a plan illustrating the revised siting revised siting of the building
- revised siting of entrance ramp and removal of tunnel
- roof tiles with 'mellowing' treatment to create a weathering and aging effect
- glass balcony balustrades in place of steel railings
- timber entrance gates.

of the block compared to the siting approved under application ref 09/02956. The block has been twisted away from the rear boundaries of properties fronting Oakhill Avenue and the overall impact of overlooking of these properties is reduced. The block has been twisted closer to the boundary with No. 10 Kemerton Road but there remains a substantial separation where the boundary tapers away from the block and where the shift in its orientation is most significant. The block has been moved approx. 0.8m closer to the side wall of No. 10 Kemerton Road where there is a bedroom window, however the scheme approved at appeal in 2007 (LBB ref. 07/04661) included windows in similar proximity.

The entrance ramp has been shifted slightly away from the boundary with No. 10 Kemerton Road and there will be a brick wall 1.1m above ground level to reduce its noise impact. The entrance to the previously proposed tunnel would have been in line with the rear of No. 10 Kemerton Road and the revised arrangement may be preferable in that noise will occur in a more open environment rather than reverberating in the tunnel and emanating from its entrance where it will affect the closest rooms at No. 10 Kemerton Road.

The proposal to apply a 'mellowing' treatment to the roof tiles should result in a weathering and aging effect which will darken their appearance and address concerns regarding the impact of their colour on the character and appearance of the area.

The front entrance gates will not result in any adverse highways impacts and are considered acceptable in terms of the character of the area. The glass balcony balustrades are also considered acceptable in terms of the character of the area.

The revised scheme as built is not considered to result in any undue harm to the character and residential amenities of the area.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACA07 Boundary enclosure - no detail submitted
 ACA07R Reason A07
- 3 ACB01 Trees to be retained during building op.
 ACB01R Reason B01
- 4 ACH03 Satisfactory parking - full application
 ACH03R Reason H03
- 5 ACH23 Lighting scheme for access/parking
 ACH23R Reason H23
- 6 The bicycle parking hereby approved shall be implemented in accordance with the approved details and the bicycle parking facilities shall be permanently retained thereafter.

Reason: In order to comply with Policy T7 and Appendix II.7 of the Unitary Development Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 7 The arrangements for storage of refuse and recyclable materials hereby approved shall be completed before any part of the development hereby permitted is first occupied and shall be permanently retained thereafter.

Reason; In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 8 Details of the 'mellowing' treatment of the roof tiles shall be submitted to and approved in writing by the Local Planning Authority and the treatment 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 interests of the visual amenities of the area.

Reasons for permission:

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

UDP

- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T7 Cyclists
- T18 Road Safety
- H7 Housing Density and Design
- BE1 Design of New Development
- ER8 Noise pollution
- ER13 Foul and Surface Water Discharge from Development

London Plan

- 2.7 Outer London Economy
- 3.3 Increasing housing supply

- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and Young Peoples Play and Informal Recreation Facilities
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 5.3 Sustainable Design and Construction
- 5.13 Sustainable Drainage
- 6.9 Cycling
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.4 Local character
- 7.6 Architecture
- 7.21 Trees and Woodland.

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

- (a) the appearance of the development in the street scene
- (b) the relationship of the development to adjacent property
- (c) the impact on the amenities of the occupiers of adjacent and nearby properties
- (d) the safety of pedestrians and motorists on the adjacent highway
- (e) accessibility to buildings
- (f) the housing policies of the development plan
- (g) the design policies of the development plan
- (h) the transport policies of the development plan

and having regard to all other matters raised.

Application:11/03103/FULL1

Address: Meadowbrook 12 Kemerton Road Beckenham BR3 6AD

Proposal: Three storey block with accommodation in roof comprising 12 two bedroom and 2 three bedroom flats including basement for 16 car parking spaces/ bicycle parking (retention of building with revised siting from that permitted under refs. 09/01141 and 09/02956, including revised



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SECTION '2' – Applications meriting special consideration

Application No : 11/03134/FULL6

Ward:
Farnborough And Crofton

Address : 22 Grasmere Gardens Orpington BR6
8HE

OS Grid Ref: E: 543637 N: 165369

Applicant : Mr James Waite

Objections : NO

Description of Development:

Two storey side extension

Proposal

- It is proposed to add a two storey side extension to the southern side of the dwelling, which would measure 3.8m in width
- The extension would be set back 2m from the side boundary at the front, increasing to 3.37m at the rear
- The pitched roof would match the roofline of the existing house.

Location

This two storey semi-detached property is located on a corner plot on the northern side of Grasmere Gardens at the junction with Grasmere Road and Grasmere Avenue. It currently maintains a separation to the southern flank boundary of between 5.8m and 7m.

Comments from Local Residents

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

Planning Considerations

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

BE1 Design of New Development
H8 Residential Extensions
H9 Side Space

Planning History

Permission was refused in February 2011 (ref.10/03343) for a two storey side extension to this property on the following grounds:

The proposed extension would, by reason of its size, bulk and close proximity to the side boundary, result in a cramped form of development on this prominent corner site, detrimental to the visual amenities of the street scene and the character of the surrounding area, thereby contrary to Policies H8 and BE1 of the Unitary Development Plan.

The subsequent appeal was dismissed in March 2011 wherein the Inspector considered that the proposals would cause significant harm to the visual amenities of the street scene.

Conclusions

The main issues in this case are the impact of the revised proposals on the visual amenities of the street scene, and on the amenities of neighbouring residential properties.

The main difference between the current proposals and the scheme dismissed on appeal is that the rear part of the side extension which projected approximately 0.6m further to the side with a lower roofline has now been deleted, thereby increasing the side space provided towards the rear of the extension to a maximum 3.37m rather than 2.75m. However, the extension would still provide only a 2m separation to the side boundary at the front, and the majority of the extension would still fall within 3m of the side boundary.

In dismissing the previous appeal, the Inspector considered that the extension would project forward of the established building line of housing to the east, and in doing so, would result in a prominent form of development which would appear incongruous in the street scene. He also considered that due to the bulk of the proposed side extension, the proposals would unbalance the appearance of the design of the pair of houses which are in a prominent location. He concluded that the proposed development would appear out of place and prominent, and would cause significant harm to the visual amenities and character of the street scene.

The current proposals would provide a slightly greater separation to the side boundary, and would appear marginally less bulky, however, the extension would still project forward of the general building line to the east, and would still unbalance the pair of dwellings. It is considered that the extension would still appear bulky and over-prominent within the street scene, and would thus be detrimental to the character of the surrounding area.

With regard to the impact on residential amenity, the extensions are confined to the southern side of the dwelling, and would not have a detrimental impact on the amenities of nearby residents.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/03343 and 11/03134, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The proposed extension would, by reason of its size, bulk and close proximity to the side boundary, result in a cramped form of development on this prominent corner site and would unbalance this pair of dwellings, which would be detrimental to the visual amenities of the street scene and the character of the surrounding area, thereby contrary to Policies H8, H9 and BE1 of the Unitary Development Plan.

Application:11/03134/FULL6

Address: 22 Grasmere Gardens Orpington BR6 8HE

Proposal: Two storey side extension



Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 11/01535/FULL6

Ward:
Chislehurst

Address : 3 Islehurst Close Chislehurst BR7 5QU

OS Grid Ref: E: 543476 N: 169536

Applicant : Mr R Sandu

Objections : YES

Description of Development:

Two storey side extension
(DETACHED GARAGE REMOVED FROM SCHEME)

Key designations:

Conservation Area: Chislehurst
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Tree Preservation Order

This application was deferred by Members at the 15th September Plans Sub Committee meeting in order to seek changes to the siting of the detached garage. The detached garage has been removed in its entirety from this application (to be submitted under a separate application), and therefore Members need only assess the proposed extension to the existing dwelling. The previous report is repeated below with necessary revisions.

Proposal

Planning permission is sought to enlarge the existing property with a two storey side extension erected to the south of the existing dwelling which will project a maximum 6.9m in width and occupy an existing recess. A hipped roof is proposed above this extension which will link on to the existing roof but whose ridge height will be lower. The extension will be inset from the existing frontage by approximately 0.9m.

Location

The application site is located within a cul-de-sac of 9 detached houses situated within the Chislehurst Conservation Area. The Close contains two early Twentieth Century "Arts and Crafts" dwellings at the junction with Summer Hill with the remaining seven, including the application dwelling, being of more modern design,

and characterised by the predominant use of red brick and their cat-slide roofs. The application site is the largest of the plots at 0.14ha with the host dwelling linked to No 2 through the garage.

Comments from Local Residents

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

- extension will appear out of character with the rest of the Close
- site is too small to accommodate the proposed extension
- loss of light to rear of neighbouring property
- proposed detached garage will appear dominant within the streetscene and obstruct views within the close
- loss of prospect
- oppressive form of development
- overdevelopment of relatively small area of land
- proposal will improve house and enhance the neighbourhood
- revised plans do not overcome existing concerns
- applicant has had numerous chances to revise the scheme
- loss of prospect due to hedge within the application site
- concerns at access arrangements

Objections have also been raised by Chislehurst Society on the basis of inconsistencies in the roof elevation drawings, although revised plans has since been received affecting that element.

Comments from Consultees

No technical Highways objections raised, although layout of the crossover will need to be agreed by Area Management.

Planning Considerations

Policies BE1, 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 which complements the qualities of the surrounding area; to safeguard the amenities of neighbouring properties; and to ensure that new development preserves or enhances conservation areas.

No objection has been raised by the Tree Officer given the separation between the proposed extension and the cedar tree located to the south western corner of the site.

Planning History

Under ref. 03/03182, the Council refused planning permission for a detached two storey house to the side of the application dwelling at No 3 Isleworth Close. Under ref. 05/00197 planning permission was refused for the re-contouring of the front,

side and rear of the garden. The latter application was refused on the basis that the recontouring of the garden would prejudice the retention and well-being of two trees protected by a Tree Preservation Order.

Conclusions

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

It is considered that the proposed two storey side extension will maintain a subservient appearance in relation to the host building with its roof line set lower down in relation to the existing structure and the frontage inset by 0.9m. Its design will maintain a similar design to the host building with the existing cat-slide feature maintained and the extension roof pitch incorporating a similar angle to the cat slide roof. Given the size of the plot and the location of the extension it is considered that the proposed addition could be comfortably accommodated without appearing unduly prominent. Furthermore, open views will continue to be maintained to much of the side and rear of the dwelling.

Background papers referred to during production of this report comprise all correspondence on file refs: 03/03181, 05/00197 and 11/01535, excluding exempt information.

as amended by documents received on 18.08.2011 12.10.2011

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | |
|---|--------|--|
| 1 | ACA01 | Commencement of development within 3 yrs |
| | ACA01R | A01 Reason 3 years |
| 2 | ACA04 | Landscaping Scheme - full app no details |
| | ACA04R | Reason A04 |
| 3 | ACC01 | Satisfactory materials (ext'nl surfaces) |
| | ACC01R | Reason C01 |

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
- BE11 Conservation Areas
- H8 Residential Extensions

The development is considered satisfactory in relation to the following:

- (a) the appearance of the development in the street scene;
- (b) the relation of the development to the adjacent properties;

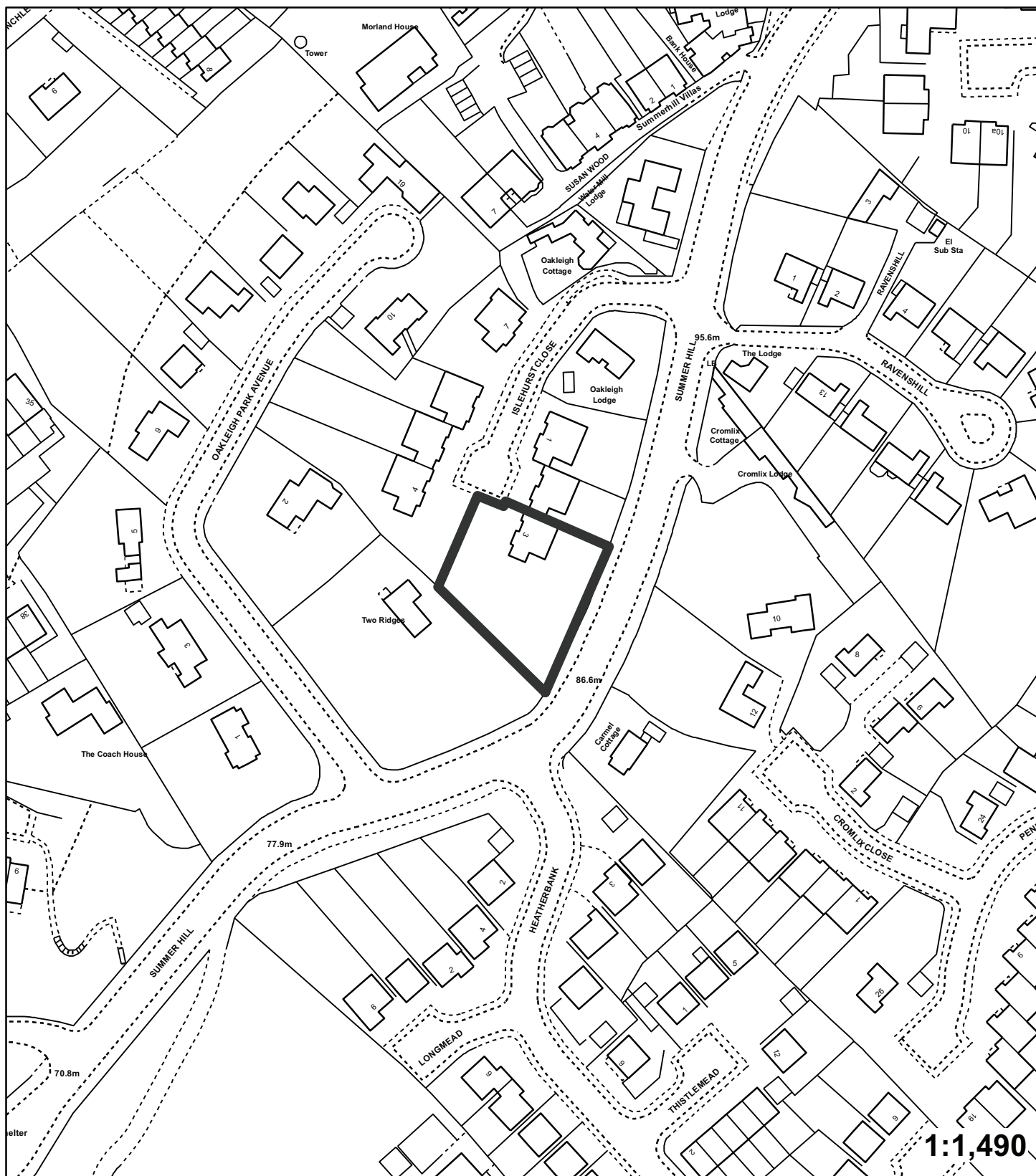
- (c) the character of the development in the Conservation Area;
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (e) the light and outlook of occupiers of adjacent and nearby properties;
- (f) the privacy of occupiers of adjacent and nearby properties

and having regard to all other matters raised.

Application:11/01535/FULL6

Address: 3 Islehurst Close Chislehurst BR7 5QU

Proposal: Two storey side extension
(DETACHED GARAGE REMOVED FROM SCHEME)



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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 11/02727/FULL1

Ward:
Darwin

Address : Angas Convalescent Home Church
Approach Cudham Sevenoaks TN14
7QF

OS Grid Ref: E: 544767 N: 159978

Applicant : Angas House Cudham

Objections : YES

Description of Development:

Demolition of two storey part of Angas House, erection of single storey extension, elevational alterations and conversion to nine bedroom house. First floor extension, elevational alterations and conversion of Coach House to three bedroom and four bedroom houses. Demolition of single storey part of Rose Cottage, erection of part one/ two storey extension and conversion to four bedroom house. Detached double and triple garages. Removal of hardstandings, laying out of new driveways and hardstandings

Key designations:

Conservation Area: Cudham Village
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
London City Airport Safeguarding Birds
Locally Listed Building

Proposal

It is proposed to extend and convert the existing buildings on this site from a residential care home to form a total of 4 private dwellings, each with a residential curtilage. The full details of the proposed works are as follows.

Main house (Angas House):

It is proposed to convert the main house on the site to form a 9 bedroom dwelling, and to demolish the existing two storey rear addition (floorspace approx. 344m²) and construct a single storey extension rear measuring 12m in width, 6.6m in depth and with a height of 7m to top of roof lantern (floorspace approx. 79m²).

Coach House:

The Coach House will be converted to form 1 three bedroom and 1 four bedroom house, including a first floor rear extension including three rear dormers at first floor level. The extension will result in an additional floorspace of approx. 55.5m². The plans indicate that the extension will be of similar appearance to the existing building.

Rose Cottage:

It is proposed to demolish an existing single storey part of Rose Cottage, between the dwelling and the existing glass house (floorspace approx. 63m²) and the erection of a part one/ two storey side extension (floorspace approx. 98.22m²) and to convert the building to form a four bedroom house. The plans indicate that the extension will be of similar appearance to the existing building.

Other works:

As part of the works, a significant amount of hard surfacing will be removed from the site, including an area in front of Angus House, and a large area between it and Rose Cottage, running in front of the Coach House. Several detached outbuildings would also be removed. These works are detailed on the proposed site plan drawings which have been submitted as part of the application.

A new driveway will be constructed, branching off from the existing driveway and running alongside the western site boundary and towards the Coach House and Rose Cottage to serve these properties. It is indicated that the driveway will be surfaced in pea shingle. An amended site plan was received 6th November 2011, which indicates an alteration to the route of the driveway to serve the Coach House and Rose Cottage to allow a group of trees adjacent to the western site boundary to be retained.

A detached triple garage will be constructed to serve Angus House located to the south of the house, measuring approx. 12.9m x 7m and with a height of 6.2m to the top of the dovecote cupola (footprint of 90.3m²) and in addition a detached double garage to the west of the Coach House, measuring approx. 7m x 7m and with a height of 4.8m (footprint of 49m²) and comprising one garage each for the 2 new dwellings to be formed within that building.

The proposal will result a reduction in floorspace of approx. 35m² across the whole site (not including outbuildings or hardstanding – the full details of which have not been provided).

The applicants have submitted a Design and Access Statement, which makes the following points in support of the proposal:

- property is vacant and in bad state of repair having been vacated by the NHS for some time since no longer meeting current requirements for the provision of residential care
- the buildings have been the subject of theft and are gradually deteriorating in condition

- a re-provision programme is underway for the residential care – the disposal of Angas House is intended to assist in funding this
- proposal is to convert the site to private residential use, with 4 separate dwellings
- Angas House would be converted to form a magnificent family mansion in extensive grounds, with the existing flat roof extension (added when the property was converted to a Seamen's Mission) which is derelict and of no architectural merit to be demolished and replaced with a single storey living room in an orangery style
- the house still contains many original features, all of which are to be retained and renovated
- the former Coach House would utilise the courtyard to become 2 family houses - this building has been institutionalised and retains no original features internally
- Rose Cottage would be converted to and renovated to become a 4 bedroom family home with private garden. Recent additions would be demolished and a more rational layout provided
- the development would result in a reduction in gross floor area across the three buildings
- all materials will match existing and be in keeping with the character of the properties
- proposal seeks to establish the redevelopment of derelict previously used land with a residential land use in accordance with policy
- it is unlikely that the use of the building as a residential care home could be resumed as the building does not meet current standards – a more suitable use needs to be considered in order to preserve the site and worthy buildings
- key considerations will be the scale and form of the development and the impact it would have on residential amenity and the appearance and character of the area
- the number of units totals 4 which responds the constraints of the local environment, Green Belt and the limitations of the buildings themselves
- new homes will be formed largely within the confines of the existing buildings
- extensions would be of a high quality design and complement the scale, form, layout and materials of the existing buildings and surrounding gardens
- existing structures (garages, sheds, and outbuildings) located on the south-west side of the site are proposed to be removed to demonstrate benefits to the openness of the Green Belt
- layout of the scheme is dictated by the existing site with individual private gardens provided for each unit in relation to their size and importance
- the conversion of the site to 4 dwellings would reduce the number of trips over that historically existing and it is considered that mitigation measures to improve the junction would not be necessary
- parking and garaging will be provided for each dwelling, with a new driveway to serve the Coach House and Rose Cottage
- much of the existing hard surfacing will be broken up and returned to soft landscaping resulting in a 20% reduction in paved area of benefit to the Green Belt

- due to size of site (in excess of 0.4ha) the site could theoretically incorporate affordable housing, however due to the Green Belt location and the cost of refurbishing the existing buildings this would be unviable
- the bringing of the buildings back into use would protect them for the foreseeable future and ensure the maintenance of the grounds, which would have a positive benefit on the Green Belt and the Conservation Area

The application is also accompanied by a Heritage Statement in accordance with the requirements of PPS 5 'Planning for the Historic Environment'.

Location

The application site is located in Cudham, and comprises a 3ha site accessed from Church Approach via a relatively long access road. The site comprises a substantial two/three storey detached gothic revival house (Angas House) which is locally listed, originally constructed as a vicarage in approx. 1880, and subsequently used as a sailors' convalescent home and more recently as a residential institution (Class C2) being run by the NHS. To the south is the former stable block (Coach House), a two storey building which appears to have been converted to residential accommodation, and beyond is a detached two storey flint/brick cottage (Rose Cottage) with attached glass house. Since the NHS left the site several years ago, the entire complex has been vacant and allowed to fall into a state of disrepair.

The site falls within the Cudham Village Conservation Area, and is located within the Green Belt.

Comments from Local Residents

Nearby owner/occupiers were notified of the application by letter, a site notice was displayed and an advert published in the local press. Several comments were submitted in support of the application, which can be summarised as follows:

- sympathetic design
- restoration of derelict building
- not overdeveloped – best possible use is as proposed
- only viable use for the site is to become residential

Comments from Consultees

The Council's in-house drainage advisor commented that there are no public foul sewers in the vicinity of the site and that the application should be referred to the Environment Agency as foul drainage would be to septic tank or cesspool. The imposition of standard condition D06 (SUDS) was also requested. In response the applicant has confirmed that the entire site is connected to mains drainage.

From the conservation point of view, the re-use of the main building is welcomed as it will secure the future of the heritage asset. The extension to be demolished is a later addition and abuts the main house in an uncomfortable manner. No objections are raised to its demolition therefore, while the other

alterations/additions to the other buildings on the site are also considered to be acceptable.

With regard to trees, it is advised that no significant trees would be affected by the proposal. A number of trees have been removed from the site already (adjacent to the main house) having been agreed by the Council following a S.211 notice.

Thames Water raised no objection to the proposal, and recommended an informative concerning water pressure.

The Metropolitan Police Crime Prevention Design Advisor requested that the standard 'Secured by Design' condition be imposed.

The application was referred to the Advisory Panel for Conservation Areas (APCA) whom commented as follows:

- no objection to works to main house, subject to strict attention to matching materials, joinery etc.
- objection to works to Coach House and Rose Cottage, which are considered to be of insufficient quality of design and oversized in relation to the host buildings

Highways raise no objection to the proposal on balance, on the basis that the main house will not be used for multiple dwellings. Standard conditions are recommended.

The Environment Agency object to the application on the basis that there is insufficient information to demonstrate that the risk of pollution to Controlled Waters is acceptable. The applicant has been made aware of this and has submitted a Phase 1 desktop study in response (received 24th November 2011). Any further comments in light of this information will be reported verbally at the meeting.

Planning Considerations

The application should be considered against the following policies:

Unitary Development Plan

- BE1 Design of New Development
- BE10 Locally Listed Buildings
- BE11 Conservation Areas
- H7 Housing Density and Design
- H12 Conversion of Non-Residential Buildings to Residential Use
- C2 Community Facilities
- G1 The Green Belt
- T3 Parking
- T18 Road Safety

The London Plan

7.16 Green Belt

National Planning Guidance

PPG2 Green Belts

PPS 5 Planning for the Historic Environment

Planning History

There is extensive planning history relating to the site. Under ref. 93/02064 planning permission was granted for the change of use of the stable block to residential accommodation. Under ref. 03/01635 an application was submitted seeking permission for the change of use of Angas House from a residential institution (Class C2) to training and development centre (Class D1). This application was withdrawn prior to determination.

Conclusions

The main issues for consideration in this case will be the impact of the proposed change of use of the buildings on the site from a residential care home to form 4 dwellings each with a residential curtilage, together with the extensions, detached garages and associated works, upon the openness and rural character of the Green Belt, the character, appearance and special interest and setting of the locally listed building, and the character and appearance of the Conservation Area. Further considerations will include the impact to conditions of highway safety arising from the change of use, the impact to trees within the site and the possible impact to the amenities of residential properties surrounding the site.

Concerning the impact of the proposal to the openness and rural character of the Green Belt, PPG 2 advises that the re-use of buildings in the Green Belt is not inappropriate provided that it does not have a materially greater impact than the present use on the openness of the Green Belt. PPG 2 further advises that the alternative to re-use may be a building that is left vacant and prone to vandalism and dereliction. In this case the proposed residential use would be similar in nature to the existing use of the site as a residential care home, and would result in the re-use of an existing complex of buildings which, having been vacated by the NHS some time ago have been left to deteriorate. Whilst the proposal will involve extensions to Angas House, the Coach House and Rose Cottage, together with additional outbuildings in the form of a detached triple and double garage, it will actually result in a net reduction of floorspace over the whole site taking account of the removal of the existing two storey extension to the rear of Angas House. In addition, a large area of hardstanding will be removed from the site, together with a number of disused outbuildings.

As a consequence the proposed use of the site would not result in a materially greater impact to the openness of the Green Belt and may be considered to comply with PPG 2. Since each dwelling is to be provided with a separate curtilage however, it would be reasonable to impose a condition removing permitted development rights, to ensure that any further extensions and

outbuildings which may be proposed in future can be formally considered by the Council with particular regard to their impact to the openness of the Green Belt.

Regarding the impact of the proposal to the special interest of the locally listed building and the character and appearance of the Conservation Area, the proposed works will bring this derelict site back into use, returning Angas House to a single dwelling with a modest and sensitively designed single storey rear extension. The significant removal of hardstanding, together with the removal of outbuildings and the unsympathetic two storey rear extension to Angas House, would enhance the character and appearance of the locally listed building and Conservation Area.

While concerns have been raised by APCA regarding the quality and scale of the extensions to the Coach House and Rose Cottage, the design of the extensions is considered to be appropriate for the host buildings (subject to the control of materials used by way of planning condition), replicating details in the existing buildings as appropriate. The extension proposed to the rear of the Coach House will provide additional first floor accommodation within a roof slope featuring dormer windows, and would not appear significantly bulky or over-dominant, particularly given its siting at the rear. The extension to Rose Cottage would result in a change to the overall form of the building, with the addition of a one/two storey side extension which would result in a building of greater width. However, the extension would have a relatively low eaves height and a partial hip to the roof, which would soften its visual impact and accord with the scale of the host building, and would in fact result in a dwelling of more compact footprint following the removal of the existing single storey element which currently links Rose Cottage with the glass house. On balance, it is considered that both the setting of the locally listed building and the character and appearance of the Conservation Area would be enhanced as a result of the development proposed, while the character, appearance and special interest of the locally listed building would be respected.

With regard to the proposed change of use and its impact to conditions of highway safety, it should be noted that the existing access from the site onto Church Approach has extremely poor visibility, and as a consequence whilst Highways raise no objection to the current proposal (on the basis that it would be likely to generate similar levels of vehicular movements to the historic use of the site as a residential care home) they would like to see a restriction placed on the future conversion of Angas House to form multiple dwelling units. This change would itself be controlled by the need for planning permission, however it is recommended that an Informative be attached to any permission to advise the applicant that any future conversion of Angas House is unlikely to be permitted unless improvements to visibility at the Church Approach junction form part of any application.

With regard to the impact of the proposal to the amenities of neighbouring residential properties, the site is located a sufficient distance from the nearest dwellings to ensure that no impact would arise as a result of the extensions proposed.

Background papers referred to during production of this report comprise all correspondence on files refs. 93/02064, 03/01635 and 11/02727, excluding exempt information.

as amended by documents received on 06.11.2011 24.11.2011

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
ACA01R A01 Reason 3 years
- 2 ACA07 Boundary enclosure - no detail submitted
ACA07R Reason A07
- 3 ACA04 Landscaping Scheme - full app no details
ACA04R Reason A04
- 4 ACC01 Satisfactory materials (ext'nl surfaces)
ACC01R Reason C01
- 5 ACC02 Sample brickwork panel
ACC02R Reason C02
- 6 ACC03 Details of windows
ACC03R Reason C03
- 7 ACD06 Sustainable drainage system (SuDS)
ADD06R Reason D06
- 8 ACH08 Details of turning area
ACH08R Reason H08
- 9 ACH16 Hardstanding for wash-down facilities
ACH16R Reason H16
- 10 ACH22 Bicycle Parking
ACH22R Reason H22
- 11 ACH23 Lighting scheme for access/parking
ACH23R Reason H23
- 12 ACH27 Arrangements for construction period
ACH27R Reason H27
- 13 ACH29 Construction Management Plan
ACH29R Reason H29
- 14 ACI02 Rest of "pd" Rights - Class A, B,C and E

Reason: In the interests of the openness and visual amenities of the Green Belt and to comply with Policy G1 of the Unitary Development Plan.

- 15 ACK01 Compliance with submitted plan

Reason: In order to comply with Policy BE1 of the Unitary Development Plan.

- 16 The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific needs of the application site and the development. Details of these measures shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development hereby permitted, and implemented in accordance with the approved details. The security measures to be implemented in compliance with this condition shall achieve the "Secured by Design" accreditation awarded by the Metropolitan Police.

Reason: In the interest of security and crime prevention and to accord with Policies H7 and BE1 of the Unitary Development Plan.

Reasons for granting permission:

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

UDP

- BE1 Design of New Development
- BE10 Locally Listed Buildings
- BE11 Conservation Areas
- H12 Conversion of Non-Residential Buildings to Residential Use
- C2 Community Facilities
- G1 The Green Belt
- T3 Parking
- T18 Road Safety

The London Plan

- 7.16 Green Belt

National Planning Guidance

- PPG2 Green Belts
- PPS 5 Planning for the Historic Environment

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

- (a) the preservation of the character and appearance of the Conservation Area and the locally listed building
- (b) the character of the development in the surrounding area
- (c) the impact of the proposal on the openness and visual amenities of the Green Belt
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties
- (e) the design policies of the development plan
- (f) the transport policies of the development plan

and having regard to all other matters raised.

INFORMATIVE(S)

- 1 The applicant is advised that it is unlikely planning permission would be granted for any future conversion of the main house to form multiple units unless improvements to the visibility at the Church Approach junction form part of any application.
- 2 With regard to surface water it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure storm flows are attenuated or regulated into the receiving public

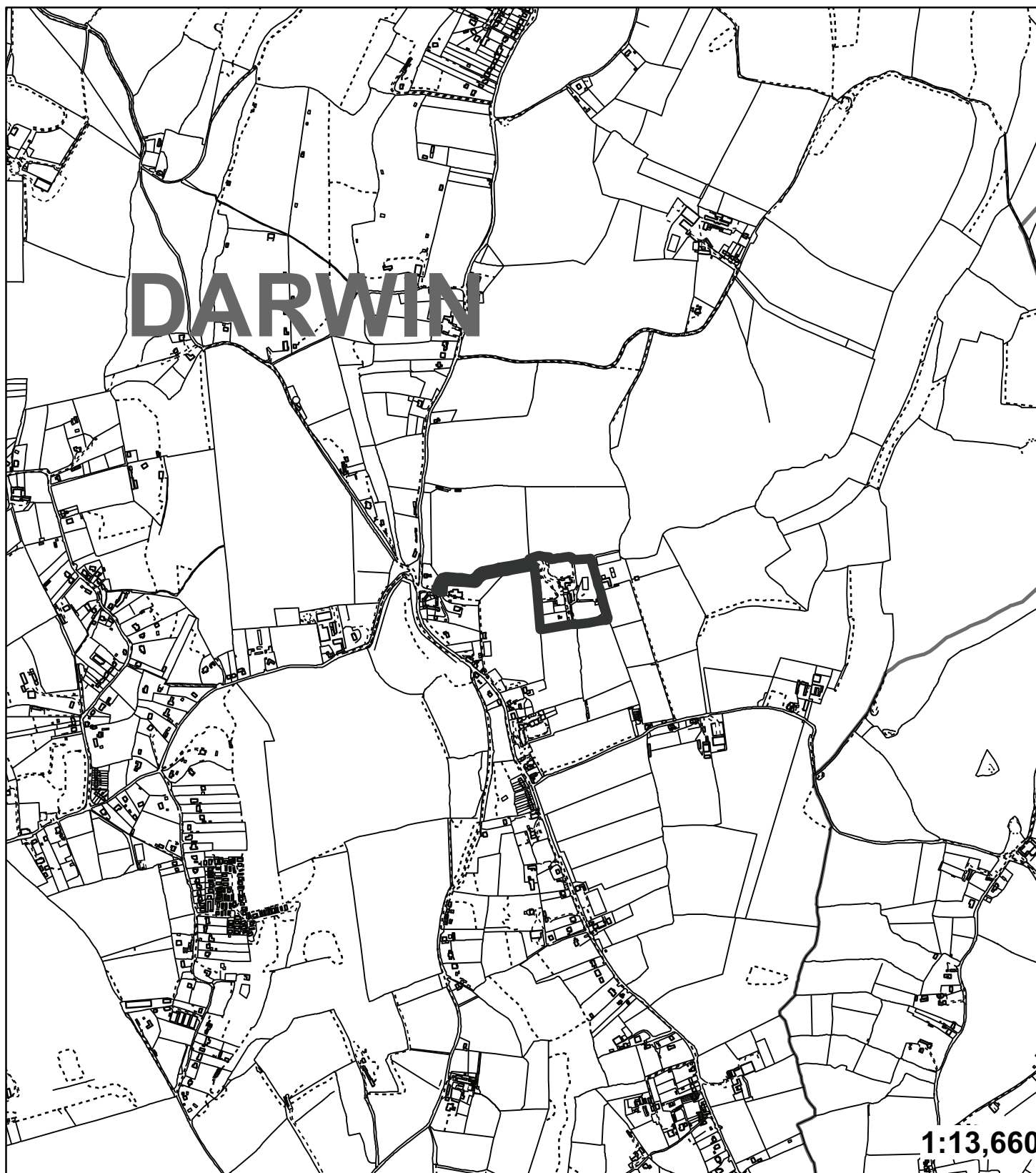
network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason – to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 3 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Application:11/02727/FULL1

Address: Angas Convalescent Home Church Approach Cudham Sevenoaks TN14 7QF

Proposal: Demolition of two storey part of Angas House, erection of single storey extension, elevational alterations and conversion to nine bedroom house. First floor extension, elevational alterations and conversion of Coach House to three bedroom and four bedroom houses. Demolition of



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Agenda Item 4.8

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 11/02773/FULL1

Ward:
Chelsfield And Pratts
Bottom

Address : 23 Oxenden Wood Road Orpington BR6
6HR

OS Grid Ref: E: 547076 N: 163515

Applicant : Mr M Garratt

Objections : YES

Description of Development:

Replacement part one/two storey 5 bedroom detached dwelling with accommodation in roofspace and integral double garage, swimming pool and outbuilding to rear and associated landscaping

Proposal

- The proposal is to replace the existing dwelling with a larger two storey dwelling with accommodation in the roof space, swimming pool and outbuilding.
- The proposed new dwelling has a footprint of approximately 270m² and a maximum height of 9.3m.
- The new dwelling will measure approximately 2.3m from the northern boundary and 3.6m from the southern boundary.
- The dwelling will accommodate an integral double garage, WC, cloakroom, lounge, dining room, cinema room, kitchen and summer room at ground floor and five bedrooms, all of which have en suites and a family bathroom at first floor.
- A balcony area above the summer room is proposed with a glazed balustrade.
- A swimming pool measuring approximately 4 x 10.5m is proposed to the rear, approximately 3 metres from the main rear wall and a small garden shed is also proposed to the rear close to the southern boundary.

Location

- The application site is located to the west of Oxenden Wood Road and is a detached family dwelling set in a large plot.
- The area is mainly characterised by large detached dwellings.

Comments from Local Residents

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

- overlooking from balcony especially given difference in height.

Comments from Consultees

Environmental Health has commented that no details of plant for the swimming pool have been submitted. Conditions and Informatives have been suggested.

No objections have been raised by Thames Water.

Highways have commented that any gates over 1 metre in height should be set back to allow a vehicle to wait off the carriageway while the gates are opening and the following conditions are suggested; H02, H16, H32.

In relation to Trees, condition B16 and B19 have been suggested.

Cleansing has requested that refuse and recycling be left at the edge of the curtilage.

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
H7 Housing Density and Design
H9 Side Space
T3 Parking
T18 Road Safety

Planning History

There appears to be no relevant planning history at the site.

Conclusions

The main issues in relation to this 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.

A number of other dwellings in Oxenden Wood Road and Worlds End Lane have been developed to a similar size and design as that currently proposed at No. 23. Planning permission was granted in 2007 for the property directly opposite the application site, No. 24 Oxenden Wood Road. Whilst the design of this property differs from the current proposal, the size and overall bulk is very similar. Planning permission was also granted for a replacement dwelling at 209 Worlds End Lane in 2008. This dwelling is very similar in design as well as size and bulk. Copies of the plans for these developments can be found on the file. Both of these examples are

complete or substantially complete and set a precedent for this type of dwelling in the surrounding area. Taking this into account and allowing the property to be in keeping with the other dwellings in Oxenden Wood Road, Members may consider that the proposal represents a contemporary design which may be considered to compliment the other properties in the surrounding area. There is a generous separation between the application property and the neighbours to both the north and south of the site and given that the property is not in any particular designated area, the space around the dwelling is considered to be more than adequate.

The properties to either side of the application site are substantial dwellings, although both appear to be of a more traditional design. The neighbouring property to the north of the site is significantly lower than the application site due to the land levels around this bend in Oxenden Wood Road. There is however, a minimum separation of 10 metres between the flank walls of the two properties. Whilst a garage is located close to the flank boundary at No. 25, this is not habitable accommodation and is unlikely to be impacted upon by the proposed replacement dwelling. Concerns have been raised over privacy and the applicant has confirmed that suitable screening along the northern part of the balcony would be put in place in order to prevent any overlooking.

With regard to the impact upon the amenities of the neighbouring property to the south of the application site, the neighbouring property projects a considerable distance beyond the existing dwelling at the application site at two storeys and this would remain fractionally further to the rear than the proposed two storey element to this side of the new dwelling. It is therefore considered that there will be little impact on the light currently enjoyed by this neighbouring property. There is a first floor dormer window to the flank elevation of the neighbouring property facing the application site, although given the separation between the dormer window and the proposed dwelling (approximately 6.5m), and the fact that there is just one window serving a bathroom proposed to this flank elevation of the new dwelling, there is unlikely to be any harmful overlooking or loss of light and visual amenity.

The proposed replacement dwelling is considerably greater in terms of bulk and floor area. However, the ridge height remains the same as the existing property and the plot is of such a size which could support a dwelling of this scale. The swimming pool and outbuilding are not excessive, are located within close proximity of the new dwelling, and are therefore considered to have minimal impact on the amenities of either neighbouring property.

Given the above, Member may consider 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.

Background papers referred to during production of this report comprise all correspondence on files refs. 08/03281, 06/03543, 07/00185 and 11/0277. excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
ACA01R A01 Reason 3 years
- 2 ACA04 Landscaping Scheme - full app no details
ACA04R Reason A04
- 3 ACA07 Boundary enclosure - no detail submitted
ACA07R Reason A07
- 4 ACB16 Trees - no excavation
ACB16R Reason B16
- 5 ACB19 Trees - App'ment of Arboricultural Super
ACB19R Reason B19
- 6 ACC01 Satisfactory materials (ext'n'l surfaces)
ACC01R Reason C01
- 7 ACH02 Satisfactory parking - no details submit
ACH02R Reason H02
- 8 ACH16 Hardstanding for wash-down facilities
ACH16R Reason H16
- 9 ACH32 Highway Drainage
ADH32R Reason H32
- 10 ACI02 Rest of "pd" Rights - Class A, B,C and E
Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of neighbouring properties.
- 11 ACI12 Obscure glazing (1 insert) to the first floor flank elevations
and flank roof lights
ACI12R I12 reason (1 insert) BE1
- 12 Details of the proposed front boundary wall/gates/railings shall be submitted to and approved in writing by the local planning authority prior to first occupation of the property and shall be permanently maintained in accordance with the approved details.
Reason: In the interest of pedestrian and vehicular safety and the amenities of the area and to accord with Policy T18 of the Unitary Development Plan.
- 13 Details of balcony screening to the northern flank shall be submitted to and approved in writing by the local planning authority and shall be permanently maintained in accordance with those approved details.
Reason: In the interest of the privacy and residential amenity enjoyed by the neighbouring property and to comply with Policy BE1 of the Unitary Development Plan.
- 14 Details of the plant for the swimming pool shall be submitted to and approved in writing by the local planning authority and the noise level from any swimming pool plant in terms of dB(A) must remain at all times 5 decibels below the relevant minimum background noise level (LA90 15mins) when measured at any location on the curtilage of the property. Should the plant have a distinctive tonal or intermittent nature the predicted noise of the plant shall be increased by a further 5dBA.
Reason: In the interest of the amenities of neighbouring properties and to comply with Policy BE1 of the Unitary Development Plan.
- 15 The swimming pool hereby permitted shall be emptied overnight and in dry conditions.
Reason: In the interest of the amenities of neighbouring properties and to comply with Policy BE1 of the Unitary Development Plan.

16 The discharge rate of the swimming pool hereby permitted is to be controlled such that it does not exceed a flow rate of 5 litres per second into the public sewer network.

Reason: In the interest of the amenities of neighbouring properties and to comply with Policy BE1 of the Unitary Development Plan.

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
BE11 Conservation Areas
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
- (d) the impact on pedestrian and vehicular safety
- (e) the transport policies of the Unitary Development Plan
- (f) the housing policies of the Unitary Development Plan

and having regard to all other matters raised.

INFORMATIVE(S)

- 1 Before the use commences, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.
- 2 If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

Application:11/02773/FULL1

Address: 23 Oxenden Wood Road Orpington BR6 6HR

Proposal: Replacement part one/two storey 5 bedroom detached dwelling with accommodation in roofspace and integral double garage, swimming pool and outbuilding to rear and associated landscaping



Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 11/03147/FULL1

Ward:
Kelsey And Eden Park

Address : 121 Kenwood Drive Beckenham BR3
6RB

OS Grid Ref: E: 538335 N: 168712

Applicant : Silverstone Home

Objections : YES

Description of Development:

Demolition of existing dwelling and erection of 2 four bedroom detached dwellings with integral garages, 4 car parking spaces and vehicular access via Kenwood Drive

Proposal

Planning permission is sought to demolish the existing dwelling at No.121 and replace with 2 two storey four bedroom houses with integral garages. Both houses would have a separate access from Kenwood Drive and would have a total of 4 car parking spaces. The properties would maintain a separation of 2.5m between them and 1.1m to each flank boundary.

Location

The application site is located within Kenwood Drive which is a cul-de-sac comprising two storey detached houses. The majority of development follows a uniform building line and most of the houses have similar building footprints. The properties are set within generous plots with large rear and front gardens. The site currently comprised a detached two storey dwelling with approximately 7.5m of garden land to the adjacent property (No.122).

Comments from Local Residents

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

- two houses in the place of one
- opposite side of road is lower and would impact houses opposite the site
- adverse effect on the character of neighbourhood
- not in-keeping with surrounding development
- object to density of development
- this is a form of garden grabbing
- negative impact of design

- overlooking into neighbouring residents
- Kenwood Drive is an unusual road
- would set unwanted precedent to invite developing other plots
- impact on light to neighbours
- cramped development
- concerns about height of properties being closer to the road
- overdevelopment of site
- reduction of side space
- will overshadow patio and reduce enjoyment and privacy of this space
- increased noise and disturbance
- refuse collection too large
- out of scale
- no way for high standards of separation and landscaping
- concerns with construction process
- increase in traffic
- area is prone to subsidence- may affect drainage
- houses do not have identical plots
- road is attractive and mature
- application was refused elsewhere in Kenwood Drive in 2005 was refused
- impact on on-street parking
- overlooking from front balcony
- forward of the existing building and No.120

Three letters of support has been received stating that the proposed development would be in-keeping with the road.

Full copy of the letter summarised above can be viewed on file ref. 11/03147. Any further comments will be reported verbally at the meeting.

Comments from Consultees

Highways- no objection principle, although crossover too close to lamppost which may need to be relocated. The Applicant should be made aware that the cost of any works should be funded by the developer

Waste- Refuse and recycling to be left within 1m of public footpath on day of collection

Drainage/ Thames Water- No objections raised.

Street Services- No objections in principle

Building Control – No objection in principle to the use of soakaways subject recommendations

Metropolitan Police- No objections raised in principle.

Planning Considerations

In considering the application the main policies are H1, H7, H9, BE1, T3 and T18 of the Unitary Development Plan. These concern the housing supply and design of new housing/new development, the provision of adequate car parking and new accesses and road safety.

Policy H1 (v) seeks to make most effective use of land. Policy H7 aims to ensure that new residential development respects the existing built and natural environment, is of appropriate density and respects the spatial standards of the area as well as amenities adjacent occupiers, and allows adequate light penetration into and between buildings.

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

Policy T3 seeks to ensure that off street parking provisions for new development are to approved standards. Policy T18 requires that issues of road safety are considered in determining planning applications.

Government guidance in the form of PPS3 "Housing", while emphasises the role of good design and layout to achieve the objectives of making the best use of previously developed land and improving the quality and attractiveness of residential areas, but without compromising the quality of the environment.

There are also a number of trees on the site that will need to be taken into account whilst assessing the application.

Planning History

There is no recent planning history at the site.

Conclusions

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

The site at present comprises a single dwellinghouse with garden land to the front, side and rear. It may be considered that the redevelopment of the site may be acceptable provided that the policy requirements at local, regional and national level are met. Although central government guidance in the form of 'Planning Policy Statement 3: Housing' has been recently amended (to remove the minimum density figure and to remove garden land from the definition of previously developed land) the thrust of the guidance otherwise remains the same and assessment must be given on the merits of the application with regard to the character, appearance and amenities of the area. The change in status of such land introduces no presumption against its development, but rather that the

development might, in some circumstances, be accorded so as to outweigh other considerations.

In terms of form and scale, the proposed height of the houses would be comparable with the properties along Kenwood Drive. It is noted that the proposed site is located at a higher ground level to the properties on the opposite side of the road and to No.122. The proposed buildings are set back from the front boundary allowing for front garden and parking area (approximately 7m) and rear gardens varying from 18m to 10m are proposed. Some soft landscaping is proposed to the front of the site and adequate amenity spaces are proposed, Members may consider that the site will be redeveloped in an adequate manner allowing sufficient amenity space to the rear and distances to the front boundary.

With regard to the proposed design of the buildings, the houses are of traditional design, with pitched roofs. The buildings have a staggered frontage which adds visual interest to the design and breaks up the massing of the buildings.

The proposed dwelling at Plot 1 maintains a minimum separation of 1.1m to the eastern boundary (adj. No.120), a minimum separation of 1.1m to the western boundary (adjacent to No.122) and a 2.5m separation between the two buildings, when scaled from the submitted drawings. The application in this respect would accord with Policy H9 in that a minimum 1m separation is retained to the adjoining boundaries and Members will consider this comparable to the surrounding properties.

With regard to the impact of the proposed building on the residential amenity of the neighbouring properties, it may be considered that the proposed buildings are set at reasonable distances away from the adjoining properties. Members will note that the footprint of the proposed buildings are larger than the existing dwelling and there have been a number of objections from adjacent and nearby neighbours. The windows proposed on the upper western and eastern flanks are indicated serve bathrooms and shower rooms and a condition may be added to ensure these windows are obscure glazed. There are balconies also proposed at first floor level to the front of the site which Members will need to carefully assess in terms of impact on nearby residents.

With regards to the trees on the site, it is advised that the findings of the arboricultural report are agreed. It is considered that no significant trees would be lost as a result of this proposal and appropriate conditions are suggested for Members to take into account should permission be granted.

In terms of proposed parking, a total of 4 car parking spaces are proposed which accords with the Council's standards, and there are no technical highways objections regarding to the number of spaces proposed. Comments have been raised regarding the lamppost nearest to access and the developer should pay the costs.

There are bin stores proposed at the front of the site but no details have been submitted on their appearance. A number of objections have been received regarding this element. A condition may be imposed to seek further details or if

Members do not approve of refuse stores at the front then these may be removed and refuse stored at the rear.

Background papers referred to during production of this report comprise all correspondence on file ref. 11/03147, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | | |
|----|--------|--|------------------|
| 1 | ACA01 | Commencement of development within 3 yrs | |
| | ACA01R | A01 Reason 3 years | |
| 2 | ACA04 | Landscaping Scheme - full app no details | |
| | ACA04R | Reason A04 | |
| 3 | ACA07 | Boundary enclosure - no detail submitted | |
| | ACA07R | Reason A07 | |
| 4 | ACC01 | Satisfactory materials (ext'nl surfaces) | |
| | ACC01R | Reason C01 | |
| 5 | ACC03 | Details of windows | |
| | ACC03R | Reason C03 | |
| 6 | ACD02 | Surface water drainage - no det. submitt | |
| | ADD02R | Reason D02 | |
| 7 | ACH03 | Satisfactory parking - full application | |
| | ACH03R | Reason H03 | |
| 8 | ACH12 | Vis. splays (vehicular access) (2 in) | 3.3 x 2.4 x 3.3m |
| | | 1m | |
| | ACH12R | Reason H12 | |
| 9 | ACH18 | Refuse storage - no details submitted | |
| | ACH18R | Reason H18 | |
| 10 | ACH22 | Bicycle Parking | |
| | ACH22R | Reason H22 | |
| 11 | ACH32 | Highway Drainage | |
| | ADH32R | Reason H32 | |
| 12 | ACI12 | Obscure glazing (1 insert) in the flank elevations | |
| | ACI12R | I12 reason (1 insert) BE1 | |
| 13 | ACI21 | Secured By Design | |
| | ACI21R | I21 reason | |

Reasons for granting permission:

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

- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- BE1 Design of New Development
- T3 Parking
- T18 Road Safety

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

- (a) the appearance of the development in the street scene
- (b) the relationship of the development to the adjacent properties
- (c) the character of the development in the surrounding area
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties
- (e) the light and outlook of occupiers of adjacent and nearby properties
- (f) the privacy of occupiers of adjacent and nearby properties
- (g) the safety of pedestrians and motorists on the adjacent highway
- (h) the safety and security of building and the spaces around them
- (i) accessibility to the building
- (j) the housing policies of the development plan
- (k) the urban design policies of the development plan
- (l) the transport policies of the development plan
- (m) the neighbour concerns raised during the consultation process

and having regard to all other matters raised.

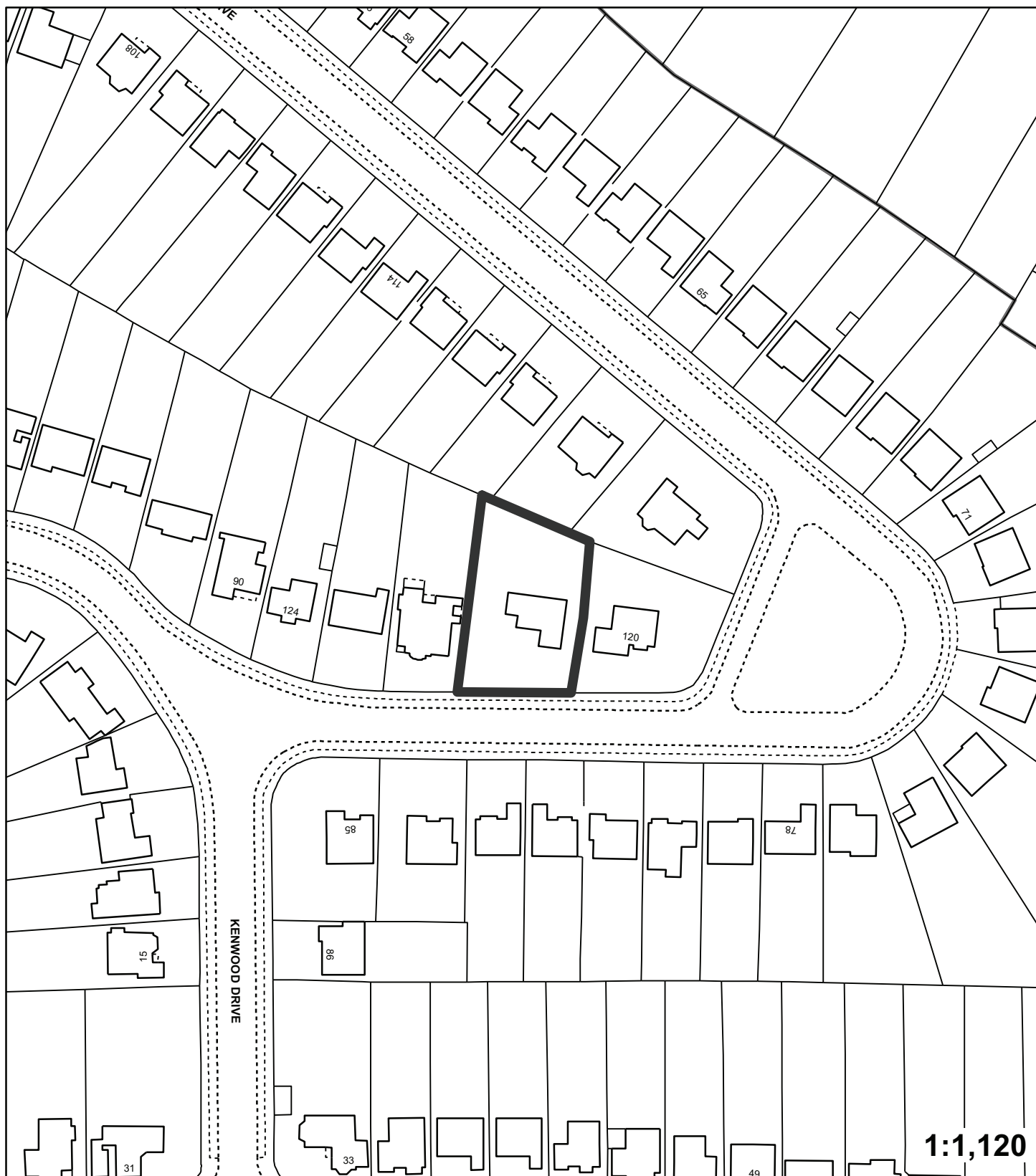
INFORMATIVE(S)

- 1 RDI10 Consult Land Charges/Street Numbering
- 2 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 3 Recent legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3m of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over /near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information contact website www.thameswater.co.uk

Application:11/03147/FULL1

Address: 121 Kenwood Drive Beckenham BR3 6RB

Proposal: Demolition of existing dwelling and erection of 2 four bedroom detached dwellings with integral garages, 4 car parking spaces and vehicular access via Kenwood Drive



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Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 11/02841/FULL1

Ward:
Chelsfield And Pratts
Bottom

Address : 62 Windsor Drive Orpington BR6 6HD

OS Grid Ref: E: 546551 N: 163978

Applicant : Chelsfield Surgery (Dr J Sharif)

Objections : YES

Description of Development:

Two cabins to rear to provide two additional consulting rooms, office and WC and connecting corridor to 62 Windsor Drive.

Key designations:

Local Distributor Roads

Proposal

- The proposal is for two cabins connected by a corridor to the rear of 62 Windsor Drive.
- The cabins are to provide additional health care facilities to the doctors surgery at the property.
- The cabin closest to the property measures approximately 10.1 metres in depth, 3.1 metres in width and a maximum of 3.7 metres in height.
- The cabin furthest away from the property measures approximately 2.6 metres in depth, 2.9 metres in width and a maximum of 3.9 metres in height.
- The cabins are linked by a corridor which runs the full length - a total of 14.3 metres from the rear of the property.
- There are steps and a platform both immediately to the rear of the property and to the rear of the cabins

Location

- The application site is located to the north west of Winsor Drive and is on the corner Windsor Drive and Woodside.
- The site is a doctor's surgery and is surrounded by mainly residential properties.

Comments from Local Residents

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

- cabins run almost full length of boundary with my property at over 3.5 metres in height
- more development than described in application has taken place
- planning permission for a more suitable single storey extension was granted in 2009 – not against this development.
- development is completely out of place
- excessive height
- light pollution
- on site car parking reduced
- increase in number of people at the site everyday
- further cars on surrounding roads resulting in risk of accidents
- concreted parking area will lead to high levels of run-off water on to adjacent properties
- overlooking
- loss of visual amenity
- loss of greenery
- 'living wall' does not provide sufficient screening
- misleading references in planning application
- completely inappropriate for residential environment
- serious harm to privacy
- improvement for patients of surgery
- expansion will provide more effective service for local community
- better access for disabled patients
- as part owners of the property, disturbed to discover that a retrospective application has been made – if committee feels the cabin should be removed would not be in disagreement.

Comments from Consultees

The Highways Engineers have commented that the indicates no increase in the number of staff or patients and on this basis no objections are raised.

Thames Water have commented that with regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Drainage has made no comments on the application.

Environmental Health has raised no objections to the proposal.

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
C4 Health Facilities
T18 Road Safety

Planning History

Planning permission was granted for single storey side and rear extensions in 1989 under ref. 89/03617.

Planning permission was granted for a single storey side extension in 1999 under ref. 99/03577.

Planning permission was granted for a single storey rear extension for a consultation room in 2009 under ref. 09/02823.

Conclusions

The main issues relating to this proposal are the impact of the development on the amenities of neighbouring residential properties given the proposed extension of the premises outside town centre, district centre, local centre or local neighbourhood centre, and the impact on traffic and road safety in and around the surrounding area.

The development to which this application relates is existing and does not benefit from having planning permission. A previous planning application was granted for a single storey extension which was relatively modest and had an acceptable impact on the amenities of neighbouring properties. The current application proposes two cabins connected by a covered walkway in a similar position to the approved extension but extending a further 9.3 metres to the rear on a raised platform.

Members may consider that the cabins, due to their depth, height and flank windows have a seriously harmful impact on the amenities of the neighbouring properties, No. 64 Windsor Drive and No. 1 Woodside. The development is unattractive in design and is out of character with the surrounding residential area. The cabins when viewed from the neighbouring property, No. 64 are obtrusive and dominant. The windows are considered to result in a severe loss of privacy, mainly to the rear garden but the cabin is also clearly harmful to the whole of the rear of the property. The screening in place is inadequate to prevent overlooking or loss of visual amenity and creates an enclosed environment.

The cabins and connecting corridor are clearly visible from Woodside and the public vantage point. The cabins are considered to be out of character with the surrounding area and harmful to the amenities of surrounding residential properties and the streetscene. Whilst it is stated that no changes are proposed to parking on

the site, alterations have been made which include a large area of concrete to the rear and this may have a harmful impact on the surface water drainage in this area.

Whilst it is appreciated that the development may create an improved surgery for local residents, the harmful impact on the amenities of local residents, road safety and the character of the residential area are considered to outweigh the benefits of this proposal and Members may be minded to refuse planning permission for this development for these reasons.

Background papers referred to during production of this report comprise all correspondence on files refs. 89/03617, 99/03577, 09/02823 and 11/02841, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

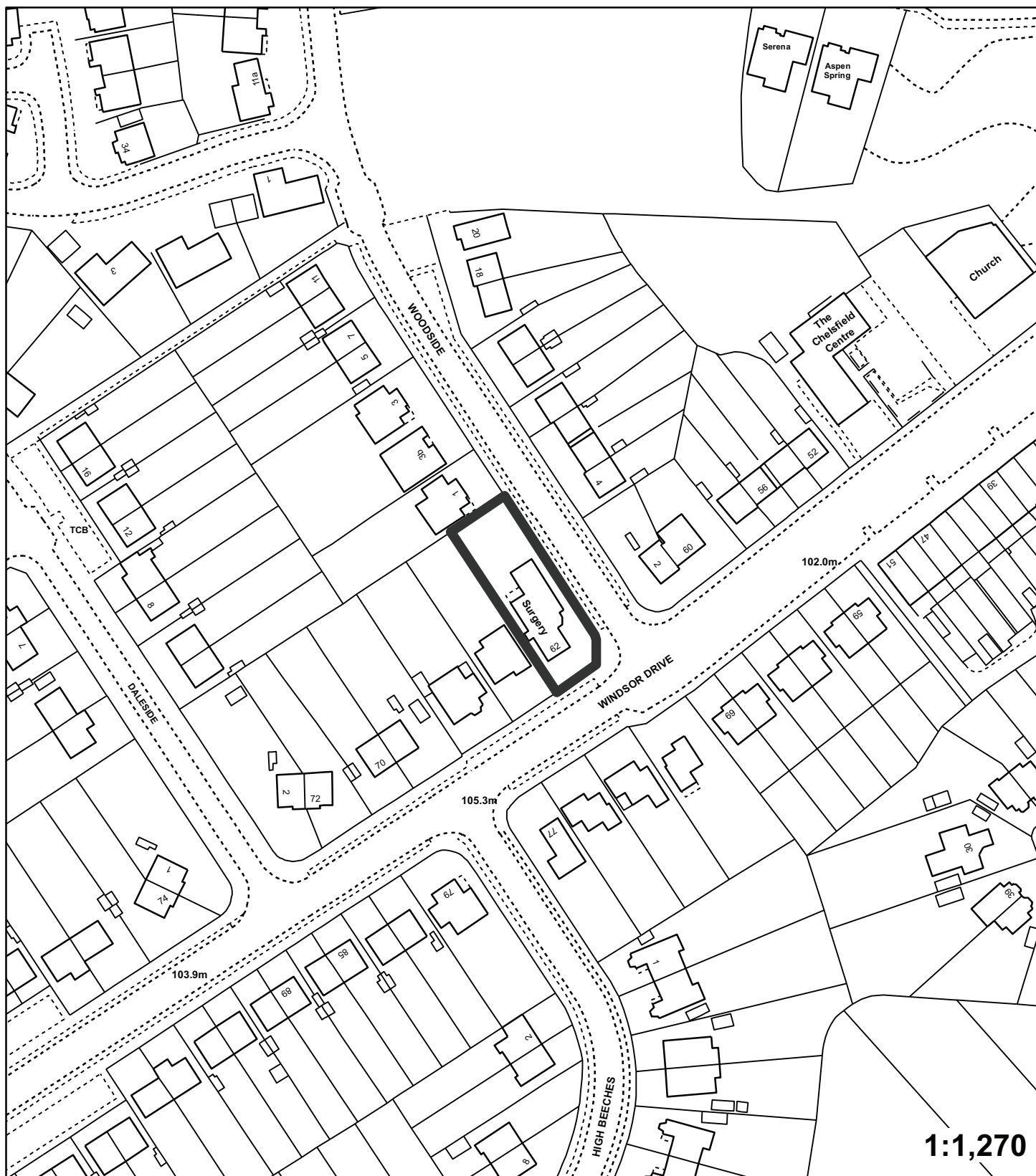
- 1 The cabins by reason of their excessive depth and close proximity to residential properties result in a severe impact on the privacy and visual amenity currently enjoyed by neighbouring properties, contrary to Policy BE1 of the Unitary Development Plan.
- 2 The cabins by reason of their overall size and visibility from the public realm are out of character with the residential nature of the area and are detrimental to the amenities of surrounding residential properties and the streetscene in general, contrary to Policies BE1 and C4 of the Unitary Development Plan.

FURTHER RECOMMENDATION: Enforcement Action be authorised to seek removal of the development.

Application:11/02841/FULL1

Address: 62 Windsor Drive Orpington BR6 6HD

Proposal: Two cabins to rear to provide two additional consulting rooms, office and WC and connecting corridor to 62 Windsor Drive.



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Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 11/03108/FULL1

Ward:
Chelsfield And Pratts
Bottom

Address : Lilly's Farm Chelsfield Lane Orpington
BR6 7RP

OS Grid Ref: E: 548176 N: 164335

Applicant : T Pitham Business Ltd

Objections : YES

Description of Development:

Demolition of existing commercial buildings and erection of 4 x four bed, 1 x five bed and 1 x six bed detached residential dwellings with associated vehicular access and parking, and formation of community car parking area and village pond.

Key designations:

Conservation Area: Chelsfield
Areas of Archeological Significance
Special Advertisement Control Area
Biggin Hill Safeguarding Area
Green Belt
Local Distributor Roads

Proposal

- It is proposed to demolish all existing buildings on this site and erect 6 residential dwellings with new access, internal access road and form a community car parking area and pond.
- The dwellings comprise 4 x four bed, 1 x five bed and 1 x six bed detached houses, generally two storeys with some accommodation within the roofspace.
- The community car parking area is to be provided to replace a current informal arrangement whereby the owner of the site allows casual use of the existing parking area by parents dropping off children at the nearby school to relieve congestion in the village
- The existing pond to the rear of the site is to be retained and a new pond created at the front of the site adjacent to Chelsfield Lane
- The proposal includes a new access relocated more centrally than the existing access.

- The application submission includes an explanation that the current business needs to relocate to a more accessible location in order to remain viable

Location

The site is located within Chelsfield village within the Chelsfield Village Conservation Area. The village is a rural settlement entirely within the Green Belt.

The site is currently occupied by single storey and warehouse style commercial buildings used primarily for a Koi Carp business and associated storage. A significant amount of hardstanding, including a large car parking area to the front, surrounds the buildings. There are some ponds and polytunnels located to the rear of the site. The site lies within the Green Belt.

The site is bounded to the north by open Green Belt land. To the west is a large detached residential property known as Lilly's. To the east of the site lies Rosewood Farm a residential property which has two large detached outbuildings to the rear, understood to be used for purposes ancillary to the residential use. To the south is Chelsfield Lane and the current vehicular and pedestrian access to the site joins Chelsfield Lane close to its junction with Warren Road.

Comments from Local Residents

A number of objections and some comments in support have been received, including objections from the Chelsfield Village Society. Points raised are summarised below:

Objections state that:

- extent of the development is unacceptable
- proposal is not sympathetic to the character of the village and conservation area
- development in the Green Belt is inappropriate and unacceptable
- calculated footprint in the application includes outhouses, lean-tos and temporary structures and overstates built development by around 340sqm
- increased height and position of proposed dwellings will impact on the openness of the site
- dwellings will be visible from the road and will impact on character
- new access will be dangerous as Chelsfield Lane is a cut through
- proposal will create additional traffic movements
- applications for other dwellings in the village have been refused
- development would urbanise this part of the village due to the bulky prominent houses in a compact row and extension of the pavement into the rural lane
- proposal would set a precedent for further similar redevelopment
- no consideration has been given to biodiversity
- car park proposal should not influence the decision

- activities and uses appropriate within the Green Belt would be possible at the site
- no provision is made to access the rear land for maintenance after development

Supporting comments state that:

- the undeveloped land in the village would remain unaltered
- no adverse visual impact would result
- removal of existing buildings would be an improvement
- the modest increase in dwellings could be easily accommodated
- proposal would reduce the lorry and van deliveries
- additional parking for the village would be welcome
- proposal would enhance the village

Comments from Consultees

The Council's Highway Engineer comments that the new access could be provided with adequate sightlines and that sufficient parking is provided for the proposed dwellings. Concern is raised about the potential for increased vehicular trips from the site and it is suggested that insufficient information has been provided to support the claimed reduction in traffic that it is alleged would result from the proposal. The Council would not wish to take over responsibility for the proposed village parking area and there should be a mechanism in place to safeguard the future maintenance of this area. The proposed turning head in front of plot 2 may not be sufficient to accommodate the Council's refuse vehicles. It is suggested that should permission be granted a construction management plan should be required given the location of the site.

The Crime Prevention Officer comments that the application fails to clarify how the secure by design principles are to be incorporated in the development. Clear definition should be provided between the intended public car park area and the residential development, and provision for suitable boundary treatments where the development abuts open land for security.

Waste services comment that no turning area is shown for refuse vehicles and that a minimum 4m access is required.

The Environmental Health Officer has no objections subject to a suitable condition for a soil survey in light of the potential for land contamination, and an informative.

Drainage comment that no details of foul drainage have been submitted and request a standard condition requiring these. SUDS could be appropriate for this site for the disposal of surface water.

Thames Water has no objections to the proposal.

From a trees perspective a tree survey was required but not included with the original submission. A full survey has been requested and received and any comments regarding this will be reported verbally.

Planning Considerations

The application falls to be considered with regard to the following UDP policies:

- H1 Housing
- H7 Housing density and design
- T3 Parking
- T11 New accesses
- BE1 Design
- BE3 Buildings in rural areas
- BE11 Conservation areas
- BE12 Demolition in conservation areas
- BE14 Trees in conservation areas
- BE16 Archaeology
- NE7 Development and trees
- G1 The Green Belt
- EMP5 Development outside business areas

The Supplementary Guidance for the Chelsfield Village Conservation Area states that: "The Council will expect all proposals for new development to conform to the general character of the area, especially with regard to materials used and the height and scale of construction. It is anticipated that all improvement work will respect the character of the buildings and the village as a whole, and alter them as little as possible. Change of use will be acceptable only where, in the opinion of the Council, they have no detrimental effect on the character of the area".

It continues: "Chelsfield is located within the Green Belt, and opportunities for new development on infill sites will be extremely restricted. There are some significant areas of open land around the village that make a positive contribution to the character and the setting of the conservation area. The siting of new development will be considered with great care, and will not be permitted where detriment to the character of the conservation area would result. Increases in development density and height or the development of additional houses between existing frontages could damage the character of the area; therefore proposals of this nature will be strongly resisted"

Planning History

The site has an extensive planning history related to the current commercial use. There have been attempts to secure planning permission for residential development at the site before. Under reference 83/02578 permission was refused by the Council for an outline proposal for a detached bungalow and garage as the site was located in the Green Belt, an Area of Great Landscape Value and the Cray Valley Area of Special Character and no very special circumstances had been provided to warrant an exception to the policies for such areas.

A further attempt was made in 1984 under reference 84/02587 for full planning permission for a detached three bedroom house with garage. This was refused for similar reasons as the 1983 proposal, and dismissed at appeal, as the case for an

agricultural dwelling had not been suitable demonstrated and the residential development was inappropriate.

In 2003 application 03/01398 was also refused for outline permission for a detached dwelling on the basis that the proposal was inappropriate development and no very special circumstances had been demonstrated, and that the proposal would harm the Area of Special Landscape Character within which the site was then located.

Conclusions

The primary issues to be considered in the determination of this application are whether very special circumstances have been demonstrated to warrant the setting aside of the normal presumption against inappropriate development within the Green Belt; secondly the impact of the proposal on the character and appearance of the Chelsfield Village Conservation Area; the loss of business premises, and finally the impact upon vehicular and pedestrian safety.

The proposal falls to be considered with regard to UDP Policy EMP5 which relates to the redevelopment of business sites or premises outside business areas. This policy states that such proposals will be permitted provided that “the size, configuration, access arrangements or other characteristics make it unsuitable for uses Classes B1, B2 or B8 use, and full and proper marketing of the site confirms the unsuitability and financial non-viability of the site or premises for those uses.” The application submission sets out the applicant’s view that the current business is not suited to the location, and that the site is more suitable for residential than business use; however no attempt appears to have been made to market the site as required by this policy or to justify the unsuitability of the site for business use.

With regard to highway safety, there are doubts expressed by the Highway Engineer regarding the claimed reduction in vehicle movements resulting from redevelopment as no information has been provided as to how this conclusion was reached. Any update on this matter will be reported verbally. Overall, it is considered that the access and parking are acceptable and detail could be conditioned should permission be forthcoming, with an additional condition requiring construction management plan.

Despite their utilitarian appearance, the majority of the existing buildings are single storey and set well back into the site, resulting in little visual impact. The larger barn / warehouse style building running along the eastern boundary still maintains a relatively low profile due to its colour and location within the site, despite being taller than the other buildings. Several of the buildings have flat roofs and are timber clad. The detailed quote set out above from the Council’s Supplementary Planning Guidance for the Chelsfield Village Conservation Area sets out the Council’s requirements for new development within the village area. It is clear that the proposed dwellings will result in a larger and more intensive scale and form of development when compared to the existing buildings, additionally being further forward on the site and more prominent when viewed from the road. The proposed dwellings will increase the density of development on this site, altering its appearance from the street. There will be a significant impact on the character and

appearance of the conservation area and it is considered that the proposal will fail to preserve or enhance it, contrary to Policy BE11.

Consideration must also be given to any impact upon the amenities of adjoining residential properties. There is a good separation from the buildings to adjacent properties and there would not appear to be any potential for loss of amenity from the proposal.

Residential development within the Green Belt is inappropriate by definition and therefore in this case very special circumstances would need to be successfully demonstrated in order for the application to be permitted. In addition to the “in principle” harm caused by inappropriate development it is also necessary to consider whether the development results in “actual” harm by virtue of factors such as its design, size, and location, as the acceptability of such a proposal relies on overcoming both of these concerns.

The applicant suggests that the proposal complies with the purposes of including land within the Green Belt as set out in paragraph 1.4 and 1.5 of PPG2. Since the proposal is inappropriate and results in an increase in the amount, scale and height of development at the site, this point is not accepted. The case continues to suggest that the proposal will enhance the Green Belt and Conservation Area and will not harm the landscape. This is not considered to be the case for the reasons set out in this report.

With regard to very special circumstances the applicant considers that the proposal represents an overall reduction in the footprint of built development comprising buildings and hardstanding. A number of objections received have disagreed with this assessment, and it is clear that agreement on the methods of calculation may be difficult. However, irrespective of this suggested benefit, it is clear that the overall impact of the proposal with regard to the siting, size and height of the proposed buildings will result in greater actual harm to the openness of the Green Belt, with taller development spread across the site and further towards the road, and the suggested reduction in footprint is not considered to constitute a very special circumstance.

The removal of the commercial use does not appear to have any significant benefit that would constitute a very special circumstance that would justify the scale and type of development proposed, and the provision of new homes is not a very special circumstance. The proposed village car park, the pond and landscape enhancement are all potential benefits of redevelopment, however none are such a unique or significant consideration so as to constitute very special circumstances to justify inappropriate development.

The application proposes the replacement of one inappropriate use with another, and as such it is difficult to see any benefit to the openness and character of the Green Belt from the proposal taking into account the increased prominence of development at the site. Overall the harm caused by this proposal to the Green Belt is considered to outweigh any benefits, and none of the circumstances put forward by the applicant are considered to be very special.

On balance, the proposed residential redevelopment of this site will result in harm to the character and appearance of the Chelsfield Village Conservation Area, and represent inappropriate and harmful development within the Green Belt, and it is recommended that permission be refused.

Background papers referred to during production of this report comprise all correspondence on files refs. 83/02578, 84/02587, 03/01398 and 11/03108, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

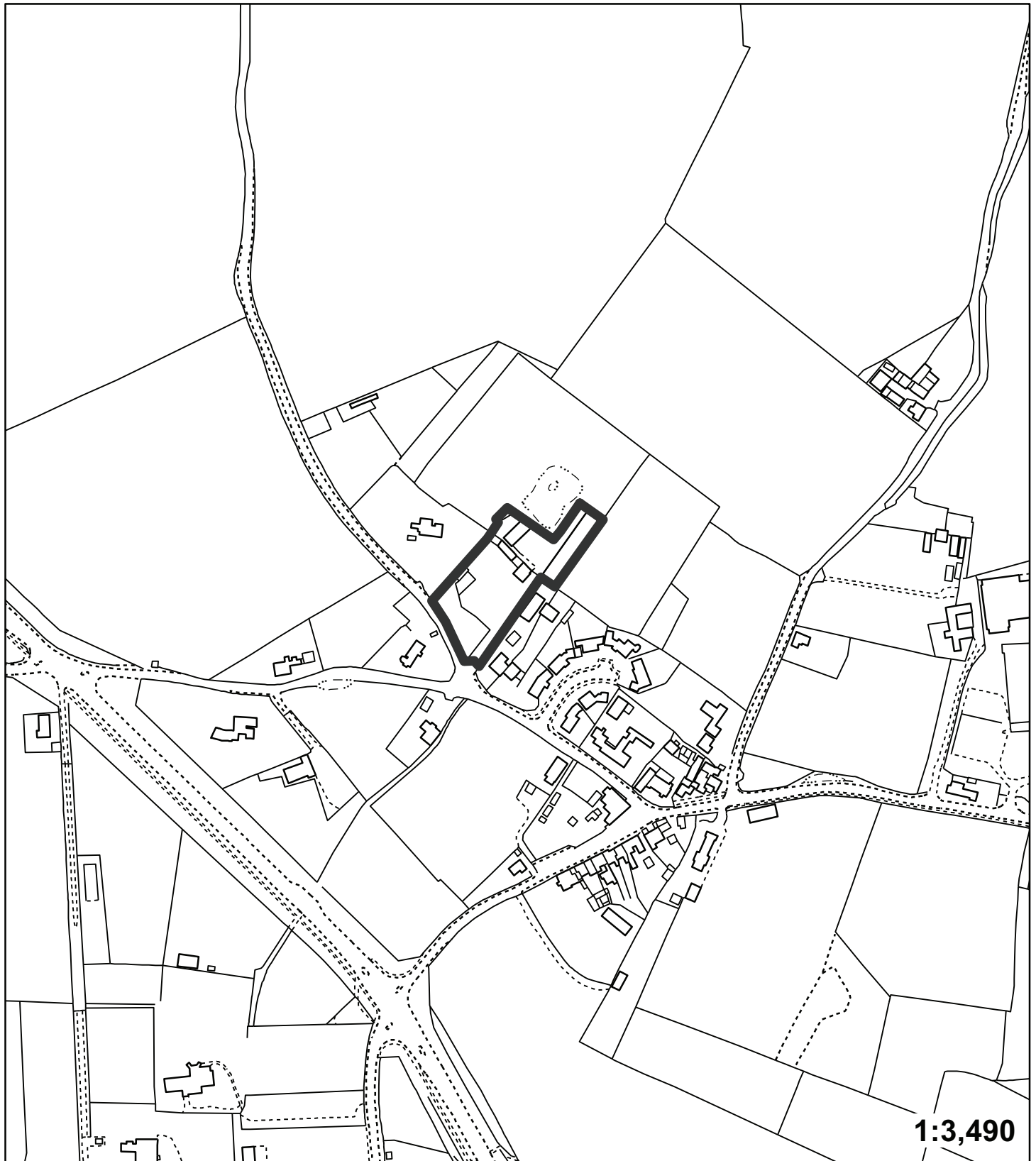
The reasons for refusal are:

- 1 The proposal constitutes inappropriate development in the Green Belt and no very special circumstances have been demonstrated to warrant the setting aside of normal policy considerations, contrary to Policy G1 of the Unitary Development Plan.
- 2 The proposed development by reason of its density, size and siting would result in unacceptable visual impact and harm to the openness of the Green Belt, therefore contrary to Policy G1 of the Unitary Development Plan.
- 3 The proposed development would, by reason of its density, size and siting, fail to preserve or enhance the character and appearance of the Chelsfield Village Conservation Area, contrary to Policy BE11 of the Unitary Development Plan and the Chelsfield Village Conservation Area Supplementary Planning Guidance.

Application:11/03108/FULL1

Address: Lilly's Farm Chelsfield Lane Orpington BR6 7RP

Proposal: Demolition of existing commercial buildings and erection of 4 x four bed, 1 x five bed and 1 x six bed detached residential dwellings with associated vehicular access and parking, and formation of community car parking area and village pond.



Report No.
DRR/11/145

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: Plans Sub-Committee 2

Date: 08 December 2011

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

Title: **FORMER WIDMORE PUBLIC HOUSE, BICKLEY ROAD, BICKLEY**

Contact Officer: Mick Lane, Planning Investigation Officer
Tel: 020 8461 7729 E-mail: mick.lane@bromley.gov.uk

Chief Officer: Chief Planner

Ward: Bickley

1. Reason for report

A complaint has been received regarding the use of the former public house car park for the parking of vehicles by a local garage, Stephen James BMW. The report considers whether it is expedient to take enforcement action against the temporary use of the existing car park.

2. **RECOMMENDATION**

Enforcement action be taken to cease the use for parking vehicles associated with the garage business.

Corporate Policy

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

Financial

1. Cost of proposal: No cost
 2. Ongoing costs: Non-recurring cost.
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
-

Staff

1. Number of staff (current and additional): Three Planning Investigation Officers
 2. If from existing staff resources, number of staff hours: 4
-

Legal

1. Legal Requirement: Statutory requirement. Town & Country Planning Act
 2. Call-in: Call-in is not applicable. Non Executive
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): One (1)
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 The site is a detached two storey former public house which is a Grade 2 listed building with 25 car parking spaces to the front forecourt of the site which is situated on Bickley Road (A222) at the junction with Bird in Hand Lane.
- 3.2 The public house closed in January 2011 and has since been sold to a residential property developer. It is understood that it is proposed to redevelop the site for residential development but no formal application has been submitted at this stage.
- 3.3 In May 2011 a rental agreement was made between the present owner and Stephen James BMW who operate a vehicle sales and repair garage opposite the site to rent the car parking facilities for the temporary parking of vehicles. This was for an initial six month period but is now operating on a monthly basis until such time as planning permission is obtained for the site.
- 3.4 A complaint has been received from a local resident regarding the use of the former pub car park by the garage. The use for the parking of cars in connection with the nearby garage is considered to involve a material change of use for which planning permission is required. No application has been received and it is therefore necessary to consider whether enforcement action is appropriate.
- 3.5 The former use as a public house and associated car park was a lawful use within Class A4. The current use as a car park in connection with the garage is no longer ancillary to the public house and involves a material change of use. The encroachment of the garage business onto the former pub car park involves an intensification of the garage use into a predominantly residential area. The main issues are whether the current use causes material harm to the residential amenities of the area creates additional hazards to highway safety.
- 3.6 The site provides temporary parking for approximately 25 vehicles although the use is no longer associated with the lawful use as a public house. However, the parking of cars in connection with the garage is unlikely to cause any greater disturbance than the previous use by customers to the public house, particularly late at night. The pub was open until 23-00 every night whereas the use by the garage is limited to normal working hours.
- 3.7 Concerns have been raised by local residents regarding the intensification of commercial activity and the resultant problems caused by the operation of the garage including noise, pressure on on-street parking and additional road safety hazards.
- 3.8 It could be argued that the temporary use of an existing parking facility by a local business to park/store vehicles prevents these vehicles being displaced onto the surrounding roads which are mainly residential in character. The surrounding streets are often congested and complaints have been received regarding on-street parking, which may exacerbate the problems of dangerous parking and obstruction. The use accords with UDP Transport Policy objective 7 which seeks road safety measures where opportunities arise through the land use planning process, and Policy T3 Parking. Action to cease the use for parking could exacerbate the existing problems which may lead to additional road safety hazards in the vicinity.
- 3.9 However the Highway Engineer has raised concerns about the temporary hoarding around the site which has reduced sightlines at the access points, particularly to the right from the western access. The other access is not in a good location and the sightline has been reduced by the hoarding for vehicles exiting the site.

- 3.10 In conclusion, it is considered that the current use represents an undesirable intensification of a commercial use in a mainly residential area and results in a material loss of residential amenity and additional hazards to road safety.

ENF/ML/11/00160

Report No.
DRR/11/143

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: Plans Sub-Committee 2

Date: 08 December 2011

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

Title: **UNAUTHORISED TELECOMMUNICATIONS INSTALLATION
AT SPUR ROAD, ORPINGTON**

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

Chief Officer: Chief Planner

Ward: Orpington

1. Reason for report

- 1.1 Under ref. 11/00385/TELCOM an application was submitted to the Council in accordance with the requirements of Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO), in seeking a determination as to whether the prior approval of the siting and appearance of a 12.5m high shared telecommunications mast with 2 ancillary equipment cabinets was required, and if so whether the Council approved or disapproved of its siting and appearance.
- 1.2 This application was disapproved in accordance with the Council's normal procedure and the decision notice issued within the 56 day period specified within the GPDO, however the applicants (Telefonica O2 UK Ltd. and Vodafone UK Ltd.) contend that this decision is of no effect because the Council failed to first confirm that prior approval of the siting and appearance was required. As a consequence, the applicants consider that they have met with the requirements of Part 24 of the GPDO and benefit from the permission that this development order has the effect of granting. The mast and ancillary equipment have now been erected at the site following receipt of a Street Works Permit, granted by the Highway Authority.
- 1.3 From a site inspection it is apparent that the mast is grey in colour, and would not therefore accord with the details submitted in the application, which stated that the mast would be 'mineral green' to match adjacent street furniture. In addition, the two cabinets located at ground level appear to be sited 0.3m further apart from one another and as a result the development has a greater width overall. The smaller of the two cabinets also appears to be positioned slightly further back from the edge of the footway than the drawings indicate, being out of alignment with the larger cabinet as a consequence. In addition the smaller cabinet has been sited on a newly constructed concrete plinth, which was not shown on the submitted plans. Under the provisions of Part 24, the developer is required to carry out the development in accordance with the details submitted with the application, and has failed to do so in this case.

- 1.4 Members will need to consider the expediency of authorising enforcement action, bearing in mind the Council's decision to disapprove the siting and appearance of this installation, together with the applicant's position that they benefit from consent to carry out the works by virtue of Part 24 of the GPDO, and the discrepancies between the development that was detailed in the disapproved application, and the development that has been carried out at the site.
-

2. RECOMMENDATION

- 2.1 Enforcement action be authorised.

Corporate Policy

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

Financial

1. Cost of proposal: No cost
 2. Ongoing costs: Non-recurring cost.
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
-

Staff

1. Number of staff (current and additional): Three Planning Investigation Officers
 2. If from existing staff resources, number of staff hours: 4
-

Legal

1. Legal Requirement: Statutory requirement. Town & Country Planning Act
 2. Call-in: Call-in is not applicable. Non Executive
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): One (1)
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments:

3. COMMENTARY

3.1 Under ref. 10/02236/TELCOM, the Council disapproved the siting and appearance of a 15m high shared telecommunications mast with 2 ancillary equipment cabinets at the site for the following reason:

'Due to their height, siting and design, the proposed mast and ancillary equipment would be obtrusive and highly prominent features in the street scene, out of character with and detrimental to the visual and residential amenities of the surrounding area, and would be likely to prejudice the future wellbeing of street trees in Court Road, contrary to Policies BE22 and NE7 of the Unitary Development Plan.'

3.2 Following this decision, the applicant's agent approached the Council for informal advice on a mast of a reduced height of 12.5m at this site. The Council advised that while the reduction in height was an improvement, the siting and design would be consistent with the previous proposal and may continue to be of concern for the reasons specified, and furthermore that in the absence of evidence to the contrary the possible impact to street trees may continue to be an issue. In response the applicant's agent asked the Council to advise of alternative appropriate street locations for the installation. The Council advised that while it was unable to offer such specific advice, it would be glad to offer an informal view on any other proposals that may be submitted. No further proposals were put forward informally.

3.3 A further application was submitted under ref.11/00385/TELCOM seeking the Council's determination as to whether the prior approval of the siting and appearance of a 12.5m high shared telecommunications mast with 2 ancillary equipment cabinets would be required, and if so whether the siting and appearance was acceptable. The application was accompanied by a tree survey report which demonstrated that the development would not give rise to any undue impact to the well being of Street Trees in the vicinity. While the height of the mast was reduced by 2.5m, the siting and appearance was proposed to be very similar to the previous proposal, and it was considered that the Council's previous concerns had not been addressed. A number of local objections were received by the Council in connection with the application, which can be summarised as follows:

- as a result of height would still be visually prominent
- in direct sight of houses in area and pedestrians
- concern regarding size of cabinets
- concern that installation will return to original 15m height
- sets a precedent for further development and concerns regarding 4th generation mobile services
- suggestion that existing fire station site continues to be viable
- existence of alternative sites in the area
- site is on lower ground and therefore curious choice
- land is controlled by Bromley Council and it should reject the proposal
- consideration should be given to a temporary permission while fire station is under construction
- proposal does not comply with Policy BE22 of the UDP
- visual impact of mast from nearby houses
- proposal higher than current tree line and lamp posts
- alternative and more suitable locations in vicinity
- health risks
- loss of value to residential properties

The Council's reason for disapproval was as follows:

'Due to their height, siting and design, the proposed mast and ancillary equipment would be obtrusive and highly prominent features in the street scene, out of character with and detrimental to the visual and residential amenities of the surrounding area, contrary to Policy BE22 of the Unitary Development Plan.'

- 3.4 Subsequently, the Planning Department became aware following complaints from local residents that works appeared to have been carried out at the site to implement the proposed telecommunications development. The Council wrote to the applicant's agent by e-mail on 6th June, requesting clarification of the situation. No response was received. Subsequent discussions between the Council and the applicant's solicitors revealed the applicant's opinion that they were in benefit of a deemed consent as a consequence of the Council's failure to explicitly confirm in writing within 56 days from the date of the application that the prior approval of the siting and appearance of the proposal was required.
- 3.5 As far as the applicant is concerned therefore, they are in possession of the appropriate consent (by default) and were able to commence work on the site on this basis. It appears that the development was completed on 20th November.
- 3.6 The Council contends that the manner in which the decision was taken is sound and robust, consistent with its normal and long established procedure (and indeed the earlier disapproval at this site under ref. 10/02236/TELCOM) and in accordance with the requirements of Part 24 of the GPDO. Part 24 effectively grants permission for certain telecommunications developments. However before beginning the development the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting and appearance of the development. The development shall not be begun before the occurrence of one of the following:
- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
 - (b) where the local planning authority gives the applicant written notice that such prior approval is required, the giving of that approval to the applicant, in writing, within a period of 56 days beginning with the date on which they received his application;
 - (c) where the local planning authority gives the applicant written notice that such prior approval is required, the expiry of a period of 56 days beginning with the date on which the local planning authority received his application without the local planning authority notifying the applicant, in writing, that such approval is given or refused; or
 - (d) the expiry of a period of 56 days beginning with the date on which the local planning authority received the application without the local planning authority notifying the applicant, in writing, of their determination as to whether such prior approval is required.

Under Part 24, the developer is required to carry out the works in accordance with the details submitted in their application, or if approval is given by the local planning authority in accordance with the details submitted unless otherwise specified.

- 3.7 The Council's decision in relation to application ref. 11/00385/TELCOM disapproved the siting and appearance of the proposed telecommunications development, within 56 days from receipt of the application, following the initial determination that prior approval of the siting and appearance was required. It is on this point that the applicant disputes the validity of the decision, contending that a 2-stage procedure is required by the GPDO and should have been followed by the Council, i.e. that written notification of the need for prior approval of siting and

appearance must first be given before a decision is issued on the approval of the details (or otherwise). The applicant contends that following the expiry of the 56 day period without receipt of written confirmation that prior approval was required, they would be able to commence work on the site in accordance with the provisions of Part 24.

- 3.8 In support of its procedure and case, the Council refers to appeal decision ref. APP/G5180/X/07/2041881 dated 29th September 2007 which relates to Land outside 89 Goddington Lane, Orpington, Kent, and turned on the very issue of whether a 2-stage procedure must be followed by the Local Planning Authority under the provisions of Part 24 of the GPDO. In that case, the Council had disapproved the siting and appearance of a 12 metre high ultra slim line monopole incorporating three 1.7m antennas, radio equipment and ancillary development, without first issuing a written decision as to whether prior approval was required. The applicant (Hutchinson 3G) contended that as a consequence they had the benefit of a deemed consent, and submitted a Certificate of Lawfulness to the Council to seek to confirm this, which was refused on the basis of the earlier decision to disapprove siting and appearance. The Inspector dismissed the appeal, finding that it is not a statutory requirement under the provisions of Part 24 of the GPDO that two separate pieces of correspondence (i.e. decision notices) be issued, and that the fact that a decision is issued either refusing/disapproving or approving the siting and appearance of a proposal must follow logically from a determination that such approval was required. Since this decision related to a site within the Borough, the Council considers its procedure in relation to this type of application to be sound and robust.
- 3.9 In this case, the applicant is reliant upon an alternative decision; appeal ref. APP/B6855/C/08/2088145 dated 19th March 2009 which relates to an appeal in Wales by Vodafone Ltd. against an enforcement notice issued by the City and County of Swansea Council in relation to a 15m high monopole telecommunications mast. Again the appeal turned on the issue of whether a 2-stage procedure should have been followed by the Planning Authority. The Inspector concluded that written notification as to whether prior approval for the development permitted by Part 24 of the GPDO is required, and subsequently the appeal was allowed, the enforcement notice quashed and costs awarded against the City and County of Swansea Council.
- 3.10 Members are advised to note the conclusions of both appeal decisions in considering the expediency of authorising enforcement action in this case. Of particular note is the fact that Swansea Council routinely sent 2 part decisions and in the appeal case failed to do so. The appeals differ therefore in that Bromley followed their normal procedure and was supported, however Swansea failed to follow their established procedure and was not supported. Neither decision has been challenged and neither supersedes the other. Arguably an appeal decision in the Borough concerned is more relevant. Members may agree therefore that the Council's reliance upon a decision within this Borough, as opposed to a decision made in Wales and under separate legislation, would appear to be sound. Members are also advised to consider that any decision to authorise action is likely to result in an enforcement appeal, and an application for costs against the Council.
- 3.11 Notwithstanding the technicality of whether a 2-stage procedure is required by the provisions of Part 24 of the GPDO, the Council was not satisfied that the telecommunications installation proposed in this case would be acceptable in this location, in that it would fail to comply with the requirements of Policy BE22 of the Unitary Development Plan. The mast is, at 12.5m in height, an obtrusive and highly prominent feature in the street scene, and together with the 2 associated cabinets, appears out of character with and detrimental to the visual and residential amenities of the surrounding area. The site, which had previously been an open area of 'amenity' land, now appears cluttered as a result of the mast itself and the associated cabinets at ground level. Photographs are available on the file for Members to view.

- 3.12 Furthermore, the development that has been carried out on site would not appear to accord with the written details set out in the application, both in terms of the siting of the equipment and its appearance. The application details indicated that the mast would be coloured ‘mineral green’ to accord with adjacent street furniture, however the mast on site is coloured a light grey and as a consequence appears more prominent and discordant with adjacent street lighting columns. In addition, the two cabinets at ground level were shown on the submitted plans to be positioned 1.5m apart from one another; however appear to have been sited approx. 1.8m apart, and as a result the installation occupies a greater footprint (in terms of width) and appears less compact within the street scene. The smaller of the two cabinets (located to the west of the mast) has been positioned on a newly constructed concrete plinth which was not indicated on the submitted drawings and as a result has a greater height than the drawings specified, and appears to have been located further back from the edge of the footpath and out of alignment with the larger of the two cabinets (the drawings indicated that the fronts to both cabinets would be in aligned with the footpath edge). These changes exacerbate the harm to the visual amenities of the street scene and the character of the area that the Council initially considered would arise from the development submitted and disapproved under ref. 11/00385/TELCOM, as a result of the more prominent appearance of the mast by virtue of its colour and the less compact form that the development now has as a result of the greater separation between the two cabinets.
- 3.13 PPG 8 ‘Telecommunications’ advises that authorities and telecommunications operators should use sympathetic design and camouflage to minimise the impact of development on the environment, and that the telecommunications industry is encouraged to continue to develop innovative design solutions, in terms not only of the structure of masts and antennas but also the materials and colouring.
- 3.14 Notwithstanding the dispute over the requirement to follow a 2-stage procedure, it is an explicit requirement under Part 24 that the development is carried out in accordance with the details set out in the application. Members will need to consider in addition to the applicant’s claim that the decision should not stand, whether as a matter of fact and degree the changes made to the development as carried out on site are materially different from the details submitted to the Council under application ref. 11/00385/TELCOM, bearing in mind the greater visual impact that the mast has in the street scene as a result of its light grey colour and the less compact footprint of development. Should Members find the changes to be material, the implication would be that the development would not have the benefit of deemed consent under Part 24 of the GPDO, since the Council was not been asked to consider the need for prior approval to the siting and appearance of the development as carried out prior to its commencement.
- 3.15 The Council’s approach in issuing its decision to disapprove the siting and appearance of the proposal was in accordance with its normal and long established practice, and in line with the findings of the Inspector in the Goddington Lane appeal. In addition, the development has not been carried out in accordance with the details specified in the application. The Council does not consider that the applicant was in possession of a ‘deemed consent’ at the time of the work being carried out and it is recommended that enforcement action be authorised.

4. POLICY IMPLICATIONS

- 4.1 UDP Policy BE22 is relevant.

Non-Applicable Sections:	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: DC/11/00385/TELCOM and DC/10/02236/TELCOM.

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Report No.
TPO 2421

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: Plans Sub Committee 2

Date: 8th December 2011

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

Title: **OBJECTIONS TO TREE PRESERVATION ORDER 2421 at 79 BELVEDERE ROAD, ANERLEY**

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

Chief Officer: Bob McQuillan - Chief Planner

Ward: Crystal Palace

1. Reason for report

To consider objections that have been made in respect of the making of a tree preservation order.

2. **RECOMMENDATION(S)**

The Chief Planner advises that the tree makes an important contribution to the visual amenity of this part of the Belvedere Road conservation area and that the order should be confirmed.

Corporate Policy

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

Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Planning Division Budget
 4. Total current budget for this head: £3.3m
 5. Source of funding: Existing revenue budget
-

Staff

1. Number of staff (current and additional): 103.89ftes
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is not applicable.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Those affected by the tree preservation order.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1. This order was made on 24th June 2011 and relates to a holly tree in the front garden. Objections have been received from the owner of the property and the owner of the adjoining property.
- 3.2. The owner of the holly tree has raised a number of issues. Firstly she has stated that there no proper reasons given for the refusal of the proposed felling of the tree. The protection of trees in Belvedere Road has been clarified, all trees in this area are protected by virtue of their location within the conservation area. This means that if any work to trees is proposed, 6 weeks notice in writing should be given to the Council. The Council can either allow the proposed works or make a Tree Preservation Order. It does not have the power to revise the works and cannot refuse work but if there are concerns about the proposed works the Council can make a Tree Preservation Order. In this case she gave notice of intention to fell 2 holly trees in the front garden. The Council raised no objections to the works to the felling of the holly tree to the left of the entrance but was sufficiently concerned about the loss of the tree to the right of the entrance to make a tree preservation order.
- 3.3. She considers that it is insufficient to simply state that the order has been made “to preserve the amenities of the area” as this does not give any proper opportunity to assess the basis upon which the decision was made and to respond accordingly. The holly tree occupies a prominent location within the conservation area and is a highly visible specimen. It makes a positive contribution to the character of this part of the Belvedere Road conservation area and it was for this reason that the preservation order was made.
- 3.4. She is concerned that the tree is causing significant damage to the retaining wall at the front of the property and has provided a report from a structural engineer. The contents of the report have been noted but it does not describe the other vegetation in the garden and whether that has affected the walls. Also it does not fully describe the wall in respect of the materials of which it is constructed, the location and extent of damage. There is also no assessment of whether it would be possible to repair the wall or even rebuild it without felling the tree.
- 3.5. She considers that the holly is a species that should not receive statutory protection. She points out that the tree has been neglected in the past and has previously been badly pruned. It is now one sided and the shape is distorted. The owner has been advised that the Order does not mean that no work can be carried out to the tree in the future, but it requires that the Council’s consent be gained prior to felling and to carrying out most forms of tree surgery. In assessing applications to remove trees or carry out tree surgery, the Council takes into account the reasons for the application, set alongside the effect of the proposed work on the health and amenity value of the tree. Some pruning of the tree has already been agreed to assist in giving a more balanced shape to the tree. Any species of tree can be protected holly can make an attractive individual specimen which can achieve heights up to 18 metres and the species will tolerate pruning. The tree does make a contribution to the visual amenities of the conservation area. The amenity value of a tree depends on many factors, and a tree may be appropriate in one location, but out of place or unattractive in another. Trees do not lend themselves to classification into high or low landscape value categories. In this case the size, potential growth, location and intrinsic characteristics of the tree was not considered to lessen its amenity value.
- 3.6. She refers to comments made to the Council in respect of the proposed felling. She has been advised that 4 letters were received when the notification of intention was made, all commenting about the value of the trees for wildlife but also expressing concern at the impact of the loss of the trees to the character of the conservation area. However they all agreed that they would have no objections to sympathetic pruning of the trees. The Councils concerns are for the amenity value the trees offer to the conservation area rather than individual views.

- 3.7. The owner of the adjoining property supports her neighbours wish to have the tree felled. She has been advised about the procedures relating to tree work applications within a conservation area. She commented on the impact of the tree on the front boundary wall and its proximity to the path which means that anyone using the path can be scratched by the tree. She has been informed that an engineers report has been submitted. In respect of injury to users of the path to the property, the risks can be reduced by appropriate pruning of the tree. The Tree Preservation Order does not preclude appropriate tree surgery, although it does mean that the consent of the Council is required prior to most tree works being carried out. Trees sometimes require tree surgery, and this does not necessarily prevent Tree Preservation Orders being made for them. Finally she commented about the shading of the front garden and front of the house caused by the tree. Pruning of the tree would also reduce the shading of the front of the property and advised that the Council has already agreed to the reduction of the crown of the tree by 20%.

4. POLICY IMPLICATIONS

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

5. LEGAL IMPLICATIONS

- 5.1 If not confirmed the order will expire on 24th December 2011.

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

Report No.
TPO2427

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: Plans Sub-Committee 2

Date: 8th December 2011

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

Title: **OBJECTIONS TO TREE PRESERVATION ORDER 2427 AT 32
HOLBROOK LANE, CHISLEHURST**

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

Chief Officer: Bob McQuillan - Chief Planner

Ward: Chislehurst

1. Reason for report

To consider objections that have been made in respect of the making of a tree preservation order.

2. **RECOMMENDATION(S)**

The Chief Planner advises that the tree makes an important contribution to the visual amenity of this part of the Chislehurst conservation area and that the order should be confirmed.

Corporate Policy

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

Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Planning Division Budget
 4. Total current budget for this head: £3.3m
 5. Source of funding: Existing revenue budget
-

Staff

1. Number of staff (current and additional): 103.89ftes
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is not applicable.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Those affected by the tree preservation order.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1. This order was made on 10th August 2011 and relates to a cypress tree in the front garden. Objections have been received from the owners of the property and it is noted that the owner has commented on behalf of himself and his neighbour at number 30. He has commented that the tree is a rapid growing Leylandii and has caused much nuisance to himself and his neighbours. He has stated that it has grown through the telephone line and has broken them in high winds, it overshadows the gardens so that they cannot grow anything of use under or near it and it continually sheds brown spines over a wide area under it. He is concerned because such trees can grow to a height of 120 feet, they have shallow root and this carries a recognised danger of blowing over in high winds. He considers that the tree is outgrowing its value to the immediate environment and should be removed before it causes serious problems. He is willing to replace it with a more acceptable tree such as a maple or acacia.
- 3.2. The protection of trees in Chislehurst has been clarified. All trees in this area are protected by virtue of their location within the conservation area. This means that if any work to trees is proposed, 6 weeks notice in writing should be given to the Council. The Council can either allow the proposed works or make a Tree Preservation Order. It does not have the power to revise the works, and so the only way of controlling tree works which are not considered appropriate is by making a Tree Preservation Order. In this case the owner wrote to the Council giving his intention of having the tree felled. The tree was inspected and is in a reasonably healthy condition and whilst the tree is a large growing species it is 9 metres from the front of the house and appropriate to its location. The tree is in a prominent position and is a clearly visible feature in Holbrook Lane. It contrasts well with mature oaks in nearby front gardens and makes a positive contribution to the visual amenities of this part of the Chislehurst Conservation Area and it is for this reason that it has been preserved.
- 3.3. With regard to the assessment of amenity for Tree Preservation Orders, no standard method is in use which determines when a tree merits a Tree Preservation Order, and when it does not. All methods of amenity assessment contain some inherent subjectivity. The amenity value of trees depends on many factors, and a tree may be appropriate in one location, but out of place or unattractive in another. Trees do not lend themselves to classification into high or low landscape value categories. In this case the size, potential growth, location and intrinsic characteristics of the tree is not considered to lessen its amenity value.
- 3.4. It is accepted that the owner and his neighbour suffer a degree of inconvenience associated with the tree and that they are concerned about its safety. The inconvenience is that of clearing fallen fronds and the fact that it limits what can be grown under the tree. It is a characteristic of evergreen trees that they continually shed dead needles or fronds. This is part of the growth of the tree and does not indicate ill health. However clearing of the fallen debris will mean additional work in keeping drives and borders clear. In respect of the use of the land under the tree, the ground will be dry and shady and will limit what can be grown but there are plants that will tolerate such conditions and it has been noted that the planting bed in the garden near to the tree is well stocked. The problems described above are limited in severity and are unlikely to be sufficient reason to prevent the confirmation of the Order. It does not mean that no work can be carried out to the tree in the future, but it requires that the Council's consent be gained prior to removing a tree or carrying out most forms of tree surgery. In assessing applications to remove a tree or carry out tree surgery, the Council takes into account the reasons for the application, set alongside the effect of the proposed work on the health and amenity value of the tree.
- 3.5. He has expressed further concerns that in the event of a high wind the tree could fall and cause damage. The concerns about the safety of the tree are appreciated and whilst it is never possible to guarantee the tree safety, provided the tree is in good health then this is normally accepted as a low risk. It is prudent to have trees inspected periodically by a qualified

arboriculturist. It was also pointed out that the imposition of the TPO does not transfer responsibility of the tree to the Council, and this remains with the owner of the property.

4. POLICY IMPLICATIONS

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

5. LEGAL IMPLICATIONS

5.1 If not confirmed the order will expire on 10th February 2012.

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

Agenda Item 6.3

Report No.
TPO2428

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: Plans Sub-Committee 2

Date: 8th December 2011

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

Title: **OBJECTIONS TO TREE PRESERVATION ORDER 2428 at 163
VENNER ROAD**

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

Chief Officer: Bob McQuillan - Chief Planner

Ward: Penge and Cator

1. Reason for report

To consider objections that have been made in respect of the making of a tree preservation order.

2. **RECOMMENDATION(S)**

The Chief Planner advises that the tree makes an important contribution to the visual amenity of this part of Venner Road and Wiverton Road and that the order should be confirmed.

Corporate Policy

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

Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Planning Division Budget
 4. Total current budget for this head: £3.3m
 5. Source of funding: Existing revenue budget
-

Staff

1. Number of staff (current and additional): 103.89ftes
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is not applicable.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Those affected by the tree preservation order.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1. This order was made on 10th August 2011 and relates to a bay tree in the back garden. Objections have been received from the owners of the property.
- 3.2. They have raised three main concerns about the protection of the tree. Firstly they do not consider that the tree has any amenity value because there are at least six other trees within a 10 metres radius and the general area of Venner Road and Wiverton Road is leafy and well populated with a variety of trees. With regard to the assessment of amenity for Tree Preservation Orders, no standard method is in use which determines when a tree merits a Tree Preservation Order, and when it does not. All methods of amenity assessment contain some inherent subjectivity. The amenity value of trees depends on many factors, and a tree may be appropriate in one location, but out of place or unattractive in another. Trees do not lend themselves to classification into high or low landscape value categories. In this case the visibility of the tree from Wiverton Road gives it amenity value. Additionally it is of an attractive form and is considered to make a positive contribution to the character of the area.
- 3.3. Secondly they consider that the location of the tree in close proximity to a wall and telephone exchange is impractical and dangerous. The tree has pushed sections of the wall away from vertical and it is likely that the wall is unstable. They are intending to demolish the wall and rebuild it and the location of the tree will make any replacement unstable within a short period. Their concerns about the condition of the existing wall have been noted as is their intention to rebuild the wall. In respect of a replacement wall there are several options for the construction of a new wall which need not adversely affect the tree, for example foundations could be bridged over the roots, but they have been advised that they would need to gain the consent of the Council if they wished to carry out works which would affect its roots.
- 3.4. Thirdly the tree because of its size has a negative impact on the amenity value of the garden. The roots of the tree prevent planting in a significant area around the tree and the canopy shades about a third of the garden for the whole day. The tree is to the north east of the garden and will only cast direct shade over the garden in the early mornings. Some limited pruning of the tree, such as the removal of some low branches may help to alleviate the problems. It is accepted that the presence of the tree will be likely to restrict the types of plants that will grow. However, there remain a variety of species which tolerate dry shady conditions, which the owners might like to consider.
- 3.5. The owners have made further comments in respect of procedures around the making of tree preservation orders. They have been advised that once a TPO has been made the Council has to notify the owner and occupiers of the property where a tree is growing and properties which immediately adjoin, in this case the owners property and those at 161 Venner Road and 1 and 3 Wiverton Road. Residents are allowed 28 days in which to comment about the making of the order – the only comments received have been from the owner of 163 Venner Road. The Council is not required to notify any other properties.
- 3.6. They sought further clarification on the assessment of amenity value for the tree and the comments in paragraph 3.2 were repeated. In this case the tree is a visible feature in Wiverton Road and it is on this basis that the tree has been protected.
- 3.7. They have expressed concern about the relationship between the tree and wall. The tree has been seen from outside the property but have been advised that if they are concerned about the impact on the wall from inside their garden and also the impact on the garden itself a site visit would be necessary. At the time of writing of this report no visit has been requested by the owner.

3.8. They asked if the owner of the telephone comms box outside their property has been consulted and if a risk assessment has been carried out. The Council is not required to notify operators of equipment on the highway and is not required to carry out a risk assessment in conjunction with the making of a TPO.

4. POLICY IMPLICATIONS

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

5. LEGAL IMPLICATIONS

5.1 If not confirmed the order will expire on 10th February 2012.

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

Report No.
TPO2433

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: Plans Sub-Committee 2

Date: 8th December 2011

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

Title: **OBJECTIONS TO TREE PRESERVATION ORDER 2433 AT BROMLEY AND SHEPPARDS COLLEGE, LONDON ROAD, BROMLEY**

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

Chief Officer: Bob McQuillan - Chief Planner

Ward: Bromley Town

1. Reason for report

To consider objections that have been made in respect of the making of a tree preservation order.

2. **RECOMMENDATION(S)**

The Chief Planner advises that the tree makes an important contribution to the visual amenity of this part of the Bromley Town Centre conservation area and that the order should be confirmed.

Corporate Policy

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

Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Planning Division Budget
 4. Total current budget for this head: £3.3m
 5. Source of funding: Existing revenue budget
-

Staff

1. Number of staff (current and additional): 103.89ftes
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is not applicable.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Those affected by the tree preservation order.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1. This order was made on 24th August 2011 and relates to an oak. Objections have been made by the grounds manager and he has listed 8 grounds of objection.
- 3.2. He has objected because it is a self sown oak – the fact that a tree has not been specifically planted is not necessarily a problem, it is the location, condition and amenity value of the tree which are factors to consider.
- 3.3. He is concerned because it grows out from under a yew tree – the base of the tree does lean but as the tree has become larger than the yew the main part of the trunk and canopy are not leaning at an acute angle and it is not at serious risk of failure.
- 3.4. He states that the oak tree causes thinning growth to two yews which are part of the original planting design – yew is a woodland species and should be able to cope with the shading effect of the oak and competition for water and nutrients during the summer months. There may be other reasons for the canopies of the yews becoming thin.
- 3.5. He considers that the tree is of poor growth habit and there is a risk of branch failure – as stated above the tree is in a reasonable condition and is not at serious risk of failure.
- 3.6. He stated that the tree has been targeted by woodpecker and this indicates a weakness – woodpeckers effectively sound out trees and will create entry holes where there is a pre-existing cavity. He did not indicate if there are multiple cavities or only one.
- 3.7. The tree presents a danger to users of access to Sheppards College – as stated above the tree is in a reasonable condition and is not at serious risk of failure.
- 3.8. The request to fell the tree was originated by residents of Sheppards College because of shading of living rooms - the protection of trees in the conservation area was clarified and all trees are protected by virtue of their location within the conservation area. This means that if any work to trees is proposed, 6 weeks notice in writing should be given to the Council. The Council can either allow the proposed works or make a Tree Preservation Order. It does not have the power to revise the works, and so the only way of controlling tree works which are not considered appropriate is by making a Tree Preservation Order. In this case the loss of the tree was considered to be undesirable, but some pruning of the tree would help to alleviate the problems raised. Some limited pruning of the tree has been agreed.
- 3.9. The tree has a deleterious impact on amenity flower planting in borders because of shading – the agreed pruning would help to alleviate the problems of shading of the flower borders. The grounds manager is trying to increase the shrubbery and evergreen trees to reduce the noise levels from London Road. He is also trying to ensure that there are adequate light levels into the flats at Sheppards College.
- 3.10. Finally in respect of concerns about the condition and amenity value of the tree, it is in a reasonably healthy condition and makes a positive contribution to the landscaped setting of the buildings. It also makes a positive contribution to the conservation area as the tree is visible from College Green. With regard to the assessment of amenity for Tree Preservation Orders, no standard method is in use which determines when a tree merits a Tree Preservation Order, and when it does not. All methods of amenity assessment contain some inherent subjectivity. The amenity value of a tree depends on many factors, and a tree may be appropriate in one location, but out of place or unattractive in another. In this case the size, potential growth, location and intrinsic characteristics of the tree is not considered to lessen its amenity value.

3.11. A letter has also been received from Chaplain and Clerk to the Trustees and is fully in support of the comments made to the Council by the grounds manager. It was pointed out to him that in this case the notice of intention was to have the height of the oak tree reduced by 50%. This work was considered to be inappropriate – height reduction is a major operation, which can harm the health of a tree by creating large wounds which act as entry points for decay causing organisms, as well as disrupting the trees internal systems of transportation and growth control. In addition height reduction would harm the amenity value of the tree.

4. POLICY IMPLICATIONS

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

5. LEGAL IMPLICATIONS

5.1 If not confirmed the order will expire on 24th February 2012.

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

Report No.
TPO2437

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: Plans Sub Committee 2

Date: 8th December 2011

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

Title: **OBJECTIONS TO TREE PRESERVATION ORDER 2437 at
2 PONDFIELD ROAD, ORPINGTON**

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

Chief Officer: Bob McQuillan - Chief Planner

Ward: Farnborough and Crofton

1. Reason for report

To consider objections that have been made in respect of the making of a tree preservation order.

2. **RECOMMENDATION(S)**

The Chief Planner advises that whilst the trees currently make an important contribution to the visual amenity of the street scene pruning works will be necessary because of damage to the adjoining property. These pruning works will seriously reduce the amenity value of the trees and it is recommended that the order should not be confirmed.

Corporate Policy

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

Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Planning Division Budget
 4. Total current budget for this head: £3.3m
 5. Source of funding: Existing revenue budget
-

Staff

1. Number of staff (current and additional): 103.89ftes
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is not applicable.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Those affected by the tree preservation order.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1. This order was made on 8th September 2011 and relates to a larch and maple tree in the front garden. Objections have been received from the owner of the adjoining property. His concerns relate to the possible impact of the trees on the path, drive, garage and house and he also expressed concern about the risks of the trees falling in a high wind and damaging his property.
- 3.2. He was advised that with regard to the cracking of the drive and path, there are several options for the repair of driveways which need not adversely affect the trees. If total replacement of the driveway were required, again there are technical solutions which may allow the retention of the trees without damage. The owner has had part of the drive lifted to expose tree roots. A site visit has taken place and the drive of the objectors property is built of concrete and it is damaged to the extent that the garage door cannot be shut. A large root from the larch was clearly visible and the growth of this root has caused the drive to lift immediately in front of the garage door. Another section of the drive has been damaged by a large root from the maple. To enable repairs to the drive and to enable the garage door to be shut it will be necessary to remove the two large roots.
- 3.3. The tree owner has received advice from an arboricultural consultant and to ensure that the two trees can be retained and remain stable both will have to be the subject of extensive surgery. It has been recommended that the height of the larch be reduced by 50% and the proposal for the maple is to reduce the height from 18 metres to 11, and the crown spread from 8 metres to 6 metres. It will also be necessary to maintain the trees at these sizes. The works very seriously reduce the amenity value of the trees to such an extent that it is considered that they will not be worthy of statutory protection.

4. POLICY IMPLICATIONS

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

5. LEGAL IMPLICATIONS

- 5.1 If not confirmed the order will expire on 8th March 2012.

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

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