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

Councillor Russell Jackson (Chairman)
Councillor Richard Scoates (Vice-Chairman)
Councillors Kathy Bance, Lydia Buttinger, Peter Dean, Simon Fawthrop,
Alexa Michael, Gordon Norrie and Tom Papworth

A meeting of the Plans Sub-Committee No. 2 will be held at Bromley Civic Centre on
THURSDAY 19 JULY 2012 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 SUBSTITUTE MEMBERS**
- 2 DECLARATIONS OF INTEREST**
- 3 CONFIRMATION OF MINUTES OF MEETING HELD ON 24 MAY 2012**
(Pages 1 - 8)
- 4 PLANNING APPLICATIONS**

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

Report No.	Ward	Page No.	Application Number and Address
4.1	Farnborough and Crofton	9 - 12	(12/01665/FULL1) - Darrick Wood Infant School, Lovibonds Avenue, Orpington.
4.2	Bromley Town	13 - 16	(12/01956/FULL1) - The Hill Car Park, Beckenham Lane, Bromley.

SECTION 2 (Applications meriting special consideration)

Report No.	Ward	Page No.	Application Number and Address
4.3	Cray Valley East	17 - 32	(11/04004/FULL1) - Bournewood Sand and Gravel, Swanley By Pass, Swanley.
4.4	Orpington	33 - 38	(12/00573/FULL6) - Padwick Lodge, Chelsfield Lane, Orpington.
4.5	Darwin	39 - 46	(12/00961/FULL1) - Maple Farm, Cudham Lane South, Cudham.
4.6	Bickley	47 - 60	(12/01030/FULL1) - Wilderwood, Widmore Green, Bromley.
4.7	Orpington	61 - 66	(12/01060/FULL5) - Tripes Farm, Chelsfield Lane, Orpington.
4.8	Crystal Palace	67 - 74	(12/01326/FULL1) - Melbourne Court, Anerley Road, Penge.

4.9	West Wickham	75 - 80	(12/01394/FULL6) - 58 Wood Lodge Lane, West Wickham.
4.10	Copers Cope	81 - 88	(12/01569/FULL1) - 66-68 Park Road, Beckenham.
4.11	Plaistow and Sundridge	89 - 92	(12/01612/FULL6) - 14 Alexandra Crescent, Bromley.

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

Report No.	Ward	Page No.	Application Number and Address
4.12	Chelsfield and Pratts Bottom	93 - 98	(11/03432/FULL6) - 205 Worlds End Lane, Orpington.
4.13	Plaistow and Sundridge	99 - 102	(12/01145/FULL6) - 8 Park Grove, Bromley.
4.14	Kelsey and Eden Park	103 - 108	(12/01381/FULL6) - 11 Kelsey Way, Beckenham.
4.15	Petts Wood and Knoll	109 - 114	(12/01455/FULL6) - 44 Towncourt Crescent, Petts Wood.
4.16	Kelsey and Eden Park	115 - 118	(12/01483/FULL6) - 37 Oakfield Gardens, Beckenham.
4.17	Kelsey and Eden Park	119 - 122	(12/01486/PLUD) - 37 Oakfield Gardens, Beckenham.

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

Report No.	Ward	Page No.	Application Number and Address
4.18	Plaistow and Sundridge	123 - 126	(12/00905/FULL6) - 43 Palace Road, Bromley.
4.19	Darwin	127 - 130	(12/01407/FULL6) - Joyden, Grays Road, Westerham.

5 CONTRAVENTIONS AND OTHER ISSUES

Report No.	Ward	Page No.	Application Number and Address
5.1	Bromley Common and Keston	131 - 132	(DRR/12/085) - Vinstrata Ltd, 4 Lakes Road, Keston - Stationing of Skip at Front of Premises.

6 TREE PRESERVATION ORDERS

Report No.	Ward	Page No.	Application Number and Address
6.1	West Wickham	133 - 136	(DRR/12/063) - Objections to Tree Preservation Order 2466 at 1 Langley Way, West Wickham.
6.2	Bromley Town	137 - 140	(DRR/12/064) - Objections to Tree Preservation Order 2469 at 117 Ravensbourne Avenue, Bromley.

7 MATTERS FOR INFORMATION:- ENFORCEMENT ACTION AUTHORISED BY CHIEF PLANNER UNDER DELEGATED AUTHORITY (No report)

PLANS SUB-COMMITTEE NO. 2

Minutes of the meeting held at 7.00 pm on 24 May 2012

Present:

Councillor Russell Jackson (Chairman)
Councillor Simon Fawthrop (Vice-Chairman)
Councillors Kathy Bance, Lydia Buttinger, Peter Dean, John Ince,
Gordon Norrie and Richard Scoates

Also Present:

Councillors Roger Charsley, Will Harmer and Charles Rideout

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Alexa Michael and Councillor John Ince attended as her substitute. An apology for absence was also received from Councillor Tom Papworth.

2 DECLARATIONS OF INTEREST

There were no declarations of interest reported.

3 CONFIRMATION OF MINUTES OF MEETING HELD ON 29 MARCH 2012

RESOLVED that the Minutes of the meeting held on 24 May 2012 be confirmed and signed as a correct record.

4 PLANNING APPLICATIONS

SECTION 1

(Applications submitted by the London Borough of Bromley)

NO REPORTS

SECTION 2

(Applications meriting special consideration)

4.1 FARNBOROUGH AND CROFTON

**(12/00316/FULL1) - Darrick Wood School,
Lovibonds Avenue, Orpington**
Description of application - Elevational alterations and first floor and one/ three storey extension to provide classrooms, music practice rooms and entrance to

sport facilities.

THIS REPORT WAS WITHDRAWN BY THE CHIEF PLANNER.

**4.2
WEST WICKHAM**

(12/00469/FULL1) - 131-133 High Street, West Wickham.

Description amended to read, "Roof alterations to include side dormer extensions, elevation alterations, part one/three storey rear extensions, conversion of first floor, second floor and roof space to provide 5 one bedroom and 3 two bedroom self-contained units with roof terrace/garden areas, 6 car parking spaces and cycle and refuse store."

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** for the reasons set out in the report of the Chief Planner with an amendment to reason 1 to read:-

"1. The proposed development, by reason of the number of units and additional bulk and design of the roof, would result in a cramped over-intensive redevelopment of the site, harmful to the appearance of the streetscene and lacks adequate amenity space for future occupiers, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan."

**4.3
BICKLEY**

(12/00663/OUT) - 258 Southlands Road, Bromley.

Description of application - Demolition of 258 Southlands Road and erection of 2 dwellings with detached garages (at rear of Nos. 254 - 260 Southlands Road) and associated access road.
OUTLINE APPLICATION.

It was reported that the plan attached to the Chief Planner's report was incorrect.

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

1. The proposed development, by reason of the amount of site coverage by buildings and hard surfaces result in the cramped overdevelopment of the site which would be out of character with the surrounding area, contrary to Policies BE1 and H7 of the Unitary Development Plan.

2. The proposed access road between Nos. 258 and

260 Southlands Road would give rise to an unacceptable loss of amenity to neighbouring properties, with particular regard to noise and disturbance arising from its use, contrary to Policies BE1 and H7 of the Unitary Development Plan.

(Councillor Peter Dean wished his vote for permission to be recorded.)

4.4 BROMLEY TOWN

(12/00677/FULL6) - 9 Bromley Avenue, Bromley.

Description of application - Two storey side extension (Amendment to permission 08/03802 alteration to glazing of windows) RETROSPECTIVE APPLICATION.

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

Members having considered the report, objections and representations, **RESOLVED THAT PERMISSION BE GRANTED** for the reasons and subject to the condition set out in the report of the Chief Planner with a further condition and informative to read:-

“2. Details of an obscure film to be applied to the window in the east flank elevation which serves the utility room shall be submitted for approval to the Local Planning Authority within one month of the date of this decision. Within three months of the approval of details, the works shall be carried out as approved and permanently maintained thereafter.

REASON: In the interest of the residential amenities of adjoining residents and in order to comply with Policy BE1 of the Unitary Development Plan.

INFORMATIVE: The Applicant is advised that if the above condition is not adhered to, the Council will pursue enforcement action to ensure the works are completed to the satisfaction of the Local Planning Authority.”

4.5 KELSEY AND EDEN PARK

(12/00805/FULL6) - 81 Eden Park Avenue, Beckenham.

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

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

Members having considered the report, objections and representations, **RESOLVED THAT**

PERMISSION BE GRANTED as recommended, for the reasons and subject to the conditions set out in the report of the Chief Planner with a further condition to read:-

“5. The flat roof area of the two storey rear extensions shall not be used as a balcony or sitting out area and there shall be no access to the roof area.

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

**4.6
DARWIN**

(12/00849/RECON) - Land East of Milking Lane Farm, Milking Lane, Keston

Description of application – Removal of Condition 2 removing permitted development rights under Part 18 of Schedule 2 of the Town and Country (General Permitted Development) Order 1995 of permission DC/11/01304/FULL1 granted for the removal of existing security fence and hedgerow and erection of replacement repositioned security fence up to 67m west of the existing fence line and change of use from agriculture to airport.

It was reported that further objections to the application had been received. It was noted that a permitted development condition did not prevent an applicant lodging a planning application in the future and that in these circumstances an application would be considered in the normal manner.

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

(Councillor Simon Fawthrop wished his vote for refusal to be recorded.)

**4.7
DARWIN**

(12/00850/RECON) - HPS Gas Station, Leaves Green Road, Keston.

Description of application – Removal of Condition 2 removing permitted development rights under Part 18 of Schedule 2 of the Town and Country (General Permitted Development) Order 1995 of permission DC/11/01303/FULL1 granted for the removal of existing security fence and hedgerow and erection of replacement repositioned security fence between 100m and 125m to the west of the existing fence line and change of use of land from agriculture to airport.

It was reported that further objections to the application had been received. It was noted that a permitted development condition did not prevent an applicant lodging a planning application in the future and that in these circumstances, an application would be considered in the normal manner.

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

(Councillor Simon Fawthrop wished his vote for refusal to be recorded.)

**4.8
BROMLEY TOWN**

(12/00951/RECON) - The Ravensbourne School, Hayes Lane, Bromley.

Description of application – Removal of condition 1 of permission granted under ref. 07/02691 which requires the permitted mobile classroom to be removed by 30.09.2012.

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

Members having considered the report and representations, **RESOLVED THAT THE APPLICATION BE PERMITTED**, subject to the condition set out in the report of the Chief Planner with an informative to read:-

INFORMATIVE: The Applicant is advised that an application for a permanent building is expected to be submitted to the Local Planning Authority and the temporary building shall subsequently be removed within the 2 year temporary permission given.

SECTION 3

(Applications recommended for permission, approval or consent)

**4.9
WEST WICKHAM**

(12/00380/FULL6) - 21 Wood Lodge Lane, West Wickham.

Description of application - Single storey front and first floor side extensions, and conversion of garage to habitable accommodation.

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

**4.10
KELSEY AND EDEN PARK
CONSERVATION AREA**

(12/00547/FULL1) - 76A Manor Way, Beckenham.

Description of application – Demolition of existing dwelling and erection of two storey five bedroom dwelling house with integral garage.

Members having considered the report and objections, **RESOLVED THAT PERMISSION BE GRANTED** as recommended, for the reasons and subject to the conditions and informative set out in the report of the Chief Planner with a further condition and informative to read:-

“12. Details of the proposed slab levels of the buildings and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

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

INFORMATIVE 2: The Applicant should be aware that there is a protected tree to the front of the site and that this should not be damaged during the construction works.”

**4.11
KELSEY AND EDEN PARK
CONSERVATION AREA**

(12/00548/CAC) - 76A Manor Way, Beckenham

Description of application - Demolition of the existing dwelling house CONSERVATION AREA CONSENT.

Members having considered the report and objections, **RESOLVED THAT CONSERVATION AREA CONSENT BE GRANTED** as recommended, for the reasons and subject to the condition.

**4.12
BROMLEY TOWN**

(12/00894/FULL6) - 59 Madeira Avenue, Bromley.

Description of application - First floor side extension and elevational alterations to rear.

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

**4.13
CRYSTAL PALACE**

(12/00940/FULL1) - 117 Anerley Road, Penge.

Description of application – Second/third floor extension with roof alterations to provide 3 two

bedroom flats and additional bedroom to existing second floor flat. Conversion of first and second floor office to provide 1 two bedroom flat and 2 studio flats. Change of use of rear part of lower ground floor from storage to office (Class B1). Associated car parking, cycle parking and bin store at rear.

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

SECTION 4

(Applications recommended for refusal or disapproval of details)

4.14 MOTTINGHAM AND CHISLEHURST NORTH

(12/01046/FULL1) - 83 Broadheath Drive, Chislehurst

Description of application – Demolition of attached garage and erection of three storey 3 bedroom terraced dwelling with integral garage.

Oral representations from Ward Member, Councillor Charles Rideout, in objection to the application were received at the meeting. It was reported that further objections to the application had been received together with a letter from Robinson Escott Planning. Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reasons set out in the report of the Chief Planner.

5 CONTRAVENTIONS AND OTHER ISSUES

5.1 BROMLEY TOWN

(DRR/12/052) - The Ravensbourne School, Hayes Lane, Bromley.

Members having considered the report, **RESOLVED that NO FURTHER ACTION BE TAKEN.**

5.2 BICKLEY

(DRR/12/054) - 15 Lewes Road, Bromley.

Members having considered the report, **RESOLVED that ENFORCEMENT ACTION BE AUTHORISED** to cease the use of the premises as two residential units.

**5.3
CRAY VALLEY EAST**

(DRR/12/055) - Invicta Works, Chalk Pit Avenue, Orpington.

Members having considered the report **RESOLVED that an UNTIDY SITE NOTICE BE AUTHORISED** under Section 215 of the Town and Country Planning Act, 1990.

**5.4
WEST WICKHAM**

(DRR/12/053) - 49 Hayes Chase, West Wickham

Members having considered the report, **RESOLVED that AUTHORITY TO ENTER THE SITE TO CARRY OUT WORKS IN DEFAULT and a CHARGE TO BE PLACED ON THE LAND be GRANTED**, subject to referral to the Environment Portfolio Holder regarding budgetary implications.

The Meeting ended at 8.10 pm

Chairman

Agenda Item 4.1

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

Application No : 12/01665/FULL1

Ward:
Farnborough And Crofton

Address : Darrick Wood Infant School Lovibonds
Avenue Orpington BR6 8ER

OS Grid Ref: E: 543843 N: 165033

Applicant : Darrick Wood Infant School

Objections : NO

Description of Development:

Single storey rear extension

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Urban Open Space

Proposal

It is proposed to enlarge the existing school in order to provide additional teaching accommodation and to enhance the circulation space within the building. The works will involve internal alterations to the northern side of the school and provision of a single storey extension. The extension will effectively replace modular classrooms which previously occupied the school site. There will be no increase in pupil numbers.

The proposed extension will be erected to the side and rear of the existing boiler house. It will partly be built within an area currently occupied by a canopy and will extend to a depth of 7.1m beyond the existing rear building line.

Location

The school fronts the eastern side of Lovibonds Avenue with the extension site itself bounded to the north by open recreational land and to the south by Darrick Wood Junior School. The site falls within designated Urban Open Space.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and at the time that this report was drafted no representations had been received.

Comments from Consultees

No objections have been raised by the Council's Environmental Health officers.

Planning Considerations

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

- BE1 Design of New Development
- C7 Educational and Pre-School Facilities
- G8 Urban Open Space

Planning History

The school was originally constructed around 1950. In the intervening years it has been enlarged and altered. Most recently, under ref. 08/00954, planning permission was granted for a substantial single storey building to provide various facilities within the school.

Conclusions

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

Policy G8 of the Unitary Development Plan concerning Urban Open Space advises that Proposals for built development in areas defined on the Proposals Map as Urban Open Space (UOS) will be permitted only under the following circumstances:

- (i) the development is related to the existing use (in this context, neither residential nor indoor sports development will normally be regarded as being related to the existing use); or
- (ii) the development is small scale and supports the outdoor recreational uses or children's play facilities on the site; or
- (iii) any replacement buildings do not exceed the site coverage of the existing development on the site.

Furthermore, where built development is involved; the Council will weigh any benefits being offered to the community, such as new recreational or employment opportunities, against a proposed loss of open space. In all cases, the scale, siting, and size of the proposal should not unduly impair the open nature of the site.

In these circumstances, the proposal may be justified on the basis that the development is related to the existing use, provided an important community benefit, and helps support the outdoor recreational uses of the surrounding areas. Although much of the proposed extension will be situated within the existing envelope of the school building, the proposed "Teaching Space" and "Caretaker" and "Store" rooms will extend beyond this area and will occupy part of the existing

car park and play area. On balance, it is considered that the Policy G8 criteria will be satisfied.

Policy C7 of the Unitary Development Plan, “Educational and Pre-School Facilities” advises that applications for new or extensions to existing educational establishments or pre-school facilities will be permitted provided that they are located so as to maximise access by means of transport other than the car. In addition, proposals relating to primary or secondary schools, which involve an increase in the school roll or the provision of facilities that are likely to be used by the wider community, will be required to produce and adopt a School Transport Plan.

It is not proposed to increase pupil or staff numbers: rather, it is sought to enhance the school accommodation. Accordingly, it is not considered that there will be any significant transport implications arising from this scheme.

The proposed extension is considered to be of an acceptable design, of a scale and character commensurate with the existing school. Given its siting it is not considered that the amenities of the wider area will be adversely affected.

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

Background papers referred to during production of this report comprise all correspondence on file ref. 12/01665, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

Reasons for permission:

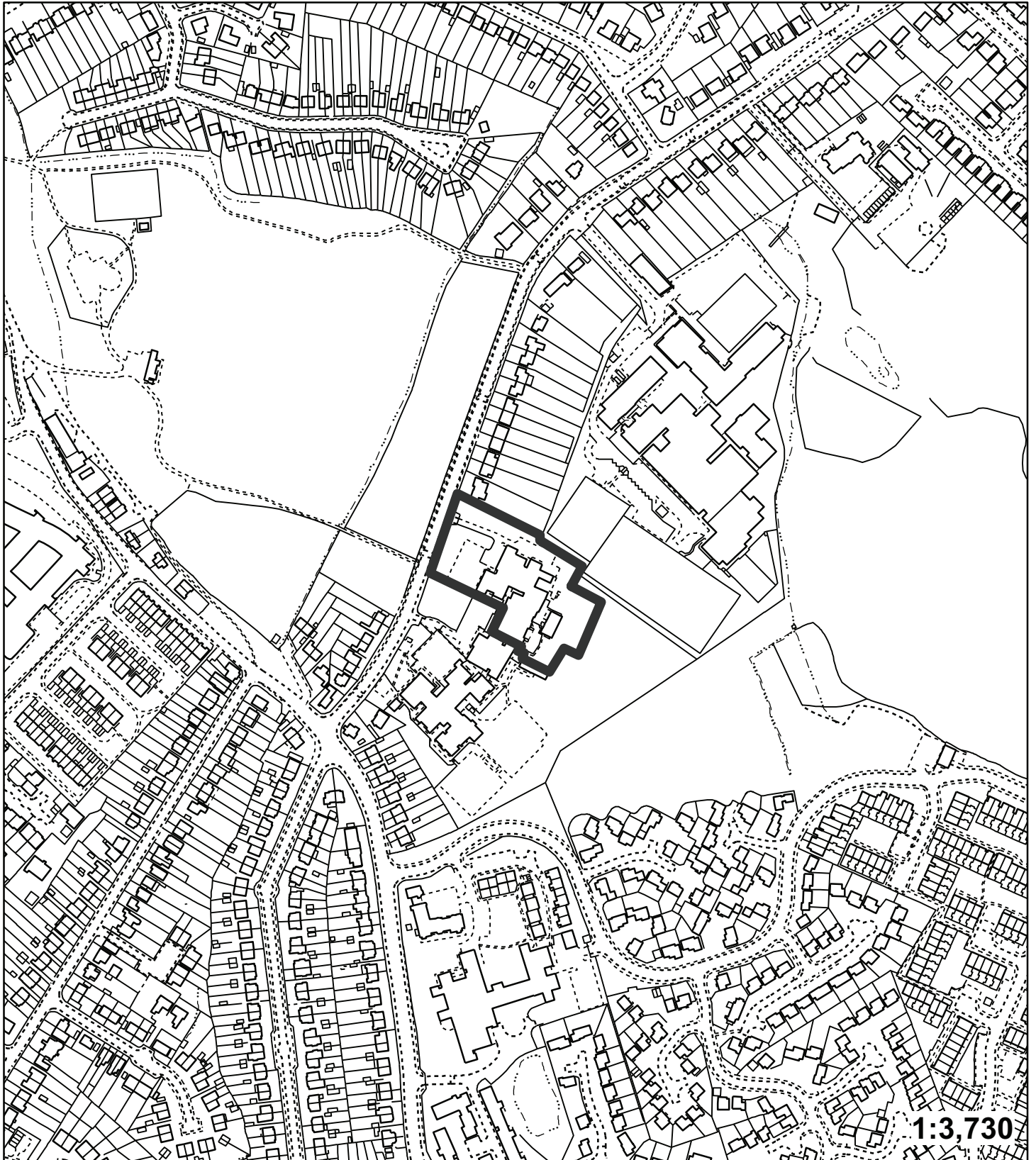
In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- | | |
|-----|---------------------------------------|
| BE1 | Design of New Development |
| C7 | Educational and Pre-School Facilities |
| G8 | Urban Open Space |

Application: 12/01665/FULL1

Address: Darrick Wood Infant School Lovibonds Avenue Orpington BR6 8ER

Proposal: Single storey rear extension



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

Application No : 12/01956/FULL1

Ward:
Bromley Town

Address : The Hill Car Park Beckenham Lane
Bromley BR2 0DA

OS Grid Ref: E: 539971 N: 169408

Applicant : London Borough Of Bromley

Objections : NO

Description of Development:

Demolition of level 3 car park deck slab and installation of temporary steel parapets and removal of steel barrier

Key designations:

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

Proposal

992m² of the reinforced concrete upper floor slab in the north-east corner of the car park will be demolished and the adjoining steel barrier on the north and east elevations will be removed. 78 metres of temporary vehicle parapet will be erected along the two edges exposed by the demolition.

The proposal follows the grant of planning permission for the Bromley South Central development and the expected closure of the Westmoreland Road Car Park. The Hill Car Park currently has 170 spaces unavailable because the top slab and some of the supports were found to be unsafe. The proposed works would return 120 spaces to use before demand increases in the period leading up to Christmas.

It is understood that there are future plans to replace the slab and the parapet on the east and north elevations.

Location

The application property is a four storey car park in the north of Bromley town centre located to the west of the High Street on the southern side of Beckenham

Lane. There is a recreation ground to the south and west whilst the remainder of the site is surrounded by a mixture of commercial and residential development

Comments from Local Residents

Nearby residents were notified of the application and no representations had been received at the time of writing. Any representations received will be reported verbally at the meeting.

Comments from Consultees

The Council's Highways Engineers have been consulted and highways comments will be reported verbally at the meeting.

Planning Considerations

The main policies of the Bromley Unitary Development Plan considered to be relevant to this application include:

- T18 Road Safety
- BE1 Design of New Development.

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

Conclusions

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

The proposal will result in additional car parking spaces to address the loss of spaces that will result from the demolition of the Westmoreland Road car park. The main impact of the proposal will be the visual impact of the removal of the 3rd storey parapet on the north and east elevations. It is not considered that this will result in any undue harm. Members will note that there are future plans to replace the slab and the parapet.

Subject to any highways comments, the proposal is considered acceptable.

Background papers referred to during the production of this report comprise all correspondence on file ref. 12/01956, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

Reasons for permission:

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

- | | |
|-----|---------------------------|
| T18 | Road Safety |
| BE1 | Design of New Development |

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

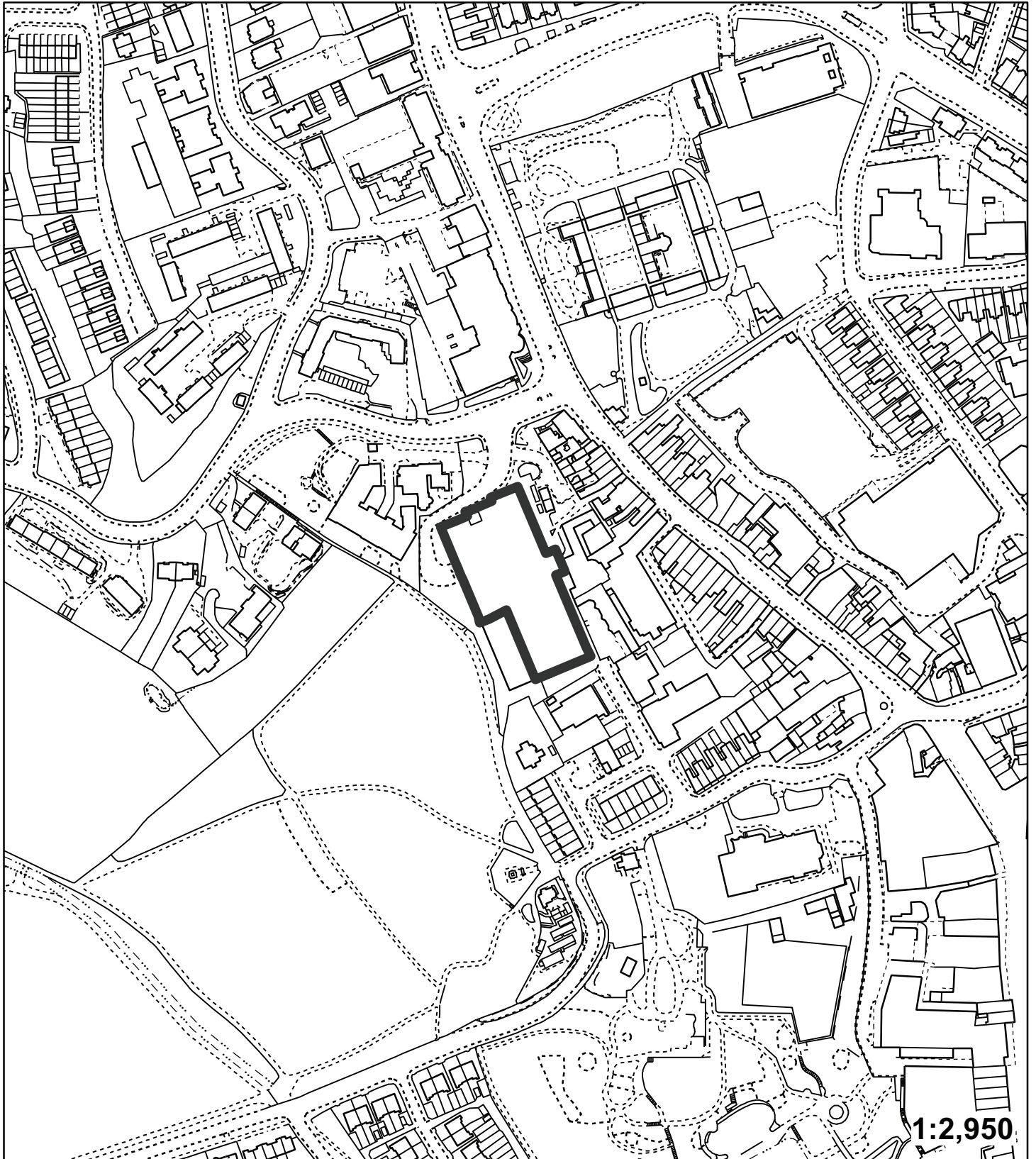
- (a) the relationship of the development to adjacent property
- (b) the character of the development in the surrounding area
- (c) the impact on the amenities of the occupiers of adjacent and nearby properties
- (d) the design policies of the development plan
- (e) the transport policies of the development plan

and having regard to all other matters raised.

Application:12/01956/FULL1

Address: The Hill Car Park Beckenham Lane Bromley BR2 0DA

Proposal: Demolition of level 3 car park deck slab and installation of temporary steel parapets and removal of steel barrier



SECTION '2' – Applications meriting special consideration

Application No : 11/04004/FULL1

Ward:
Cray Valley East

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

OS Grid Ref: E: 550231 N: 168274

Applicant : Bournemouth Sand And Gravel

Objections : YES

Description of Development:

Change of use of part of existing quarry to allow for the pre-treatment of material prior to infilling by sorting/crushing to recycle any material that can be used to provide recycled aggregates for sale and the provision of associated storage bays

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Stat Routes
Tree Preservation Order

Proposal

This application seeks permission for a change of use of part of existing quarry to allow for the pre-treatment of material prior to infilling by sorting/crushing to recycle any material that can be used to provide recycled aggregates for sale and the provision of associated storage bays. The proposed use would cease upon the cessation of the permitted quarry use in January 2018 (extraction up to March 2017). The 'inert waste treatment facility' is permitted by the Environment Agency by virtue of a variation to the site permit which was granted in 2009.

Although the application form indicates that the works / use have not already started, it is considered that the application is, in part at least, retrospective as there is evidence that sorting and recycling has been taking place at the site recently and this is already the subject of an extant enforcement notice issued in 2003.

The proposal would involve the creation of 8 storage bays along the southern boundary of the site adjacent to the railway, near to which lorries arriving at the site would unload their vehicles to allow the contents to be processed. The bays will be 10m x 10m and 4m high, and they will be constructed on the partly restored quarry

void in 'Area B'. A section demonstrating their proposed height, as well as a plan of levels, is provided with the application, which shows that the top of the bays will sit below the top of the quarry sides.

The aim of the proposal is to enable the operator to pre-treat waste brought to the site to allow any suitable material to be recycled and reused rather than it being used for landfill at the site. The supporting information explains that this will accord with the current EU Landfill Directive as brought forward by the Environmental Permitting (England and Wales) Regulations 2010. It will also be consistent with the aims of the revised Waste Framework Directive and waste hierarchy and relevant planning policies. Further information is provided in the supporting documents.

Essentially, the onsite operation will enable any waste that is not able to be treated at the point of origin to be treated before it is put into landfill, complying with environmental objectives to reduce the amount of landfill. The application documents suggest that this will open up a larger market for material to be supplied to the site.

It is confirmed that aside from the temporary storage bays, no additional permanent infrastructure of buildings are proposed as the activity requires only mobile equipment in the form of two screeners, two crushers, one loading shovel and one 360 degree excavator. This activity has been ongoing at the site at varying scales in recent years and some of the equipment mentioned above can be seen in aerial photographs on file.

The application includes a Planning Statement, a Design and Access Statement, a Transport Statement and plans and elevations. Although a noise assessment and air quality assessment have been requested, the applicants have argued that these are not required. They have cited Planning Policy Statement 10 (which remains extant) which states at paragraph 26 and 27: "In considering planning applications for waste management facilities, waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities." and "The planning and pollution control regimes are separate but complementary. Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health. The planning system controls the development and use of land in the public interest and should focus on whether development is an acceptable use of the land, and the impacts of those uses on the development and use of land. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced."

In relation to this point, Members will note additionally that the Council's Environmental Health Officer (subject to any further comments received following receipt of further information) has commented as follows: "I have considered the above application. All existing planning conditions relating to dust suppression, noise control and times of operation of the site should continue to apply. The

process is Environment Agency Permitted which covers noise and other environmental issues. I understand the proposed activities will require a permit variation which gives the EA an opportunity to consider any necessary further environmental controls. We do not propose any duplicate controls through the planning system."

Location

The site is situated between the A20 Swanley Bypass (east), a railway line (south), open agricultural land (north) and a woodland known as Bourne Wood which is a Site of Importance for Nature Conservation (west). The site is located on the eastern edge of the Borough and residential properties in Sevenoaks District Council are situated on the opposite side of the A20. The site is within the Green Belt and other land to the west of the A20 is generally undeveloped and open in character.

The site has a vehicular access onto the A20 and is a working quarry, with extensive excavations across the site and with several buildings and structures and a significant amount of plant and machinery stored. An additional vehicular access has been formed from the rear of the site onto the public footpath FP170.

Comments from Local Residents

A number of objections have been received from local residents. The issues raised are summarised below:

- noise pollution from the site spoils enjoyment of garden and this will increase
- dust / air pollution will increase with additional vehicles and activity combining with the higher than average pollution from the A20
- use of access to Hockenden Lane should be prevented by condition
- owner has no regard for legal requirements or the countryside
- proposal will be harmful to the character and visual amenities of the area and the openness of the Green Belt given the wide visibility of the site
- predominant wind means that Swanley is mainly affected by this site and often in the summer windows have to be closed
- light pollution from the site
- the site has become more and more commercial despite being in the Green Belt and residents of Crockenhill are blighted by the constant noise, dust and visual impact
- the quarry is an eyesore visible from Green Court Road and the A20
- this proposal represents an intensification of the use of the site which will result in additional noise and visual impact on local residents

Swanley Town Council object to the application as it will have a greater impact on the Green Belt, will cause additional noise and dust and potential land pollution, will increase traffic on the A20, and demonstrates that the applicants have no desire to cease the use of the land by January 2018.

Crockenhill Parish Council strongly object on the basis of noise from crushing equipment which will potentially persist all day when the quarry is in operation, that the proposal will have a visual impact on the openness of the Green Belt, it will result in increased traffic and that a similar application was previously refused.

CPRE Protect Kent have commented that the proposed operations will have a serious environmental impact on the neighbouring village of Crockenhill and raise concerns that the owners have a history of not complying with the environmental regulations upon which they rely to justify the proposal.

Comments from Consultees

The Environment Agency has no objection to the proposal on planning grounds but do offer advice to the applicant regarding drainage concerns, and state that a variation to the current permit is likely to be required including permission for the new storage bays and materials storage and a revised risk assessment. The proposed recycling area should not interfere with the restoration of the site.

The Council's Environmental Health Officer (EHO) has commented that all existing planning conditions relating to dust suppression, noise control and times of operation of the site should continue to apply and that the process is Environment Agency (EA) Permitted which covers noise and other environmental issues. The proposed activities will require a permit variation which gives the EA an opportunity to consider any necessary further environmental controls. We do not propose any duplicate controls through the planning system. Further consultation with the EHO has been carried out following the receipt of a number objections relating to noise, dust and air quality and further correspondence between the Council and applicants on this matter. Any further views will be reported verbally.

Sevenoaks District Council have objected to the application as insufficient information has been submitted to demonstrate that the extended operations would have no greater harm upon air quality within the adjacent designated A20(T) Air Quality Management Area (AQMA) and that no greater harm to amenity of nearby existing and future residents from poor air quality and noise, with particular regard to housing allocation land at Cherry Avenue, Swanley.

Kent County Council (KCC) support the application and state that the application would be supported by the Waste Framework Directive (2008 98EC) and the National Waste Strategy 2007 supported by Policies 5.15 and 5.16 of the London Plan 2011. KCC consider that the proposed development would help the site remain competitive by attracting waste to the site which in turn would help the restoration of the mineral workings, according with the KCC Minerals and Waste Core Strategy. KCC also consider that the site is in a good location to intercept London waste going into Kent which would enable London to process waste produced within London rather than exporting it to Kent and other areas which would help ensure that London reaches its objectives of sustainable development. It is further considered that the proposal would assist in reducing the distance that waste would travel to management facilities. They confirm that Kent Highways Authority has no objection.

Network Rail has no observations on the proposal.

The Council's Highways Engineer comments that the continuing issue from the highway point of view relates to now unlawful obstruction/damage to the surface of the original route of Footpath 170. The temporary diversion order expired in July 2011 and no alternative legal measure has been applied for, although the Transport Statement (TS) suggests that an application is pending. It does not say, however, why there has been a delay with this.

As such enforcement action may have to be considered by the Council and an informative regarding this is requested.

This proposal is based on 50% of material being recycleable, but the TS acknowledges that it is possible for this to be as high as 75%. No justification has been given for using the assumption of 50% and reference is made to the reduction in trips should the level be lower, but no acknowledgement is made of the increase that might occur if it is higher. At 50%, the suggestion appears to be that trips could increase from the current average of 64 per day by anything between 120 and 200 extra trips per day. This seems significant to me and I consider that the Department for Transport and TfL should be consulted on this application. It certainly makes it essential to ensure that the vehicles associated with this proposal do not use local roads, particularly Hockenden Lane, and so at the very least a Construction Management Plan should be required via standard condition H29. This should be reinforced with a further condition requiring all vehicular access/egress to be from/to the A20.

The suggestion is that staff numbers would increase from 10 to 15 and that parking would be in accordance with Council standards. It is suggested that at least 15 spaces should be provided. No detail for parking is provided and so condition H02 would need to be applied. It would also be helpful if clarification could be sought on the information included in the application form which seems to suggest that parking provision on the site would be reduced by 12 spaces.

The Highways Agency (who control the A20) offer no objection to this proposal.

The Council instructed a specialist Minerals Consultant who has previous experience of this site to comment on the application proposals. The full advice is on file, and is summarised as follows: Concerns are raised that the application does not include a noise or air quality impact assessment by suitably qualified professionals and there is therefore nothing within the application which would enable the Council to judge whether such impacts will be acceptable. It is considered that there may be a cumulative impact of the existing and proposed operations, despite the fact that some recycling is already taking place. Crushing of brick, concrete etc is a potentially noisy and dusty activity and this should be properly addressed before the application is considered.

The report continues to say that it is reasonable to assume that there is a demand for the proposed activity at the site, although often the types of inert waste brought to sites like Bournewood are sorted at the point of origin. It would be important to ensure that only the waste currently allowed to be brought to the site can be sorted otherwise the overall nature and use of the site could alter, this matter is not

currently addressed within the application. From a minerals point of view the consultant concludes that although such a proposal may be difficult to resist, the application is lacking in appropriate detail to consider it properly.

Following further correspondence from the applicant's Environmental Consultant the Council's consultant provided further advice in which he points out that the application site is an existing quarry and the proposal is closely linked to that use, and therefore will affect and interrelate with the minerals extraction as well as constituting a waste operation, meaning that the Council can rightly consider the application as Minerals Planning Authority as well as Waste Planning Authority.

The report disagrees with the applicant's consultant's assessment regarding how national policy and guidance requires applications such as this to be assessed, and states that the National Planning Policy Framework 2012 (NPPF) specifies that air and noise assessments should be included within a minerals application. He also points out that the applicants have cherry picked information from PPS10 which, if you continue beyond the quoted sections, points out that paragraph 29 says: "In considering planning applications for waste management facilities waste planning authorities should consider the likely impact on the local environment and on amenity (see Annex E). These can also be concerns of the pollution control authorities and there should be consistency between consents issued under the planning and pollution control regimes." (In this regard it is unfortunate that the Environment Agency have issued a permit for an activity which does not at the present time benefit from planning permission). Furthermore Annex E of PPS10 states that in testing the suitability of sites Waste Planning Authorities should consider factors which include "air emissions, including dust" and "noise and vibration".

Additionally the consultant is concerned that without any base data for noise or air quality, it will be impossible in the future to assess whether any such nuisance is being caused by the quarry or the recycling activity.

Planning Considerations

The application falls to be considered with regard to the following policies in the 2006 Unitary Development Plan:

- T2 Assessment of Transport Effects
- T3 Parking
- T18 Road Safety
- BE1 Design of New Development
- NE2 and NE3 Development and Nature Conservation Sites
- NE12 Landscape Quality and Character
- G1 The Green Belt
- G14 and G15 Minerals Workings and Associated Development
- ER2 Waste Management Facilities

London Plan 2011 policies of relevance include:

- 5.16 Waste Self-Sufficiency

- 5.17 Waste Capacity
- 5.18 Construction, Excavation and Demolition Waste
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.16 Green Belt

National policy of relevance includes:

National Planning Policy Framework 2012
Planning Policy Statement 10 - Planning for Sustainable Waste Management

Planning History

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

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

In 2000 permission was granted by the Council for some changes to the permitted scheme under ref. 00/02071 for "Variation of condition 20 of application ref. 96/00962 granted on appeal for extraction of Thanet Sand regarding restoration and re-contouring by disposal of inert waste, creation of vehicular access, the reduction in the width of the surface berm running along the eastern boundary of the site. Erection of repair shed. Erection of security compound comprising 3m high steel palisade fence around perimeter of compound, caravan for overnight accommodation for security guard, storage container, mess hut and 2 storey office/inspection facility. Erection of 3 metre high steel palisade fence along northern boundary of the site." This was the most recent permission for the site until its expiry in January 2011.

Application ref. 00/03685 was submitted on 20 November 2000, and a duplicate application (ref. 01/00200) was submitted on 18 January 2001 for 'Use of land for the recycling of inert waste materials using one crushing machine and two screeners; the blending of the recovered aggregate with Thanet Sand to produce secondary aggregates; provision of spoil heap; and storage area for processed materials'. The former was dismissed at appeal following an appeal against non-determination, and the latter refused. The grounds for refusal (and contesting the appeal) were as follows:

The applicant has failed to demonstrate that very special circumstances exist to justify the grant of planning permission for a proposal which is industrial in nature and which is inappropriate development in the Green Belt and is therefore contrary to Policy G2 of the Bromley Unitary Development Plan 1994 and Planning Policy Guidance Note 2.

The proposal is contrary to Policies C17, C18 and G30 of the Unitary Development Plan 1994 due to the likely significantly adverse effects on residential amenities, the landscape and the surrounding rural area by reason of noise, dust, vibration and increased movements of HGV's.

The applicant has failed to provide information to demonstrate that the proposal will not prolong the duration of the current permission for extraction, infilling and restoration which would result in an unacceptable timescale for the approved operations , contrary to Policy G2 of the Bromley Unitary Development Plan 1994, Planning Policy Guidance Note 2 and Minerals Planning Guidance Note 1.

The applicant has failed to provide information to demonstrate that the proposal will not result in a safety hazard to traffic using the A20(T) which would be contrary to Policy T3 of the Bromley Unitary Development Plan 1994.

Application ref. 01/00675 was approved on 26 April 2001 for "Details of landscape scheme to security compound pursuant to condition 24 of permission ref. 00/02071 granted for extraction of Thanet Sand and restoration and recontouring by disposal of inert waste with associated access, security fencing and compound".

Application ref. 01/01377 was refused on 23 July 2001 for "Variation of condition 03 of permission ref. 00/02071 regarding extraction of Thanet Sand to enable a revised phased working."

Enforcement and Stop Notices were served on 4 April 2003 against the "material change of use of the site from excavation of sand and gravel to use for the excavation of sand and gravel and the crushing and sorting of waste materials and the stationing of two pieces of crushing machinery and one piece of sorting machinery". An appeal against these was dismissed on 20 January 2004. The notices were marked as complied with on 17 June 2004, however the breach appears to have re-occurred in recent years as can be seen on aerial photographs on file.

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

Application ref. 09/02818 for an extension of time for extraction and infilling was withdrawn by the applicant in order that further discussions could take place. Application ref. 10/00657 was refused permission for an extension of time until 2018 for extraction and infilling on the basis of the harm the ongoing extraction would cause but subsequently granted at appeal subject to conditions, and this is the current permission under which the site is operating.

Application ref. 11/00140 was granted permission for Variation of conditions 1,12,13 and 16 of ref. 00/02071 and condition 1 of ref. 08/03444 to allow infilling only of existing quarry with inert waste and restoration with associated access, buildings and structures to continue/ remain until 14 January 2018.

Injunction action was authorised in September 2011 to pursue the extant enforcement notice from April 2003 against the unauthorised sorting use and associated machinery, however given the timescale since the previous dismissed appeal against the enforcement notice this action has been held in abeyance to give the applicant an opportunity to submit and have considered this current application with regard to current material planning considerations.

A Breach of Condition Notice was issued in January 2012 regarding the use of the secondary access along Footpath 170 to Hockenden Lane by quarry related vehicles.

An Enforcement Notice was issued in March 2012 against the unauthorised change of use of part of the site for the material change of use from a quarry to mixed use as a quarry and use for batching of concrete and associated materials and plant, parking and storage of plant, vehicles and machinery not required in connection with the authorised use as a quarry. The applicant had asked for an extended period of compliance until 1 July 2012.

Conclusions

There are a number of key issues to be considered in the determination of this application, some of which are set out in the applicant's Planning Statement:

Appropriateness of the proposal within the Green Belt:

The applicant considers that the proposal should be considered as appropriate development within the Green Belt due to its interrelationship with the existing quarry use, which in terms of both extraction and infilling, the Inspector in the 2011 appeal considered was appropriate in the Green Belt. However, the Inspector's reasoning for this view was that extraction and infilling of a mineral site can be appropriate in the Green Belt as set out in established policies, however both these activities must by their nature take place where the mineral is found, and this is not the case with the pre-treatment of waste, which is not bound to take place at the extraction or infilling site. In the appeal decisions from 2002 and 2004, both parties and the Inspector in each case considered that processing of waste in a manner apparently identical to that proposed in this case was inappropriate in the Green Belt. It is therefore considered that this proposal is also inappropriate within the Green Belt and that in order for permission to be granted, very special circumstances to outweigh any harm caused would need to be demonstrated.

The Planning Statement does suggest such very special circumstances in the event that the Council disagree that the proposal is appropriate. These can be summarised as follows:

The proposal is necessary to facilitate the (appropriate) extraction of minerals:-
It is not considered that this is the case since the extraction of minerals and infilling would be able to take place without on site pre-treatment, although clearly it would be more convenient for pre-treatment to take place on site. Given that this statement is not considered to be correct it cannot outweigh the harm that would be caused.

The legislative requirement for waste to be pre-treated and a duty not to landfill re-useable materials:- The legislation does not require pre-treatment to take place at the site or within the Green Belt and whilst it is clear that pre-treatment is encouraged and the benefits are acknowledged, it is not considered that these benefits outweigh any harm that would occur. Waste can be pre-treated at any suitable location to meet this requirement and this activity does not need to take place at the site within the Green Belt.

Given the limited number of such sites, this proposal is unlikely to be repeated other than in exceptional circumstances:

Whilst it is acknowledged that there are few similar sites, and that policy does encourage recycling at minerals sites, this point carries limited weight when no reason other than convenience has been provided for the need for the pre-treatment to take place at the quarry within the Green Belt rather than in another location outside of the Green Belt, and no information has been provided regarding potential alternative sites that have been investigated.

The activity will be limited to the life of the quarry:

The life of the quarry is a further 6 years from now which is a considerable period over which harm to the openness of the Green Belt will occur. Additionally there is no guarantee that, in 2018 the applicants would not present the Council with a similar situation as that in the recent application and appeal whereby extraction of the mineral has not been completed and the life of the quarry will need to be extended, which might prove similarly difficult to resist. Therefore the argument that the activity will be limited to the life of the quarry is not considered to be a compelling one with regard to limiting harm, especially given the potential difficulty of controlling waste processed at the site to that intending to be ultimately destined for the landfill. It is not considered that this outweighs the harm that would be caused.

It is further suggested that the high environmental standards required for minerals sites will be maintained by this proposal and will assist with the restoration of the site. It is difficult to understand how increased vehicular trips and potential dust and noise creating activity would improve the environmental standards of the site. In fact this would suggest that the pre-treatment would be far better located outside of the Green Belt at an appropriate waste sorting facility.

The recent changes to landfill legislation are also cited as a very special circumstance, however whilst this does place the onus on landfill operators to recycle, nothing in any current legislation states or suggests that this should be considered a reason to locate such activity in the Green Belt. The duty does not have to be met specifically at this site, but simply before waste is put into landfill. Additionally there has been an emphasis on reducing landfill for many years and not just in recent legislation. The Inspector in 2002 (para 22) stated that the general need for recycling facilities and the site's good location in respect of the road network and major urban areas did not amount to very special circumstances. He continued "What would be needed, in my judgement, is clear evidence of an unmet need, and that this unmet need cannot reasonably be met on a site outside

the Green Belt." This was despite a case being made by the appellants of other sites at that time. The applicant has not provided information about any alternative sites and it is not considered that this outweighs the harm that would be caused.

Policy G14 and G15 of the UDP require that any associated development on minerals sites is essential to the viability of the proposal and that the effects of extraction and associated development are minimised. The application submission has not suitably addressed either of these policies, in particular no evidence that the pre-treatment is essential to the viability of the proposal has been provided.

In summary, the proposal is considered to conflict with Policies G1, G14 and G15 of the Unitary Development Plan, Policy 7.16 of the London Plan and guidance in the National Planning Policy Framework 2012 in that it conflicts with the purposes of including land within the Green Belt, representing encroachment into the countryside and extending industrial activities into the countryside. The proposal is not so related to appropriate minerals extraction that it must take place at the site and constitutes inappropriate development in the Green Belt, as acknowledged by two previous Inspectors at appeal, and the very special circumstances put forward by the applicant are not considered suitably compelling as to outweigh the harm caused by this proposal and the intensification of the activities at the site.

Harm to openness and character of the Green Belt and area:

Whilst the legitimate activities at the site for mineral extraction and necessary consequent infilling were found to be acceptable in the recent appeal, a previous Inspector in 2002 considered there to be "harm beyond the definitional" caused by the additional visual intrusion over and above the permitted use of the quarry, caused by the additional vehicle movements, additional plant and machinery, and stockpiles and storage heaps. In this proposal the storage would cause further intrusion by the establishing of formal storage bays at a relatively high level within the site. The applicants views that no such visual impact would occur are therefore not accepted and it is considered that there would be actual harm caused to the openness and character of the Green Belt.

Environmental Impact:

The applicant has declined to submit an air quality or noise assessment to support this application, for reasons set out above. This has been the subject of discussions between the applicant's representatives and the Council and, whilst it was agreed to validate the application, the lack of such assessments has made it difficult to properly consider how the proposal might impact on local residents, including a number who have objected on the grounds of noise and dust, or the adjacent Air Quality Management Area (AQMA). Whilst it is accepted that there is and would need to be a suitable Environment Agency permit covering pollution control, it is clear that there is a place in the planning process for consideration of such issues and that they should not be entirely ignored as suggested by the applicants.

The Planning Statement explains that in respect of noise, a Noise Management Plan is included within the Design and Access Statement. Whilst this sets out

general measures to reduce and control noise, it does not provide any assessable data, either base data for the current operation or predicted change with the proposed operation, and furthermore includes phrases such as 'consideration will be given' to replacing noisy older equipment, which provides no safeguard. It does not provide a basis on which the Council can conclude with any certainty that the proposal will not result in unacceptable levels of noise alongside the existing operation.

The Inspector in the 2002 decision (para 13) considered that "the whole of the recycling activity would give rise to the potential for considerably more dust than the existing quarrying operation". In 2004 the second Inspector was also concerned with dust and came to the conclusion that it constituted an important disadvantage which constituted a further reason not to issue a consent. He was particularly concerned that there would be a real risk that the corridor of poor air quality which already appertains along the A20 would be enlarged. The consideration of these issues in each appeal added weight to the Inspector's decision to dismiss the appeal, and in this case in the absence of any detailed submissions by the applicant it is very difficult to be certain that air quality or noise would not be factors that would lead to the refusal of the application. It is not considered, contrary to the view set out in the Planning Statement, that circumstances have changed so much since 2002 or 2004 that a different conclusion should be reached on these matters, particularly without any detailed evidence upon which to rely.

Although the Planning Statement concludes that the proposed measures will protect the surrounding area from noise, and that the proposed activity need not result in additional dust, there is no convincing substantive evidence to support this conclusion other than assumptions made by the author. It is noted that the Environmental Permit will control such matters so as to reduce their impact as much as possible, however for the purposes of determining this planning application it is not possible to come a satisfactory conclusion that such controls could be suitably effective based on the information submitted.

In summary, it is considered that in the absence of any compelling information to the contrary, the proposal could impact upon the amenities of nearby residents by way of noise and reduction in air quality and is therefore contrary to Policies BE1 and ER2 of the Unitary Development Plan and 7.14 and 7.15 of the London Plan 2011 and Planning Policy Statement 10.

Highways Matters:

The applicant considers that there will be no harmful impact through additional traffic movements and this conclusion is supported by the Highways Agency, who control the A20 and do not object to the application. The Council's Highway Engineer does question some of the calculations but does not object in principle on the basis that the appropriate Highway Authority for the A20 are consulted, and standard conditions are imposed to ensure parking provision, and access only from the A20.

On balance the proposal complies with the requirements in Policies T2, T3 and T18 of the UDP.

Conclusions

It is acknowledged that there is policy support and identified environmental benefits which would result from allowing the pre-treatment of waste at this site, however this must be balanced against the location of the site within the Green Belt, its relationship with residential properties and with regard to previous decisions and the specific circumstances of the site.

Firstly, as set out above, it is considered that the proposal would be inappropriate in the Green Belt, and the very special circumstances provided by the applicant are not considered to outweigh the harm that would be caused by the additional vehicles, activity, plant and development. Furthermore these factors would also intensify the use in a manner that would cause actual harm to the Green Belt by reason of harm to openness and character.

Secondly, no compelling evidence has been submitted to demonstrate that the proposal will not have an additional adverse impact on the amenities of nearby residents in terms of noise and dust, and also that it would not affect the existing AQMA in Sevenoaks, about which the adjoining authority have raised concerns.

Thirdly, there are very real concerns about the likely effectiveness and enforceability of conditions in relation to this site, and consequently whether conditions governing the use of such a facility would meet the relevant tests in the Circular 11/95. The manner in which the site has been operated in the past by the current applicants, including a number of breaches of planning and environmental controls, including planning conditions, does not provide any confidence that any conditions imposed would be complied with.

Monitoring the types of material being recycled and identifying whether they are delivered to the site for sorting prior to landfill (or whether they are arriving simply to be sorted and resold), and ultimately preventing the recycling becoming a separate use and profitable interest in itself would be extremely difficult for the Local Planning Authority. In the circumstances, which are that the proposal could not be acceptable without conditions governing the nature of the pre-treatment facility, it would not be appropriate to grant permission subject to conditions which would not meet the tests in Circular 11/95 in that there would be doubt that such a condition would be enforceable. This adds weight to the conclusion that permission should not be granted.

Twice Planning Inspectors have come to a clear conclusion that the proposal to pre-treat waste is unacceptable at this site. In both instances it was concluded that the proposal was inappropriate in the Green Belt and that there was additionally actual harm likely to be caused by reason of the additional development, vehicles and plant which would be required. The designation of the land as Green Belt and the general nature of the proposals has not changed since these decisions, nor has policy insofar as it relates to the Green Belt or the general thrust of environmental and waste policies.

Both Inspectors also raised environmental concerns which have not been addressed in this submission to the extent that confidence can be had that fundamental concerns will not arise as a result of impacts of the proposal, and therefore it is not possible to assess whether the use of land proposed is acceptable.

Suggested benefits around attracting increased deliveries to the site are difficult to assess, since there would clearly be additional products created and sold from the pre-treatment process, some of which could compete with the Thanet Sand and potentially even slow the rate of extraction and infilling, extending the timescale of the operation. No evidence of alternative sites has been provided to demonstrate that the Green Belt is the only possible location for this facility.

On balance, it is recommended that permission be refused.

Background papers referred to during production of this report comprise all correspondence on files refs. 96/00962, 99/02071, 00/02071, 01/01377, 08/03444, 09/02818, 10/00657, and 11/00140, excluding exempt information.

as amended by documents received on 01.05.2012 04.05.2012

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The applicant has failed to demonstrate that very special circumstances exist to justify the grant of planning permission for a proposal which is industrial in nature and which is inappropriate in the Green Belt, harmful to the openness and character of the area and therefore contrary to Policies G1, G14 and G15 of the Unitary Development Plan, Policy 7.16 of the London Plan and guidance in the National Planning Policy Framework 2012.
- 2 In the absence of any compelling information to demonstrate otherwise, the proposal is likely to have significantly adverse effects on residential amenities, the landscape and the surrounding rural area by reason of noise, dust, vibration and increased movements of HGVs, therefore contrary to Policies BE1 and ER2 of the Unitary Development Plan and 7.14 and 7.15 of the London Plan 2011 and Planning Policy Statement 10.

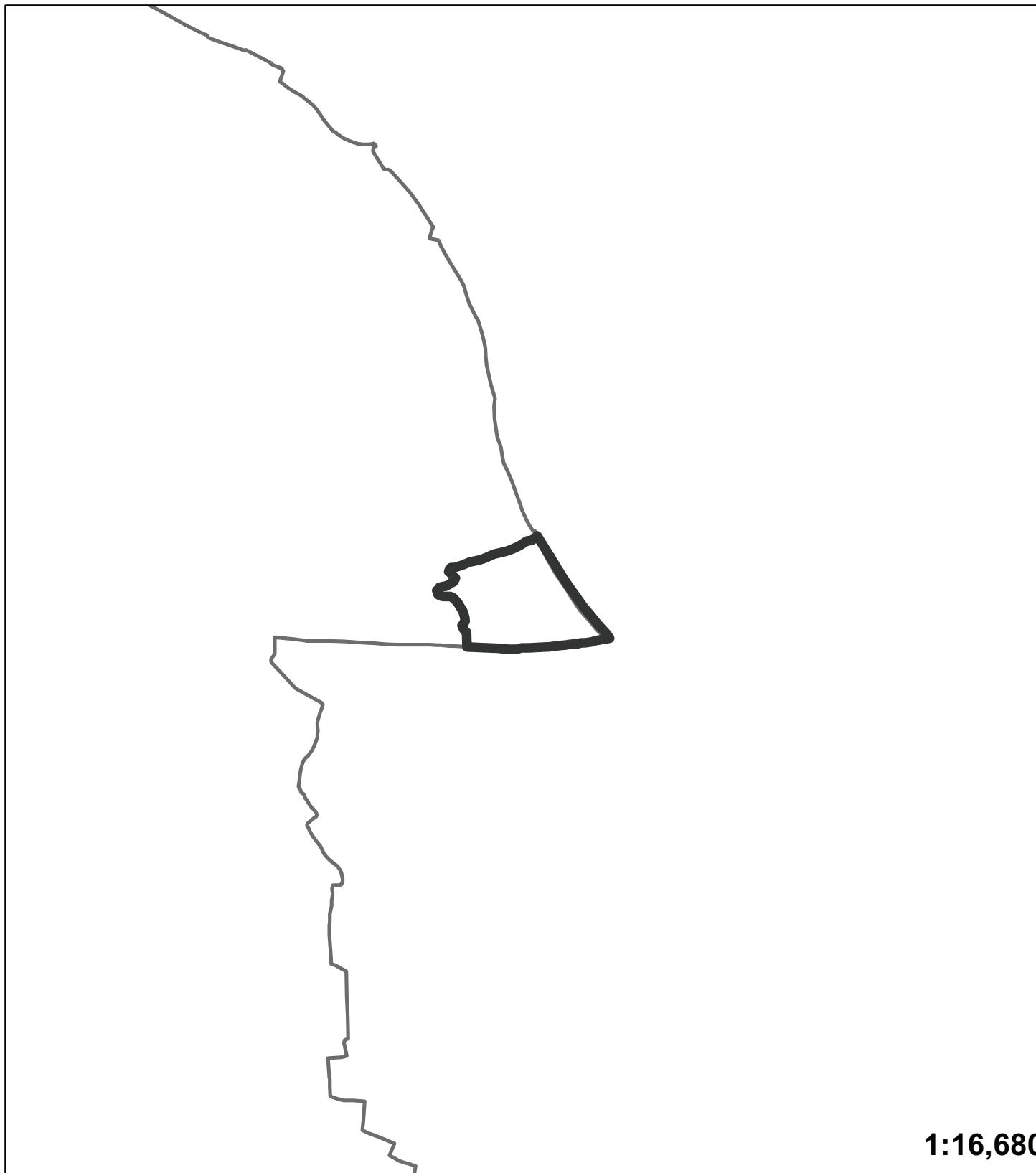
INFORMATIVE(S)

- 1 The applicant is advised that the temporary diversion order for Public Footpath 170 expired in July 2011 and that the Council has no record of any further steps being taken to address this matter, which may result in enforcement action.

Application:11/04004/FULL1

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

Proposal: Change of use of part of existing quarry to allow for the pre-treatment of material prior to infilling by sorting/crushing to recycle any material that can be used to provide recycled aggregates for sale and the provision of associated storage bays



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SECTION '2' – Applications meriting special consideration

Application No : 12/00573/FULL6

Ward:
Orpington

Address : Padwick Lodge Chelsfield Lane
Orpington BR6 7RR

OS Grid Ref: E: 547823 N: 165386

Applicant : Mr Patrick Raven

Objections : YES

Description of Development:

Single storey detached garage to front

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Local Distributor Roads

Proposal

- The proposal is for a detached garage located towards the front of the site.
- The garage measures approximately 7.5 metres in width, 5.5 metres in length and 3.6 metres in height with a pitched roof. The eaves height is approximately 2 metres.
- The garage is proposed to be located approximately 1 metre from both the southern and eastern boundary.
- The proposal is an enclosed structure constructed of timber with a shingle roof.
- The south and east elevations are blank, the northern elevation has two sets of garage doors and a window and the western elevation has a single door and window.

Location

- The application site consists of an approximately 0.135ha parcel of land bounded to the north and west by properties on Broad Walk, to the south by properties on Dorado Gardens and to the East by properties fronting Chelsfield Lane.
- The site is accessed by a private driveway that leads from Chelsfield Lane and runs to the south of the curtilage of "Carmay" for approximately 60m.
- The site previously contained a single storey 3 bedroom dwelling located centrally on the site along with two detached outbuildings at the

southeastern corner. Fire destroyed the dwelling, and the outbuildings have been removed from the site.

- Planning permission was granted for a replacement dwelling in 2011 under reference DC/11/01950/FULL1. This dwelling has now been constructed.

Comments from Local Residents

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

- high risk of fire due to it being of wooden construction
- possible change of use to residential accommodation
- position of garage may not be accurate

Comments from Consultees

The Highways Engineers have raised no objections to the principle of a garage but would wish to ensure that there is sufficient hardstanding/turning area for vehicles.

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
T3 Parking
T18 Road Safety

Planning History

Planning permission was refused for a replacement single storey dwelling with accommodation in the roof space and a single storey detached out building in 2010 under ref. 10/02262.

Planning permission was refused for a replacement single storey dwelling with accommodation in the roof space in 2011 under ref. 11/00435.

Planning permission was granted for a replacement single storey 3 bedroom dwelling with accommodation in roof space in 2011 under ref. 11/01950.

Conclusions

The main issues to be considered in this case are the impact of the proposed garage on the amenities of neighbouring residents, the impact on road safety in the area and the character of the surrounding area.

Planning permission was refused in 2010 for a replacement single storey dwelling with accommodation in the roof space and a single storey detached out building. This application went to appeal and was dismissed by the Planning Inspectorate. The inspector for this case, when commenting on the outbuilding was satisfied that

the outbuilding would not unacceptably detract from the living conditions of neighbouring residents with regard to outlook or overshadowing.

The outbuilding for this application was slightly larger in terms of its footprint although of the same height as that currently proposed. The previous application also included two dormer windows to the front of the outbuilding and different elevational treatments. The current proposal has an appearance which is more like a garage and less like an outbuilding. No dormer windows are proposed within the roof space and the front elevation has two sets of garage doors.

Concerns have been raised in relation to the structure being used for residential purposes and if Members are minded to grant planning permission, a condition requiring the structure to be used purely for the storage of vehicles incidental to the main dwelling may be appropriate. Given the size and material proposed for construction, it is considered that any residential use would be unlikely in any case. Concerns have also been raised in relation to fire safety. However, this matter is covered under the Building Regulations.

Members may consider that given the position, the separation between the proposed structure and neighbouring properties and limited height of the proposed garage, the structure is unlikely to impact detrimentally on either the character of the surrounding area or the amenities of local residents. There would need to be a sufficient area for vehicles to turn on the frontage of the site in order that vehicles may leave the site via the narrow access road in a forward gear. Members may consider it necessary for these details to be submitted prior to the commencement of works on site and the relevant condition is therefore suggested.

Taking into account the comments made by the Planning Inspector in relation to the previously proposed outbuilding and the comments received by local residents, it is considered that subject to conditions, the proposal is acceptable and Members are asked to grant planning permission.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/02262, 11/00435 and 11/01950, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | |
|---|-----------------|--|
| 1 | ACA01
ACA01R | Commencement of development within 3 yrs
A01 Reason 3 years |
| 2 | ACC01
ACC01R | Satisfactory materials (ext'nl surfaces)
Reason C01 |
| 3 | ACH08
ACH08R | Details of turning area
Reason H08 |
| 4 | ACI08
ACI08R | Private vehicles only
Reason I08 |
| 5 | ACK01 | Compliance with submitted plan |

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

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting this Order) no structures or alterations of any kind shall be erected or made within the curtilage of Padwick Lodge without the prior approval in writing of the Local Planning Authority.

Reason: In order to comply with Policy BE1 and to prevent overdevelopment of the site and protect the amenities of nearby residents.

Reasons for granting permission:

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

BE1 Design of New Development
T3 Parking
T18 Road Safety

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

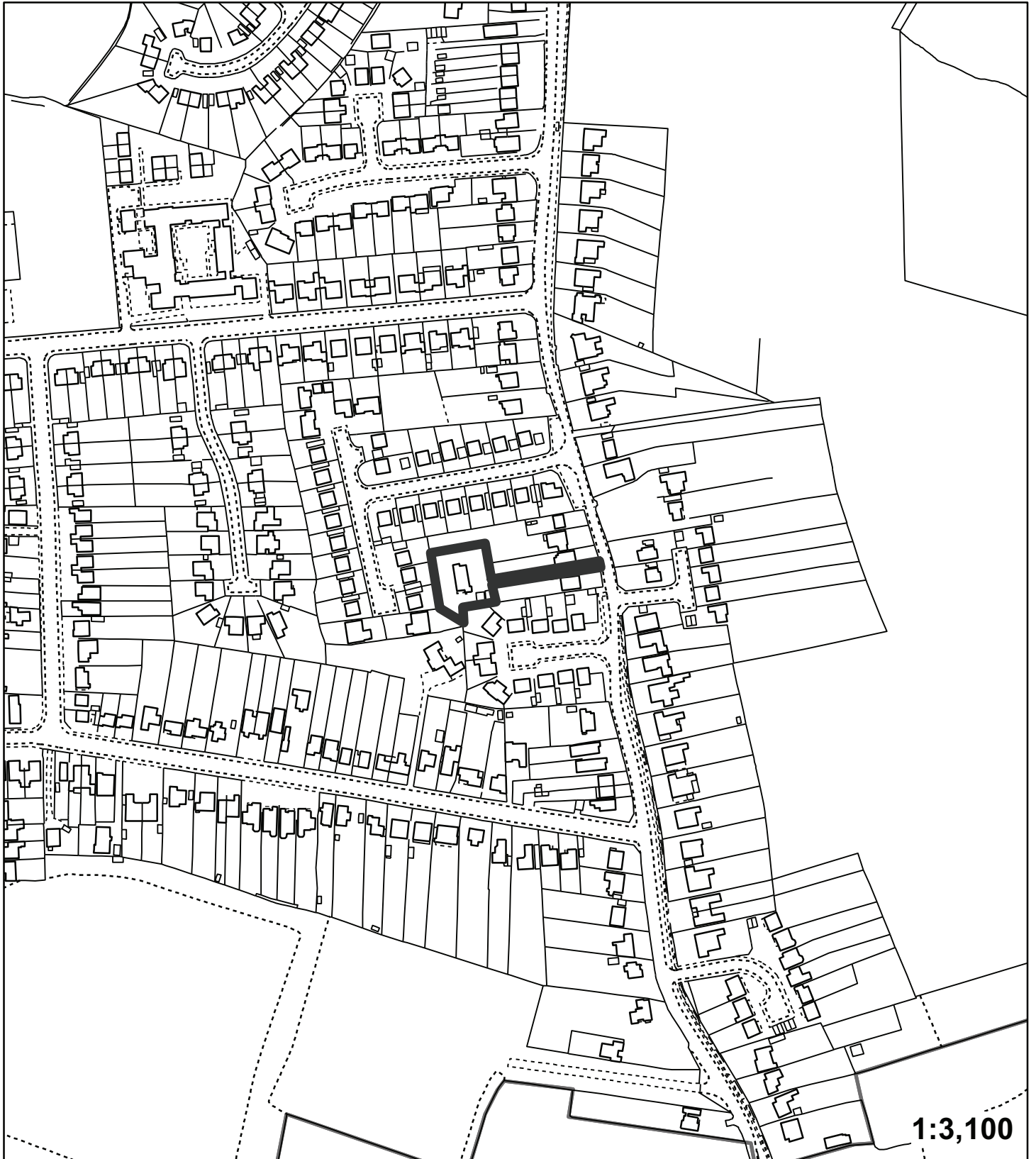
- (a) the relationship of the development to adjacent properties
- (b) the character of the development in the surrounding area
- (c) the impact on the amenities of the occupiers of adjacent and nearby properties
- (d) the impact on pedestrian and vehicular safety
- (e) the transport policies of the UDP
- (f) the housing policies of the UDP

and having regard to all other matters raised.

Application:12/00573/FULL6

Address: Padwick Lodge Chelsfield Lane Orpington BR6 7RR

Proposal: Single storey detached garage to front



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SECTION '2' – Applications meriting special consideration

Application No : 12/00961/FULL1

Ward:
Darwin

Address : Maple Farm Cudham Lane South
Cudham Sevenoaks TN14 7QD

OS Grid Ref: E: 544852 N: 159111

Applicant : Mr C Ganley

Objections : NO

Description of Development:

Demolition of existing dwelling and outbuilding and erection of detached two storey four bedroom dwelling

Key designations:

Special Advertisement Control Area
Green Belt

This application was deferred by Members at the meeting on 21st June, in order to request whether any further outbuildings could be removed as part of the proposals. A revised plan has now been submitted which shows the relocation of the stable building that lies immediately behind the structure to be demolished, to a position further to the rear of the residential curtilage, in order to open up the site around the new dwelling and allow the garden area to extend up to the sheds at the rear.

The applicant states that this building needs to be retained in order to stable the family's horses, particularly as the daughter is training as a show jumper. It is confirmed that all ancillary buildings are to be upgraded, and will be for personal use and not for any commercial purposes.

The report is repeated below, suitably updated.

Proposal

It is proposed to demolish the existing bungalow and outbuilding closest to the dwelling, and construct a detached two storey four bedroom house. The dwelling would be set back 13.8m from the front boundary of the site, and 3.3m from the side boundary with Maple Cottage.

A further outbuilding would be relocated towards the rear of the site, and all existing buildings would be upgraded.

Location

This detached bungalow is located on the eastern side of Cudham Lane South within the Green Belt, and occupies a site area of 0.18ha. It was built in the mid-1930s, and originally contained a sitting room, kitchen, two bedrooms, and a small scullery at the rear. A conservatory was added to the side of the bungalow in 1966, and a single storey rear extension was permitted in 1968 (ref. 68/01185) which comprised a bedroom, bathroom and extension to the kitchen.

There are a number of outbuildings to the rear of the bungalow which lie within the residential curtilage, while the applicant also owns fields to the south and east.

The site is bounded to the north by Maple Cottage which is a two storey dwelling.

Comments from Local Residents

No third party comments have been received to date.

Comments from Consultees

No objections are seen to the proposals from a highways point of view as there are no proposals to alter the existing access to the site, and the proposals are unlikely to result in a significant increase in the use of the access.

No drainage objections are seen to the proposals in principle, subject to the submission of further details of the foul water and surface water drainage systems.

No objections are raised by Thames Water in principle, subject to safeguarding conditions.

Planning Considerations

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

- BE1 Design of New Development
- H7 Housing Density and Design
- G5 Dwellings in the Green Belt
- T3 Parking
- NE7 Development and Trees

Planning History

With regard to the recent history of the site, permission was refused in 2007 (ref. 06/04221) for a four bedroom replacement dwelling, and the appeal was dismissed in October 2008 on grounds relating to inappropriate development within the Green Belt, with no very special circumstances to justify the proposal.

Under ref. 09/00068, a Certificate of Lawfulness for part one/two storey side/rear and first floor extensions was refused in 2009 as the rearward projection of the part

one/two storey side/rear extension from the original rear wall would exceed the permitted limits.

Under ref. 09/02085, a Certificate of Lawfulness for a single storey side/rear extension and roof extensions including side and rear dormers was refused as it would exceed the limits of parts (f)(i) and (h)(iii) of Class A. The subsequent appeal was dismissed in August 2010 as the Inspector considered that the single storey side/rear extension would breach limitation (h)(iii) of Class A.

Under ref.10/03320, a Certificate of Lawfulness for single storey side and part one/two storey rear extensions, and roof alterations including side dormers and rooflights was refused as it wouldn't comply with criteria (f)(i) and (h)(iii) of Class A, nor criteria (c) of Class B.

Under ref.11/01635, a Certificate of Lawfulness was granted in August 2011 for a proposed single storey side extension to replace the existing lean-to, and roof extensions providing first floor accommodation over the original part of the bungalow. This has not yet been implemented.

An application for a replacement dwelling was submitted in November 2011 under ref.11/03255, but was withdrawn prior to determination.

Conclusions

The site is located within the Green Belt, and the main issues are; firstly, whether the proposals comprise inappropriate development, and if so, whether very special circumstances exist that clearly outweigh the harm by reason of inappropriateness or any other harm; and secondly, whether the proposals would be harmful to the character or appearance of the surrounding area, or detrimental to the amenities of nearby residential properties.

Policy G5 of the UDP allows for a replacement dwelling in the Green Belt provided that the resultant dwelling would not result in a material net increase in floor area compared with the existing dwelling (an increase of over 10% would normally be considered material, depending on design issues), and that the size, siting, materials and design of the replacement dwelling would not harm the visual amenities or the open or rural character of the locality.

The existing dwelling has a floor area of 120.5sq.m., while the outbuilding to be removed (and which lies approximately 5m from the dwelling) measures 29.66sq.m., giving a total floor area of 150.16sq.m. The proposed dwelling would have a floor area of 181.7sq.m., which is an increase in floor area of 31.54sq.m., and equates to a 21% increase. This would result in a material net increase in floor area compared with the existing dwelling, and would thus be considered inappropriate development in the Green Belt. However, the applicant has put forward the following special circumstances to justify inappropriate development:

- The Certificate of Lawfulness granted under ref.11/01635 would, if implemented, result in a part one/two storey dwelling with a floor area of

181.7sq.m. which is identical to the floor area of the replacement dwelling currently proposed

- The site coverage of the proposed dwelling would (at 103.17sq.m.) be significantly less than the site coverage by the existing dwelling and outbuilding (at 150.53sq.m.), thus opening up the site
- The replacement dwelling would be more centrally-located within the site, thus increasing the separation to the side boundary with Maple Cottage from 1.3m to 3.3m
- The design of the replacement dwelling, although slightly higher, would be much improved over the awkward design of the extended dwelling permitted by the Certificate of Lawfulness
- The use of traditional materials would further enhance the appearance of the dwelling
- A further outbuilding would be relocated to the rear, thus opening up the site around the new dwelling.

In dismissing the earlier scheme for a replacement dwelling (ref. 06/04221), the Inspector considered that the proposed dwelling (with a floor area of 261sq.m.) would be significantly larger than the existing, and that the removal of a number of former agricultural buildings would not be sufficient to justify inappropriate development in the Green Belt.

The current scheme is for a significantly smaller replacement dwelling (181.7sq.m.) which would have the same floor area as the extended property permitted under the Certificate of Lawfulness. Although the maximum height of the replacement dwelling at 6.9m would be greater than the existing dwelling or permitted scheme (5.7m), the overall design of the dwelling would have a more symmetrical appearance and would result in a reduction in the overall footprint with greater separation to the northern flank boundary, thus improving the open aspect to this side of the dwelling.

It is considered, on balance, that there is sufficient justification to allow the current proposals which would result in an acceptable form of redevelopment, and would adequately protect the open and rural nature of the site along with the visual amenities of the surrounding area.

With regard to the impact on neighbouring properties, the replacement dwelling would be sited further away from the northern boundary with Maple Cottage, and would contain no windows in the facing flank elevation. The proposals are not, therefore, considered to result in any undue loss of light, privacy or prospect to the adjacent property.

Background papers referred to during production of this report comprise all correspondence on files refs. 06/04221, 09/00068, 09/02085, 10/03320, 11/01635, 11/03255 and 12/00961, 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 | ACD02 | Surface water drainage - no det. submitt | | | | |
| | ADD02R | Reason D02 | | | | |
| 6 | ACD04 | Foul water drainage - no details submitt | | | | |
| | ADD04R | Reason D04 | | | | |
| 7 | ACH02 | Satisfactory parking - no details submit | | | | |
| | ACH02R | Reason H02 | | | | |
| 8 | ACH16 | Hardstanding for wash-down facilities | | | | |
| | ACH16R | Reason H16 | | | | |
| 9 | ACH27 | Arrangements for construction period | | | | |
| | ACH27R | Reason H27 | | | | |
| 10 | ACI02 | Rest of "pd" Rights - Class A, B,C and E | | | | |
| | ACI03R | Reason I03 | | | | |
| 11 | ACI13 | No windows (2 inserts) | northern | first | floor | flank |
| | dwelling | | | | | |
| | ACI13R | I13 reason (1 insert) | BE1 | | | |
| 12 | ACK01 | Compliance with submitted plan | | | | |
| | ACK02R | K02 reason (1 insert) | G05 | | | |
| 13 | ACK05 | Slab levels - no details submitted | | | | |
| | ACK05R | K05 reason | | | | |
| 14 | | The existing dwelling and outbuilding shown to be removed shall be demolished and the site cleared within 3 months of the first occupation of the building hereby permitted. | | | | |
| | ACK04R | K04 reason | | | | |
| 15 | | The existing stable building shall be relocated to the position shown on Drawing No.CLS-504-PD-010-01 Rev A received on 2nd July 2012 within 3 months of the first occupation of the building hereby permitted. | | | | |
| | ACK04R | K04 reason | | | | |

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
- H7 Housing Density and Design
- G5 Dwellings in the Green Belt
- T3 Parking
- NE7 Development and Trees

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

- (a) the character and appearance of the development within the surrounding area
- (b) the impact of the development on the amenities of nearby residential properties
- (c) the impact of the development on the open nature of the Green Belt

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

INFORMATIVE(S)

- 1 In order to check whether the proposed storm water system meets drainage requirements, you are advised to submit the following information:
 - a clearly labelled drainage layout plan showing pipe networks and any attenuation soakaways
 - where infiltration forms part of the proposed storm water system such as soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365
 - calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change.
- 2 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

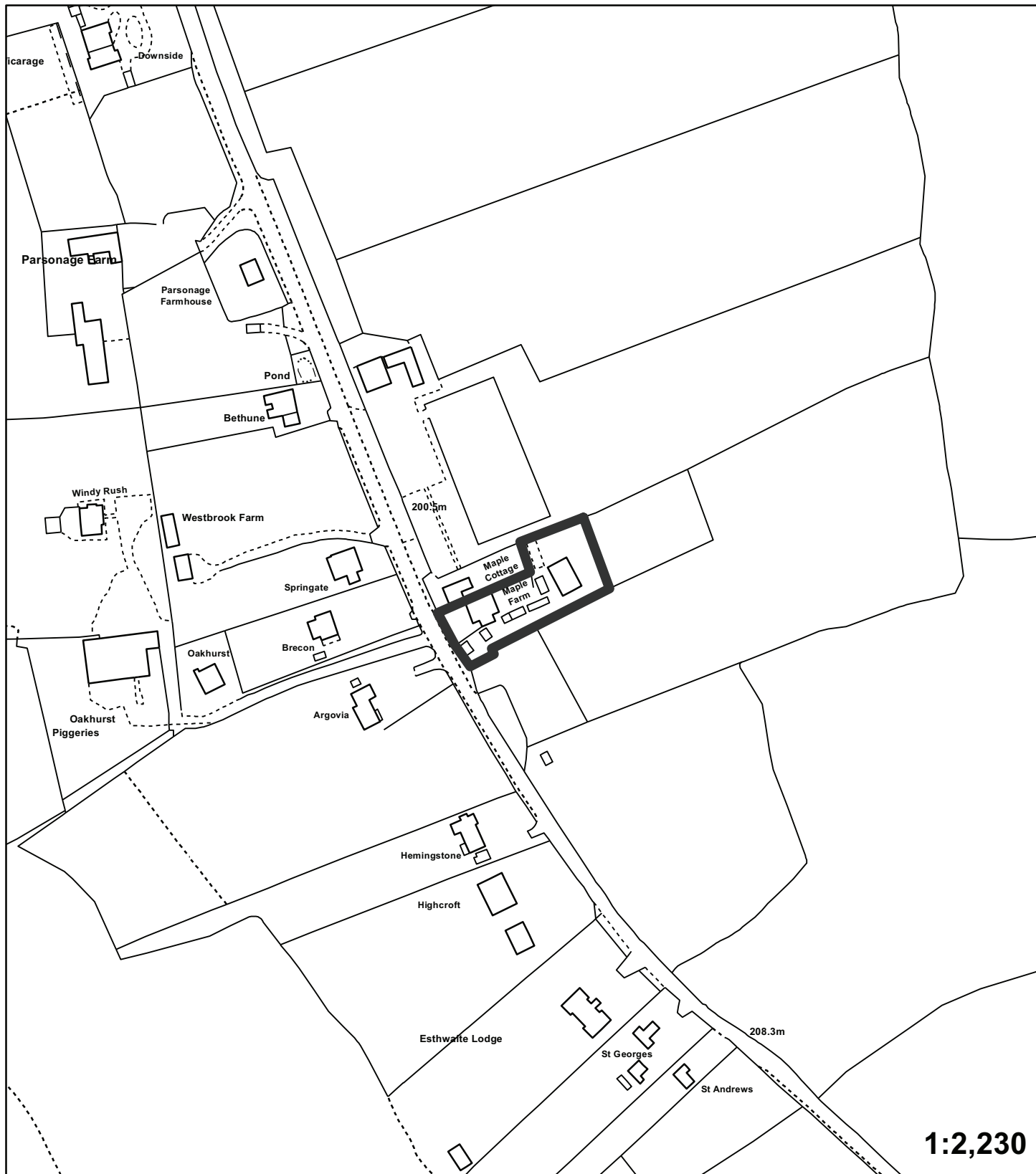
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CILRDI25.

Application:12/00961/FULL1

Address: Maple Farm Cudham Lane South Cudham Sevenoaks TN14 7QD

Proposal: Demolition of existing dwelling and outbuilding and erection of detached two storey four bedroom dwelling



1:2,230

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SECTION '2' – Applications meriting special consideration

Application No : 12/01030/FULL1

Ward:
Bickley

Address : Wilderwood Widmore Green Bromley
BR1 3BB

OS Grid Ref: E: 541513 N: 169460

Applicant : IF Property

Objections : YES

Description of Development:

4 x 2 bedroom two storey terrace dwellings with outbuildings to rear; 2 storey building containing 2 x 2 bedroom flats; associated landscaping and 8 on site car parking spaces

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Local Distributor Roads

Proposal

This application is for four 2 bedroom two storey terrace dwellings with outbuildings to rear; two storey building containing two x 2 bedroom flats; associated landscaping and 8 on site car parking spaces. The proposal shall be discussed in further detail in the conclusions section.

Location

The 0.12 hectare site is currently vacant following the removal of a detached residential dwelling formerly know as Wilderwood. The site rises quite steeply away from Widmore Green and is bounded by the highway verge to the northeast, by 112 Plaistow Lane to the northwest, by the rear of a two storey building to the southwest and further south along this boundary by the rear of two storey shop / residential premises fronting Widmore Road. The south-eastern boundary is adjacent to Widmore Green and includes an existing dropped kerb.

The surrounding area is mixed in character with some shops on Widmore Road adjacent to the site and further to the east. Widmore Green itself is a small but well kept open space in front of the site with a limited turning / parking area within it.

Comments from Local Residents

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

- tightly packed overdevelopment on edge of Sundridge Park Conservation Area.
- out of keeping with Widmore Green and surrounding properties.
- intrusive elevated parking for 8 cars would be unsightly and inappropriate.
- concerns relating to the removal of a horse chestnut tree at the site was in preparation for building works.
- development is for 6 new homes on a site previously occupied by a single home resulting in very significant increase in cars entering and existing in close proximity to a congested junction particularly at beginning and end of school days.
- increase in number of cars would increase pollution.
- several primary schools near top of Sundridge Avenue and Bullers Wood School resulting in hazardous situation for children crossing roads at Widmore Green.
- potentially hazardous situation for elderly people using pavements around junction.
- new residents could potentially have more than one vehicle per household resulting in an increase demand for on-street car parking spaces in the area.
- existing car parking area on Widmore Green would be used by future residents and would no longer be available to other users impacting on local shops and inconvenience to other residents.
- site should be occupied by an appropriate building as it is a gateway to Bromley town centre.
- development would be unattractive from Widmore Green perspective where a car park and side elevation of a building would be seen.
- concerns proposal would be detrimental to Widmore Green and 'village feel' of the area.
- size and density of the development on a plot which previously contained a single bungalow surrounded by green open space is inappropriate to the area.
- proposal would result in garden grabbing.
- raises risk of flooring in the area.
- detrimental impact on wildlife.
- detrimental impact on privacy of adjoining properties.
- design of proposal would not make any positive contribution to immediate environment.
- properties from Widmore Green to the roundabout at the church are detached and of differing design. Terraced houses and apartments do not fall into this category.
- cramped development with 3m space between proposed terrace houses and 112 Plaistow Lane resulting in adverse impact on the adjacent house.
- proposal will not respect main building lines as orientation of the site has been changed with dwellings facing onto Plaistow Lane.

- proposal would look incongruous with the existing properties and the locally listed Ernest Newton house at No. 107 and make a negative contribution to the area.
- concerns relating to the inclusion of railings at the site.
- would prefer to see two substantial houses at the site which would contribute to quality of built environment and adjacent conservation area.
- concerns proposal would affect the ground stability of Nos. 112 and 110 due to steep incline of Plaistow Lane towards Widmore Green.
- concerns as to type of boundary fencing to be provided between application site and No. 112 due to concerns about security and privacy.
- proposal is incongruous and would be too close to the frontage with the Green, out of character with adjacent single storey commercial properties.
- fewer car parking spaces would be preferable.
- no precedent for terrace of small houses at this location.
- would favour the open space being retained as a community maintained area to link with green sward and enhance scale and character of Widmore Green.
- concerns as units proposed would incorporate space for loft conversions which would be objectionable.
- concerns relating to knotweed at the site.

In addition a letter of support was received which stated the proposal would complement and improve the area and would replace the empty plot which is an 'eye sore' to the area.

Comments from Consultees

The Council's Highways Division were consulted who stated the 2010 application was dismissed at appeal but the Inspector did not uphold the highway ground of intensification of use of the access. Parking provision is proposed at levels given in the UDP, (1 space per flat, 1.5 per house) and as these are 2 bed units this would seem reasonable. The waste storage and collection arrangements would need to be agreed with Waste Services. The parking forecourt is shown as gravel but concerns are raised as to how this would work with the ramped access. The access gate is shown as 3m wide which is relatively narrow. This will reduce the pedestrian visibility and the gates should be amended (widened, lowered or set back) to improve this.

Transport for London have no comments to make on the application.

The Council's Environmental Health Pollution Division raise no objections to the proposal. However, it is noted Japanese Knotweed is known to be present on the site which at current appears to have been treated, were permission to be granted a condition would be required to ensure the Japanese Knotweed has been dealt with satisfactorily.

From a trees perspective the application is accompanied by an arboricultural report and the Council concurs with its findings. No significant trees would be directly

affected by this proposal and as such no objections are raised subject to conditions.

The findings of the Council's Highways Drainage Division raise no objections subject to conditions.

The Council's Waste Advisors were consulted who stated the size of the refuse storage area does not appear large enough and full details of refuse and recycling proposals are required.

The Metropolitan Police Crime Prevention Design Advisor was consulted who stated he had spoken with the applicant's representatives with regard to the Secured by Design Scheme and the required standards and noted that those measures and standards have been included in the Design and Access Statement. The application should be able to gain Secure By Design accreditation in respect of design and layout as well as physical security part with the Guidance of 'New Homes 2010' and incorporating accredited, tested, and certificated products. As such 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
H1 Housing Supply
H7 Housing
H9 Sidespace
T3 Parking
T18 Road Safety
NE7 Development and Trees

Supplementary Planning Guidance (SPG) 1 General Design Principles
Supplementary Planning Guidance (SPG) 2 Residential Design Guidance

3.3 Increasing Housing Supply
3.4 Optimising Housing Potential
3.5 Quality and Design of Housing Developments

The National Planning Policy Framework is also a key consideration in the determination of this application.

Planning History

There is a substantial planning history relating to this site the most relevant of which is outlined below:

In 1995 under planning ref. 95/00458, an outline application was refused for the demolition of an existing dwelling and erection of three detached houses and vehicular access to Plaistow Lane.

In 2008 under planning ref. 08/01390, an application was submitted for a three storey block comprising 2 three bedroom and 7 two bedroom flats including front and rear balconies with lower ground floor parking comprising 7 car parking spaces and 3 surface parking spaces at front with bin store which was subsequently withdrawn.

In 2008 under planning ref. 08/02958, permission was refused for the erection of a part 2 / part 3 storey block comprising 8 two bedroom apartments and 1 three bedroom penthouse with undercroft parking and associated landscaping on the following grounds:

The proposed development, by reason of its size and bulk and amount of building and hard surfaces would constitute an overdevelopment of the site and would result in an overbearing and detrimental feature within the streetscene, contrary to Policies BE1 and H7 of the Unitary Development Plan.

This was subsequently dismissed at appeal.

In 2010 under planning ref. 10/00642, an outline application for the erection of two/three storey building comprising of 7 two bedroom flats was submitted which was subsequently withdrawn.

In 2010 under planning ref. 10/02076, permission was refused for an Outline application for the erection of two storey building comprising of 6 two bedroom flats with undercroft parking on the following grounds:

The proposed development, by reason of its size and bulk and amount of building and hard surfaces would constitute an overdevelopment of the site and would result in an overbearing and detrimental feature within the streetscene, contrary to Policies BE1 and H7 of the Unitary Development Plan.

The proposed additional vehicular movements to enter and exit the site will increase the potential for highway safety concerns, therefore contrary to Policy T18 of the Unitary Development Plan.

This was subsequently appealed against and dismissed by Appeal Decision dated 14th March 2011.

Conclusions

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

The site once comprised a single dwellinghouse with garden land to the front, sides and rear. It may be considered that 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 the National Planning Policy

Framework (NPPF) now replaces Planning Policy Statement 3 it may be considered that 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.

Character of the Area

It is noted that the predominate character of the area is residential, with the exception of a small parade of shops to the south-west of the site. In paragraph 7 of Appeal Decision dated 25th January 2011 the Planning Inspector states “the levels of the site rise up from the junction to the north-west boundary with 112 Plaistow Lane, which is a two storey dwelling with a single storey wing close to the boundary. Just beyond this property there is a mix of chalet style properties and bungalows. There are bungalows in secluded plots on the opposite side of Plaistow Lane with two-storey housing further to the northwest. There are modern three-storey dwellings near the northeast side of the traffic light controlled junction at the corner of Sundridge Avenue and Plaistow Lane, which contrasts strongly with the more modest scale of the buildings adjoining the appeal site and with the mainly two-storey housing on the south side of Widmore Road. Whilst there are larger scale flatted developments further along Widmore Road to the west, the proposal would be mainly seen in the context of the buildings around the periphery of the junction and Widmore Green”.

In terms of Widmore Green itself, to south-west of the site is a parade of primarily A1/A2 units (shops/financial and professional services) with Nos. 179 and 179b being semi-detached single storey buildings, to the south of the junction at Widmore Green are two storey terrace and semi-detached properties of a similar scale to that proposed. To the east of the site are semi-detached and detached properties of a larger scale than that proposed while to the north and north-west of the site are large detached dwellings set within sizeable gardens.

The accompanying Design and Access Statement states that in terms of the scale of the proposed development it “is consistent with the locality being mainly two storeys in height, with a number of buildings having front gable features. The development follows the rhythm of properties on Widmore Road, being mainly terrace or semi-detached properties... The design follows on the building line of Plaistow Lane with the terrace cottages facing out towards the grass verge and highway. The scale of these is consistent with the properties on Plaistow Lane and step down in relation to the site contours and road”. It is accepted that there are a variety of architectural styles and scales in the vicinity of the site and it is considered that on balance the erection of two storey terrace dwellings and flatted accommodation which are similar in scale to those to the south and west of the site are acceptable in this instance given the lack of uniformity in the area at present.

The application site is some 0.12 hectares with a Public Transport Access Level of 2 (on a scale of 1 – 6, where 6 is the most accessible). In assessing the application against Policy H7 and the Council’s Density/Location matrix for sites along transport corridor and sites close to the town centre the Council would generally seek 50 – 80 units per hectare for terraced houses and flats, this proposal would provide 50 units per hectare which complies with the Council’s density/location

matrix. The proposal also complies with the London Plan Policy 3.4 Optimising Housing Potential Sustainable Residential Quality (SRQ) density matrix which would generally require 35 – 65 units per hectare, as such the proposal is not considered to result in an overdevelopment of site.

Appearance

No. 112 a part one/two storey dwelling, is at a higher ground level than the application site and a total separation of 3m would be retained between the flank elevations of the proposal and No. 112 (1.6m from Plot 6 to the boundary satisfying the requirements of Policy H9), with Units 3 and 6 having a partially hipped roof profile which minimises the visual impact of the proposal in the streetscene when viewed from Plaistow Lane. Units 3 - 6 also have a staggered roofline which adds visual interest to the design and breaks up the massing of the building. The proposed buildings would be of traditional design incorporating gabled roof features with mainly brickwork on the ground floor and either brick, tile or render on the first floor. This type of design is considered to be acceptable for this site given the context of the vicinity.

The proposed terrace properties (Plots 3 – 6) would be set back a minimum of 2.5m and maximum of 5.4m from the north eastern boundary following the front building line of the adjoining property at No. 112. This would result in a total separation of between 10m – 15m from Plaistow Lane owing to the grass verge to the east of the site. This sizeable set back from the highway prevents the proposal from appearing overly dominant in the streetscene when viewed from Plaistow Lane.

The location of the car park may result in a substantial section of hardstanding (approximately 204.8 sq m) being installed at a prominent location on the site, however, the accompanying Design and Access Statement makes reference to 1.5m high railings being proposed along the site boundaries and it is intended to allow the planting to grow through and over the railings forming a planted screen which would minimise the visual affects of the proposed hardstanding, this could be secured by way of a condition. The provision of the car park in this location is considered to be preferable to additional residential unit(s) as it retains the openness of the site and would allow views through the site to and from Widmore Green and Plaistow Lane.

Residential amenities of future occupants

While a large section of the site will be taken up by the footprint of the buildings and associated car parking, the proposal will allow some areas for soft landscaping and amenity space for future occupiers. Generally the Council will seek rear gardens of 10m in depth which Plots 3 – 6 would provide. The rear gardens of Plots 1 & 2 would be smaller with a maximum of 8.5m from the rear elevation of this development to the rear boundary, however, given these have been designed as Entry Level Housing as opposed to a family dwellings, gardens of this scale are considered to be acceptable in this instance.

While units 1 & 2 would be located less than the recommended 10m from the rear boundary with Plot 3, given the gradient of the site with Plot 3 being at a higher ground level than Plots 1 & 2 and given there is a mature tree on the flank boundary with Nos. 179 and 179b which provides a degree of screening, the potential impact in terms of loss of privacy for Plot 3 is not anticipated to be of such an extent to warrant refusal.

Units 3- 6 are indicated to provide a Gross Internal Area (GIA) of 83sq m per dwelling which is considered to satisfy the minimum space standards for a 2 bedroom 4 person development as required by the London Plan 2011. Units 1 and 2 would provide a GIA of 71 sq m which is satisfactory for a 2 bedroom 4 person flat under Policy 3.5 of the London Plan. In addition, the flats have been 'stacked' in such a manner as to have living spaces above living spaces and bedrooms above bedrooms, which is considered to minimise the potential disturbance for future occupants. As such the proposal is considered to provide a satisfactory standard of accommodation for future occupants.

Residential amenities of neighbouring properties

In relation to the previously refused schemes the potential loss of privacy and sense of overlooking for neighbouring properties has been raised as a concern by Planning Inspectors. The current application has been revised substantially to limit the impact on the residential amenities of the adjoining occupants. No windows are proposed to be located on the first floor flank elevation of Plot 6 (closest to the boundary with No. 112) or the south western flank elevation of Plots 1 and 2 (adjacent to boundary with 179b). While a window is proposed in the first floor flank elevation of Plot 3 (which would overlook the car park) it is indicated to be obscure glazed. Although a number of windows are to be located in the rear elevations of Plots 3 – 6 a minimum distance of 10m would be retained to the flank boundary which is considered to be an acceptable distance to protect the amenities of adjoining properties to the west of the site. A window, which would service a kitchen, is indicated to be located in the north eastern flank elevation of Plots 1 & 2, however, this would overlook the car park and would be located a minimum of 35m from the flank boundary with No. 3 Sundridge Avenue and as such the potential loss of privacy or sense of overlooking for neighbouring properties is anticipated to be minimal.

Plot 6 would project approximately 1.8m beyond the rear elevation of No. 112 Plaistow Lane with a total separation of 3m between the flank elevations of these properties which given this modest projection is not considered to result in a significant loss of light for No. 112. While the proposal would project beyond the rear elevation of No. 179b and 179 and may cause some loss of light for these properties, these are commercial premises as opposed to residential properties and as such the potential loss of light is considered to be acceptable.

With regards to the trees on the site, it is advised that the findings of the arboricultural report are agreed with. 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 8 car parking spaces are proposed which is considered to be satisfactory for these types of dwellings at this location, and there are no technical highways objections regarding to the number of spaces proposed.

Background papers referred to during production of this report comprise all correspondence on files refs. 12/01030, 10/02076 and 08/02958, 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 | ACB01 | Trees to be retained during building op. |
| | ACB01R | Reason B01 |
| 5 | ACB02 | Trees - protective fencing |
| | ACB02R | Reason B02 |
| 6 | ACB03 | Trees - no bonfires |
| | ACB03R | Reason B03 |
| 7 | ACB04 | Trees - no trenches, pipelines or drains |
| | ACB04R | Reason B04 |
| 8 | ACB19 | Trees - App'ment of Arboricultural Super |
| | ACB19R | Reason B19 |
| 9 | ACC01 | Satisfactory materials (ext'nl surfaces) |
| | ACC01R | Reason C01 |
| 10 | ACC03 | Details of windows |
| | ACC03R | Reason C03 |
| 11 | ACD02 | Surface water drainage - no det. submitt |
| | ADD02R | Reason D02 |
| 12 | ACD06 | Sustainable drainage system (SuDS) |
| | ADD06R | Reason D06 |
| 13 | ACH03 | Satisfactory parking - full application |
| | ACH03R | Reason H03 |
| 14 | ACH18 | Refuse storage - no details submitted |
| | ACH18R | Reason H18 |
| 15 | ACH16 | Hardstanding for wash-down facilities |
| | ACH16R | Reason H16 |
| 16 | ACH22 | Bicycle Parking |
| | ACH22R | Reason H22 |
| 17 | ACH29 | Construction Management Plan |
| | ACH29R | Reason H29 |
| 18 | ACH32 | Highway Drainage |
| | ADH32R | Reason H32 |
| 19 | ACI02 | Rest of "pd" Rights - Class A, B,C and E |

Reason: To prevent overdevelopment of the site and in the interests of the residential amenities of neighbouring properties, in line with Policy BE1 of the Unitary Development Plan.

20 ACI111 Obscure glaz'g/details of opening (1 in) in the first floor flank elevations

ACI111R Reason I11 (1 insert) BE1

21 ACI17 No additional windows (2 inserts) first floor flank dwelling

ACI17R I17 reason (1 insert) BE1

22 ACI21 Secured By Design

ACI21R I21 reason

23 ACK01 Compliance with submitted plan

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

24 ACK05 Slab levels - no details submitted

ACK05R K05 reason

25 No demolition, site clearance or building works shall be undertaken, and no equipment, plant, machinery or materials for the purposes of development shall be taken onto the site until method statement detailing with the measures to be taken to remove the Japanese Knotweed from the site in accordance with the Environmental Protection Act (Duty of Care) Regulations 1991, is submitted to and approved in writing by the Local Planning Authority. The method statement shall be implemented according to the details contained therein until completion of building works, and all plant, machinery or materials for the purposes of development have been removed from the site.

Reason: To prevent the spread of Japanese Knotweed at the site and vicinity, in accordance with the Wildlife and Countryside Act 1981 and Environmental Protection Act 1990.

26 Before commencement of the development hereby permitted details of the design and layout of vehicular gates at the site shall be submitted to and approved in writing by the Local Planning Authority. The vehicular gates shall be provided before any part of the development is first occupied and shall be permanently retained thereafter.

Reason: In order to comply with Policies T3 and T18 of the Unitary Development Plan in the interest of pedestrian and vehicular safety.

27 The vehicle hardstanding(s) / access drive(s) hereby permitted shall be formed of permeable paving in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The details shall include proposals for the regular maintenance of the paving, which shall be maintained in accordance with the approved details.

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy ER13 of the Unitary Development Plan and in order to comply with Policies T3 and T18 of the Unitary Development Plan in the interest of pedestrian and vehicular safety.

Reasons for granting permission:

In granting permission the Local Planning Authority had regard to the following policies:

Unitary Development Plan:

- BE1 Design of New Development
- H1 Housing Supply
- H7 Housing
- H9 Sidespace
- T3 Parking
- T18 Road Safety
- NE7 Development and Trees

Supplementary Planning Guidance (SPG) 1 General Design Principles
Supplementary Planning Guidance (SPG) 2 Residential Design Guidance

The London Plan:

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments

The National Planning Policy Framework is also a key consideration in the determination of this application.

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

- (a) the appearance of the development in the street scene;
- (b) the relationship of the development to adjacent properties;
- (c) the character of the development in the surrounding area;
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (e) the impact on the amenities of the future occupiers;

and having regard to all other matters raised.

INFORMATIVE(S)

- 1 RDI16 Contact Highways re. crossover
- 2 RDI25 CIL
- 3 In order to ensure that the proposed storm water system meets the Council's requirements, the Council will require that the following information be provided:
 - A clearly labelled drainage layout plan showing pipe networks and any attenuation soakaways.
 - Where infiltration forms part of the proposed storm water system such as soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
 - Calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change.

- 4 If during works on site suspected contamination is encountered, Environmental Health should be contacted immediately. The additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.
- 5 Before the use commences, the applicant is advised to contact the Pollution Team of Environmental Health and Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990.

Application:12/01030/FULL1

Address: Wilderwood Widmore Green Bromley BR1 3BB

Proposal: 4 x 2 bedroom two storey terrace dwellings with outbuildings to rear; 2 storey building containing 2 x 2 bedroom flats; associated landscaping and 8 on site car parking spaces



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SECTION '2' – Applications meriting special consideration

Application No : 12/01060/FULL5

Ward:
Orpington

Address : Tripes Farm Chelsfield Lane Orpington
BR6 7RS

OS Grid Ref: E: 547998 N: 165855

Applicant : Telefonica UK Ltd

Objections : NO

Description of Development:

Retention of 23m high temporary mast supporting 2 antennas, temporary radio equipment housing and development ancillary thereto including temporary fenced compound for a period of twelve months.

Key designations:

Special Advertisement Control Area
Green Belt
Local Distributor Roads

Proposal

Planning permission is sought for the retention of an existing 23m temporary mast supporting 2 antennas, temporary radio equipment housing and development ancillary thereto including temporary fenced compound for a period of twelve months.

The mast was erected using O2's emergency powers in August 2011 to provide coverage for the removal of an existing O2 site at Orpington Fire Station. An Emergency Notice under Schedule 2 Part 24 of the GPDO, which allows temporary and mobile telecommunications masts and equipment for a period of 6 months, was sent to the Council on 11th August 2011. A permanent replacement site was constructed in August 2011 and has been integrated into the network, at the junction of Spur Road and Court Road. It has been found that this mast did not provide as good a level of coverage to the area east of the fire station as was expected. O2's radio planner has advised that it would be beneficial to retain the temporary mast until all permanent solutions for replacement coverage to the wider area have been built, tested and fully integrated into the network.

It is therefore proposed to retain the mast for a period of 12 months.

Location

The site is located on the eastern side of Chelsfield Lane and to the east of the main buildings at Tripes Farm. The site lies within the Green Belt. To the west of Chelsfield Lane is the statutory Listed Building 'Alma' which formed the original farmhouse for Tripes Farm.

Comments from Local Residents

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

Comments from Consultees

No objections have been raised by Environmental Health and no technical highways objections are raised.

Planning Considerations

Policies relevant to the consideration of this application are BE1 (Design of New Development), BE8 (Statutory Listed Buildings), BE22 (Telecommunications Apparatus) and G1 (Green Belt) of the adopted Unitary Development Plan.

The National Planning Policy Framework is of relevance.

Planning History

There is an extensive planning history at the site, however concerning telecommunications, under ref. 03/01172 the Council considered that approval of siting and appearance would be required for a 15m high telecommunications mast with 3 panel antennae and two equipment cabinets and associated equipment (consultation by Hutchinson). A subsequent appeal was allowed as the Inspector accepted that very special circumstances existed.

Conclusions

The main issues to be considered in this case are the visual impact of the proposal, the impact on the character and rural appearance of the Green Belt, the impact on the setting of the listed building, the investigation of alternative sites and the impact on the amenities of nearby residential properties.

In the accompanying supporting statement the Applicant's Agent has included justification for the siting and design of the installation, which is required to provide coverage to the surrounding area until permanent solutions have been found in other locations.

The agents have provided documentation to confirm compliance with the International Commission on Non Ionizing Radiation Protection (ICNIRP) and Government advice states that in such cases any health concerns should not be grounds for refusing a proposed telecommunications installation.

In this case, the proposal would involve the retention of an existing temporary mast, which was sited on the land on a moveable structure under Part 24 of the General Permitted Development Order which allows the use of land in a telecommunications 'emergency' in such a way for 6 months. Although the telecommunications column is substantial in appearance, Members will need to bear in mind the need for such a column in order to facilitate the service provided on a temporary basis and that the applicant has demonstrated the consideration of alternative sites. The mast has a clear impact on the Green Belt and would under normal circumstances be considered unacceptable. The mast is narrow and not bulky in appearance, and given the temporary nature of the proposal, the Council can control the removal of the mast in a 12 month period and the reinstatement of the Green Belt land to its previous state. Under the somewhat unusual circumstances demonstrated, it is considered that the proposal would not result in a serious harm to the Green Belt in light of the design of the mast and the proposal to remove all equipment in the near future, and its temporary nature and the telecommunications need constitute very special circumstances in this case.

The NPPF aims to encourage telecommunications development whilst keeping the number of masts to a minimum, whilst retaining a suitable service. Where new masts are proposed, these must be considered favourably subject to sympathetic design, should a justification for their use be forthcoming. Whilst this location would not normally be suitable for such a prominent structure, the circumstances of this case and temporary nature of the mast weigh in favour of the proposal.

The proposal is not considered to harm the setting of the statutory listed building, which is sited 130m away on the opposite side of Chelsfield Lane.

On balance on the basis that the installation will only be in place for a temporary period Members may agree that the proposal would have a limited overall impact on the character of the Green Belt and the visual amenities of the area, including the street scene. It is therefore recommended that planning permission is granted subject to a condition that the equipment is removed in 12 months.

Background papers referred to during production of this report comprise all correspondence on file ref. 12/01060, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 The siting and appearance of the equipment shall be carried out in complete accordance with the submitted drawing(s) unless previously agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy BE22 of the Unitary Development Plan and in the interest of the visual amenities of the area.

- 3 The mast and all associated equipment hereby permitted shall be removed and the land reinstated to its former condition on or before the 19th July 2013.

Reason: In order that the situation can be reconsidered in light of the circumstances at that time in the interest of the amenities of the area and to comply with Policies G1 and BE22 of the Unitary Development Plan.

Reasons for granting permission:

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

BE1 Design of New Development
BE8 Statutory Listed Buildings
BE22 Telecommunications Apparatus
G1 Green Belt

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

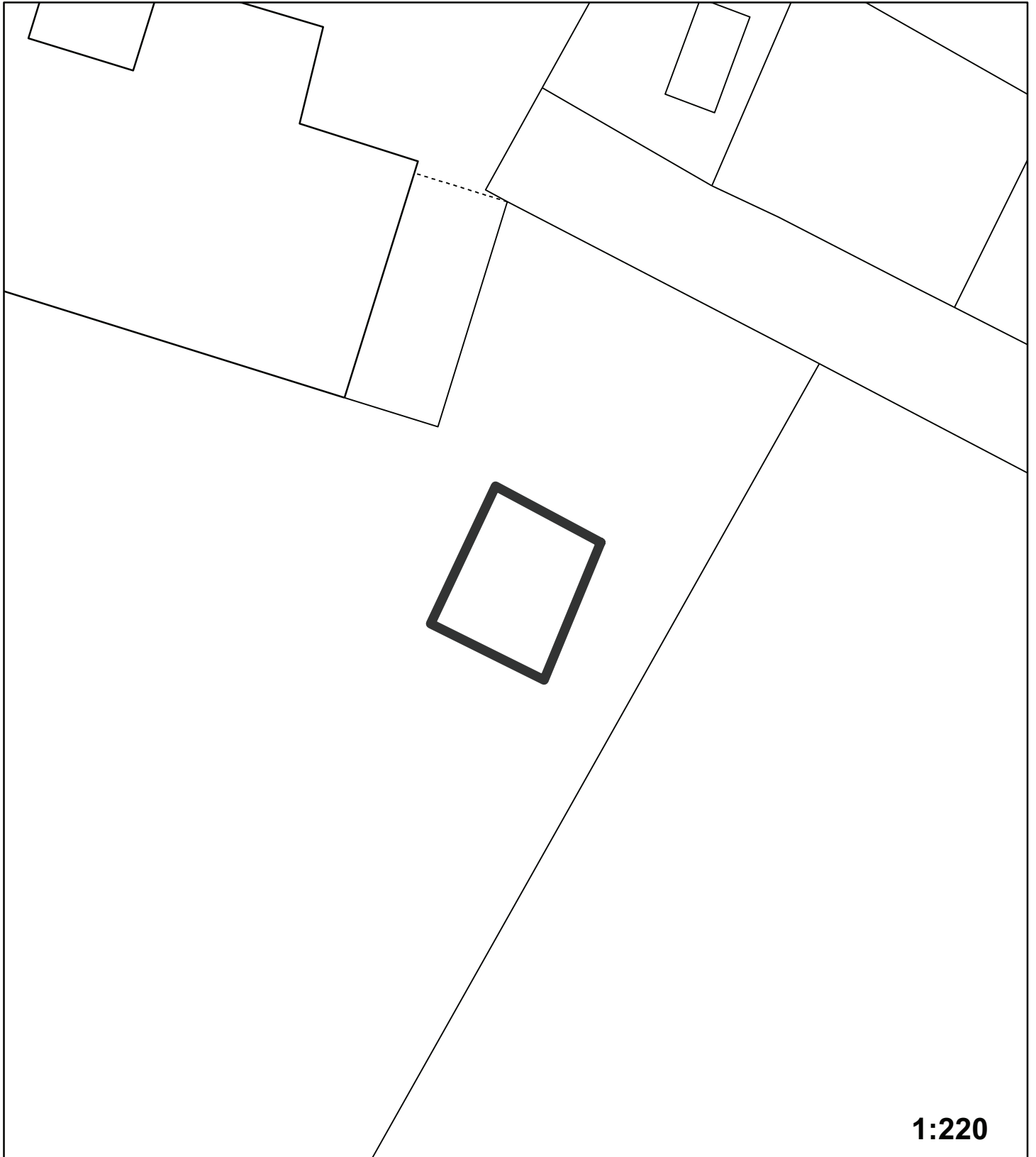
- (a) the impact of the development on the character and appearance of the area;
- (b) the relationship of the development to surrounding properties and the street scene in general;
- (c) the impact on the setting of the nearby statutory listed building;
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (e) the light and outlook of occupiers of adjacent and nearby properties;
- (f) the impact on the openness of the Green Belt

and having regard to all other matters raised.

Application:12/01060/FULL5

Address: Tripes Farm Chelsfield Lane Orpington BR6 7RS

Proposal: Retention of 23m high temporary mast supporting 2 antennas, temporary radio equipment housing and development ancillary thereto including temporary fenced compound for a period of twelve months.



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SECTION '2' – Applications meriting special consideration

Application No : 12/01326/FULL1

Ward:
Crystal Palace

Address : Melbourne Court Anerley Road Penge
London SE20 8AR

OS Grid Ref: E: 534404 N: 170197

Applicant : JS Estates

Objections : YES

Description of Development:

Three storey extension comprising 9 two bedroom flats with car parking and bicycle parking, refuse/ recycling storage and landscaping

Key designations:

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

Proposal

The proposal seeks permission for a three storey extension to the existing Melbourne Court development to provide 9 two bedroom units with associated car parking, refuse and recycling storage, and landscaping.

The gross internal footprint of each unit will be approximately 61.5m², with the internal layout being designed to be suitable for able and disabled occupants and the ground floor being fully wheelchair accessible. The external footprint of the extension measures approximately 231m². The internal spatial requirements meet those set out for accommodation in The London Plan, and the entire design is compliant with Lifetime Homes Standards.

In terms of amenity space, approximately 33m² will be provided for each unit, totalling approximately 295m². Existing trees and foliage on site that prevent overlooking have been identified, and where additional planting or obscure glazing is required these have been implemented.

The accompanying Design and Access Statement indicates that the proposed extension has been positioned in the optimum orientation to minimise overlooking of adjacent properties, whilst also enabling the continuation of the site access road through to Anerley Park.

The proposed extension is in keeping with the size and design of the existing Melbourne Court buildings.

A formal playspace for children is to be created in the south-western corner of the main site.

The car parking on the main site will also be formalised, with additional car parking being created near the entrance of the site on land which is currently not utilised.

Nine covered Sheffield cycle stands will be provided at the north side of the site, relating to one stand per new dwelling.

Full Secure by Design accreditation is to be achieved for the proposed development.

Location

The application site is accessed via a vehicular access road located between Numbers 91 and 97 Anerley Road, with the site located to the rear of a number of properties along the north-eastern side of Anerley Road, Thicket Road and Anerley Park. There is a secondary access to the site through from Anerley Park.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and the following representations are a summary of points raised:

- residents of Anerley Park were not invited to comment on the proposed scheme by the developer;
- what support has the developer received from Melbourne Court?
- the proposed development will heavily overlook and overshadow the residents of Anerley Park;
- developer has stated that the development has been positioned to prevent overlooking, which is incorrect;
- the living rooms and kitchens of the flats, which will be the most used rooms throughout the day, will directly face Anerley Park therefore greatly overlooking these properties;
- the existing trees are deciduous, therefore during winter they will not provide any privacy;
- the proposed development will be a minimum of 4 metres from Flat 1, 21-23 Anerley Park at its closest point, which will severely overshadow the property and obscure light;
- no details of proposed lighting have been provided, therefore cannot assess the impact on nearby properties;
- no detail on the impact on the junction at Anerley Park which is narrow, in very poor condition and already heavily congested with parked cars and several bus routes utilising it;

- the Anerley Park access is very narrow and will not be wide enough to provide a safe footpath for pedestrians and vehicles – how will this risk be mitigated for?
- the plans do not show the root protection areas (RPA) for the existing trees on site, which could cause problems if large foundations are built;
- the Drainage Statement is of poor quality – does not establish that adequate drainage will be provided for the development;
- no detail for the method for disposal of surface water drainage;
- do not endorse a multi-storey development in any form;
- the proposed site was historically used as a parking area for all 84 flats, providing an additional parking area, including the 12 domestic garages, for approximately 24 cars, including the narrow access section from the main road through the estate;
- the site has been used for dumping rubbish, stolen cars, and a gate was eventually installed preventing access to this area, so that the car parking spaces were then lost;
- there are 84 flats on the site at present, not 57;
- there should therefore be 14 large refuse bins not 12;
- there are existing trees on and nearby the site;
- the whole access road through the estate should be properly repaired to match the new development;
- request relocation of the proposed play area;
- the lowering of the road by means of an access road may cause problems for access to the parking area outside flats 1 and 2;
- concerned about the permanent loss of parking for the estate;
- more parking should be created;
- measures should be taken to prevent residents from outside the site from parking on the estate;
- a footpath should be created across the entire site, not just at the back of the site.

Comments from Consultees

The Council's Highways Engineers stated that the existing access ramp will be lowered to enable refuse vehicles and fire engines to access the site, and the provision of a turning circle will allow refuse vehicles to collect waste. However the ramp would have a gradient of 1:6 which would be too steep.

In terms of car parking, one space per unit is required, therefore 9 spaces should be provided. Only 7 off-street spaces have been provided, and the 2 on-street parking spaces are unacceptable as it is not possible to dedicate these two spaces to the development.

The nine secure and covered cycle parking spaces as indicated on the submitted plan are acceptable.

Any update to the parking arrangements will be reported verbally at the meeting.

Environmental Health Housing stated that no objections are raised provided the development meets or exceeds building regulations.

Environmental Health Pollution raised no objection subject to close attention being paid to possible existing contamination and remediation measures of the site should development begin.

The Crime Prevention Design Advisor agreed that the proposal should be able to gain SBD accreditation in respect of design and layout as well as physical security part 2 with the Guidance of 'New Homes 2010' and incorporating accredited, tested and certificated products.

Highways Drainage stated that no details concerning a foul water drainage system, so this would be managed by condition should permission be granted. There are no public surface water sewers near the site, therefore surface water will need to be drained to soakaways.

Thames Water stated that if the proposed development falls within 3 metres of pipes owned by Thames Water, a building over / near to agreement may be required. However no objection is raised with regard to water infrastructure.

Planning Considerations

Unitary Development Plan Policies

- H1 Housing Supply
- H7 Housing Density and Design
- BE1 Design of New Development
- T3 Parking
- T7 Cyclists
- T18 Road Safety

- Supplementary Design Guidance 1
- Supplementary Design Guidance 2

London Plan Policies

- 3.3 Increasing Housing Supply
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.8 Housing Choice
- 6.13 Parking
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.6 Architecture

Recently, Planning Policy Statements and Planning Policy Guidance notes were replaced by the adopted National Planning Policy Framework (NPPF). This is also a material consideration for the determination of the application.

Planning History

There is no recent planning history at the site.

Conclusions

Members may consider that the main issues in this instance are likely to be the impact of the proposed development on the character of the existing development on site, the impact on the amenities and privacy of the occupants of the surrounding residential dwellings, and the impact upon existing parking levels in the surrounding road network and general infrastructure in this area.

The proposed development site at present hosts single storey garages that are in a state of disrepair, with broken tarmac, overflowing large refuse bins and overgrown vegetation along the boundaries.

Members will note that the general design of the proposed development is similar to the existing buildings on the wider site of Melbourne Court. The existing buildings are three storeys in height, with similar design features in terms of the windows and use of materials. On this basis, it may be considered that the appearance of the proposed development would be compatible with that existing.

However, given the existing layout of Melbourne Court and the spatial setting, it is considered that the proposed development would have some impact locally due to the change in outlook and character.

Members will note that the site for the proposed development is located to the rear of a number of other properties, and is within close proximity of many of these. At the closest point to adjacent properties, the proposed development appears to be approximately 3.2 metres from the rear property boundary with 23 Anerley Park. Concerns have been raised by a local resident living along Anerley Park that the proposed development, due to the close proximity to properties along this road, will lead to a detrimental impact upon the amenities of residents of these properties by reason of overshadowing and direct overlooking. This is an issue that Members will need to consider carefully in the context of Policy BE1. Whilst concerns may be raised in terms of the loss of privacy and overlooking for occupiers of neighbouring properties, close attention should also be paid to the amenities of future occupiers of the proposed development.

The rooms located to the rear of the proposed building, facing the property boundary adjoining properties along Anerley Park, will mainly consist of living rooms and kitchens, which are rooms that tend to be used regularly throughout the day. As a result it is considered that the fenestration design along this elevation (bay window features) would lead to the possibility of direct overlooking from the site into neighbouring properties and vice versa. Members may consider this unacceptable.

There is an existing vehicular access to the site from Anerley Park, which although currently blocked off to vehicles with the exception of refuse vehicles utilising it for waste collection, will be reinstated and utilised within the proposed development;

therefore there will be no new access provided. However it will be noted that the reinstatement of this vehicular track for all vehicles will lead to a limited level of additional impact in terms of noise and disturbance to the nearby residents when comparing the current and proposed vehicle arrangements.

Whilst the overall design of the proposed buildings will be in keeping with the design of the existing buildings on the site of Melbourne Court, the introduction of development into the current setting and the orientation of the proposed building in relation to the existing flats at Melbourne Court will harm the character of the site and will give rise to mutual overlooking from existing and proposed windows. The development would also be in close proximity to the rear boundaries of other adjoining buildings, which Members may therefore find would also give rise to concerns over loss of privacy at these sites.

Members may also wish to consider whether the under-provision of off-street parking spaces, as raised by the Council Highway Engineer, is likely to lead to parking problems on the wider site and within the network of surrounding roads.

Background papers referred to during production of this report comprise all correspondence on file ref. 12/01326, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

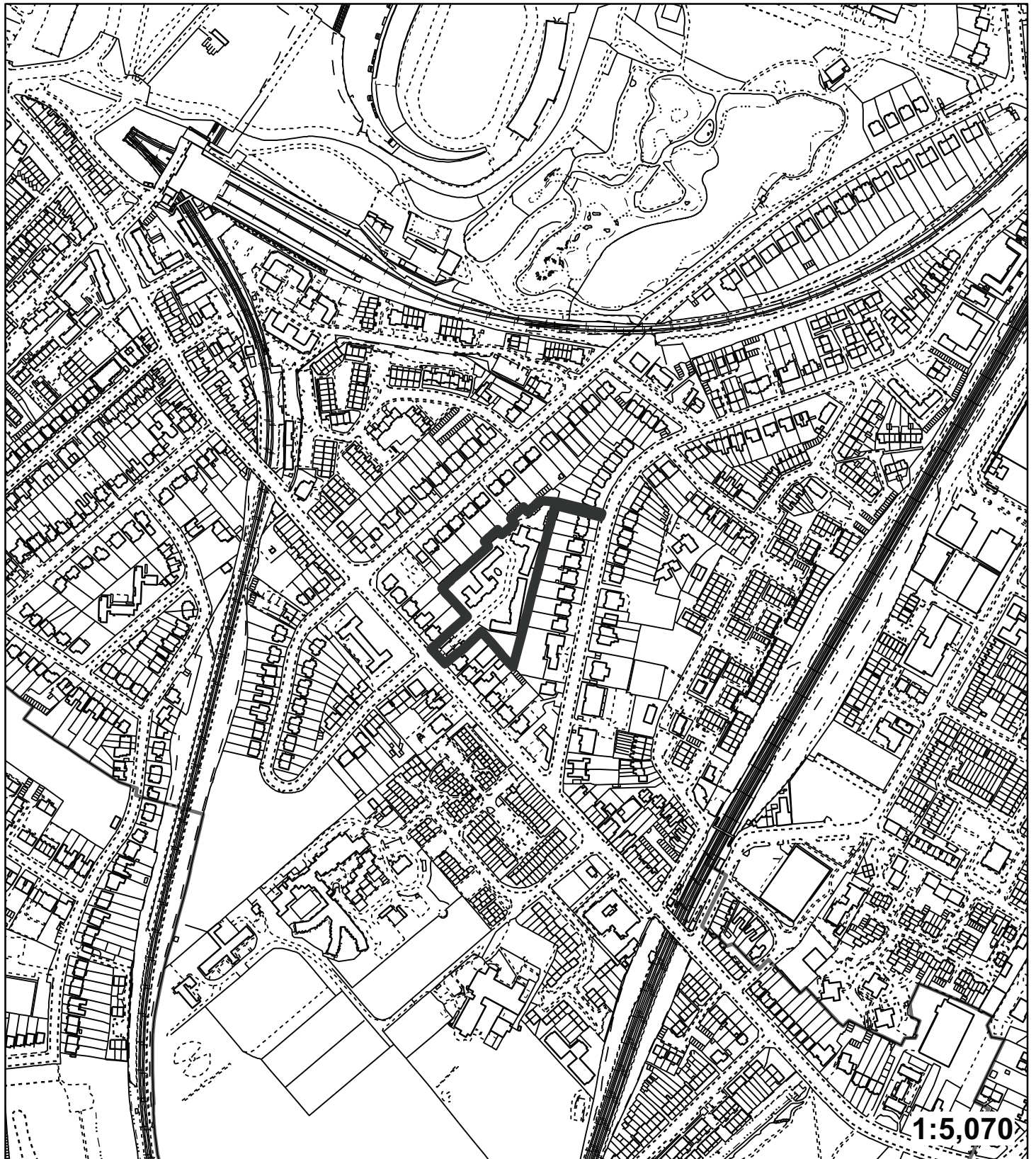
The reasons for refusal are:

- 1 The proposed development would give rise to an unacceptable degree of overlooking and loss of privacy and amenity to the occupiers of the existing flats at Melbourne Court and properties along Anerley Park, thus contrary to Supplementary Planning Guidance 2, Policies BE1 and H7 of the Unitary Development Plan and London Plan Policy 7.6.
- 2 The proposed development would be lacking in adequate on-site car parking provision to accord with the Council's standards and is therefore contrary to Policy T3 of the Unitary Development Plan.
- 3 The proposed introduction of additional development into this established site will be harmful to the character and existing setting, thereby contrary to Policy BE1 of the Unitary Development Plan.

Application:12/01326/FULL1

Address: Melbourne Court Anerley Road Penge London SE20 8AR

Proposal: Three storey extension comprising 9 two bedroom flats with car parking and bicycle parking, refuse/ recycling storage and landscaping



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SECTION '2' – Applications meriting special consideration

Application No : 12/01394/FULL6

Ward:
West Wickham

Address : 58 Wood Lodge Lane West Wickham
BR4 9NA

OS Grid Ref: E: 538562 N: 165265

Applicant : Mr Matthew Wyatt

Objections : YES

Description of Development:

Raised patio area at rear with steps and balustrade RETROSPECTIVE APPLICATION

Key designations:

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

Proposal

The application seeks retrospective planning permission for a raised patio area at the rear with steps down into the rear garden and an iron balustrade / railings around the outside. The maximum height of the raised patio area from the main garden ground level would be some 2.08 metres above which would be an iron balustrade. The raised patio area would occupy the full width of the existing property.

Location

The application site is located within Wood Lodge Lane in a predominantly residential area. Towards the rear of the site is a large area of open land located within the Green Belt known as Sparrows Den Playing fields.

Comments from Local Residents

- The structure is well beyond the recognised building line and is very high and out of keeping with the surrounding properties
- The structure results in overlooking and loss of privacy
- The height and width is excessive and is out of keeping with neighbouring properties.

In response to these comments the applicant has submitted a further statement which can be summarised as follows:

The boundary screening for the patio was chosen in consultation with the neighbours to ensure they did not suffer from any loss of light or outlook. The views towards the playing fields that the adjacent property currently has are already blocked by mature trees within their garden. Similar patios and raised terraces have been constructed in the area. A patio of this nature is required to provide safe access into the rear garden area.

The full text of this correspondence is available to view on file.

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

Supplementary Planning Guidance 1 and 2

National Planning Policy Framework 2012.

Conclusions

The main issues in this case are whether the current proposals would adequately protect the amenities of adjacent residents in terms of, privacy and outlook, and whether the proposal would be in keeping with the character and appearance of the area in general.

Policies BE1 and H8 draw attention to the need to respect the character, appearance and spatial standards of the surrounding area, the area around the site is predominantly residential and the buildings in the area are predominantly semi detached and detached dwellings.

Rear garden levels fall sharply in a southerly direction and the level of the main house is approximately 2 metres up from the garden level. The raised patio provides access from the rear elevation of the host dwellinghouse into the rear garden. The new raised patio area replaced an earlier patio area which consisted of part paving and part timber decking and with steps leading down to lower garden level through terraces formed from timber decking and natural stone terraced walls.

The height of the patio, limited boundary enclosures and the location of surrounding properties results in some loss of privacy and amenity. The applicants have suggested within their application that they would be prepared to change the boundary material to reduce the impact in terms of loss of privacy and amenity. Members may consider that existing boundary screening could be improved to reduce the impact in terms of the loss of privacy and amenity. Members may

consider that an appropriately worded planning condition could be imposed on any approval to minimise loss of privacy as a result of the proposal.

There are significant changes in ground level down towards the rear garden as can be seen from the submitted plans. The site has a similar relationship to other properties in this locality, some of which appear to have raised patios and steps. It is clear that there will be an impact on nearby properties as a result of this proposal and a judgement needs to be made about whether the impact is unduly harmful. However, Members will need to consider whether this relationship is satisfactory. Considering these concerns and the concerns raised by local residents this application is presented on list 2 of the agenda.

Members will therefore need to consider whether the impact of the raised patio in terms of loss of privacy and amenity, is significant enough to warrant the application being refused. Furthermore, should Members view the patio to be unacceptable in this location it would need to be considered as to whether enforcement action was appropriate.

Background papers referred to during production of this report comprise all correspondence on file ref. 12/01394, excluding exempt information.

RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED

- | | | |
|---|-----------------|--|
| 0 | D00002 | If Members are minded to grant planning permission the following conditions are suggested: |
| 1 | ACA07
ACA07R | Boundary enclosure - no detail submitted
Reason A07 |

Reasons for granting permission:

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

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

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

- (a) the appearance of the development in the street scene;
- (b) the relationship of the development to adjacent property;
- (c) the character of the development in the surrounding area;
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (e) the 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.

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

- 1 The raised patio is considered to be overdominant and detrimental to the amenities that the occupiers of adjoining properties might reasonably expect to be able continue to enjoy by reason of visual impact and loss of privacy and amenity in view of its size and depth of rearward projection thereby contrary to Policies BE1 and H8 of the Unitary Development Plan.

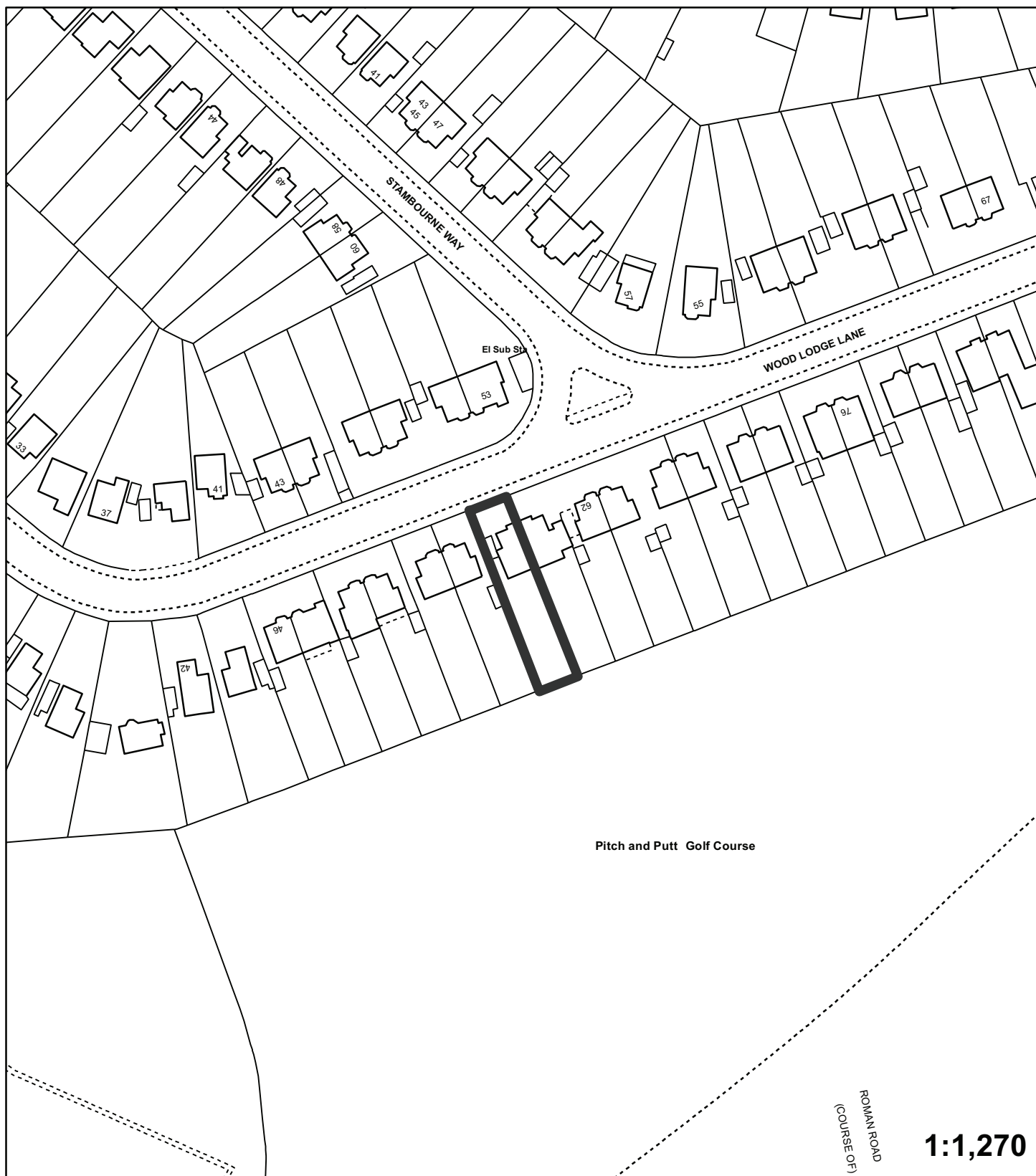
Further recommendation:

Enforcement action taken to remove the unauthorised raised patio area.

Application:12/01394/FULL6

Address: 58 Wood Lodge Lane West Wickham BR4 9NA

Proposal: Raised patio area at rear with steps and balustrade
RETROSPECTIVE APPLICATION



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SECTION '2' – Applications meriting special consideration

Application No : 12/01569/FULL1

Ward:
Copers Cope

Address : 66 - 68 Park Road Beckenham BR3 1QH

OS Grid Ref: E: 536957 N: 170369

Applicant : Croudace Portland Ltd

Objections : YES

Description of Development:

Erection of 6 three storey four bedroom terraced houses with 12 car parking spaces, refuse storage and associated landscaping at 66 and 68 Park Road.

Key designations:

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

Proposal

Planning permission is sought for:

- 6 three storey four bedroom terraced houses
- 12 car parking spaces at the front (2 spaces per house)
- refuse storage to be sited on the front boundary
- paved patios at rear
- soft and hard landscaping at the front of the site
- the site plan shows a side space of 1.8m would be retained to the boundary with No. 64 and 1.9m to the boundary with No. 70

This application seeks full planning permission. The site plan drawing shows one continuous block of 6 terraced houses. The proposed dwelling to Plot 1 is adjacent to No.70 Park Road and measures approximately 16.5m in depth, projecting beyond the rear building line of No.70 by 5m in total (although 2.4m at two storey level). The proposed dwelling to Plot 6 is adjacent to No.64 Park Road and would measure approximately 17.2m.

This application is to be determined by Committee as it falls outside the Chief Planner's delegated power.

Location

The application site is currently vacant, with the residential properties previous at 66 and 68 Park Road previously on the site having now been demolished.

The site is located on the northern side of Park Road, relatively close to the junction with Lawn Road. The surrounding area is characterised by a mix of terraced and detached houses, mostly with long rear gardens. St Paul's church and its Vicarage are situated to the rear of the application site.

Comments from Local Residents

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

- support proposal for one block
- improved appearance of scheme
- need to ensure bin storage is adequately protected/enclosed to prevent smells etc..
- most acceptable plans to date
- design very good
- slight reduction in rearward projection
- development is out of scale
- over-development
- replacing 2 detached houses with 6 terraced house
- limited landscaping
- no front gardens
- 200% increase in accommodation
- frontage too great
- solid and uninviting
- no attempt made to break up massing

A full copy of these letters are available on file ref. 12/01569. Any further comments that are received will be reported verbally at the meeting.

Comments from Consultees

The comments from Consultees are:

- Thames Water: no objections are raised
- Waste: the proposed refuse storage is not big enough- no allowance for recycling
- Environmental Health (Pollution): no objections raised in principle
- Highways- No objections raised in principle subject to conditions
- Metropolitan Police – no objections subject to secure by design condition

At the time of writing the report, Drainage advice had not been received. Any comments will be reported verbally at the meeting.

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 density and design of new housing/new development, the provision of adequate car parking and new accesses and road safety.

Policy H1 (v) seeks to make most effective use of land in accordance with the density/location matrix in Table 4.2. Policy H7 aims to ensure that new residential development respects the existing built and natural environment, is of appropriate density and respects the spatial standards of the area as well as amenities adjacent occupiers, and allows adequate light penetration into and between buildings.

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

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

Members will note that the National Planning Policy Framework (NPPF), which was adopted in March 2012 is also relative in this case.

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

Planning History

There is a long planning history at both 66 and 68 Park Road. The most recent planning history can be summarised as follows:

- 11/00213- outline permission was granted for the erection of 6 three storey four bedroom dwellings (plus basements) with 12 parking spaces, refuse storage and associated landscaping at 66 and 68 Park Road.
- 11/00047- planning permission was granted for the erection of 6 three storey four bedroom dwellings with 12 parking spaces, refuse storage and associated landscaping at 66 and 68 Park Road

The current application seeks to amend the scheme granted under ref. 11/00047

- 10/01916 – Planning permission refused for the erection of a three storey block comprising 6 flats at 66 Park Road
- 10/01573- Planning permission was refused for the erection of a three storey block comprising 6 flats at 68 Park Road

The above applications were both reported to Plans-Sub Committee 2 on 9th September 2009 on the grounds of excessive mass and bulk resulting in an overdevelopment of the site. The combined total of units over the two sites was 12. Both applications were also refused for the impact of the buildings of the amenities of the neighbours.

- 09/03453- Planning permission refused for the erection of a three storey block comprising 9 flats at 66 Park Road
- 09/01432- Planning permission was refused (and dismissed) for the erection of a three storey block comprising 9 flats at 68 Park Road

These applications were both refused on the basis of the number of units (a combined total of 18 over the two sites) proposed at both sites and the excessive bulk and mass. The applicant appealed against the decision at No. 68 but the application was later dismissed by the Planning Inspector.

- 07/02520- planning permission was granted for the demolition of the existing buildings and the erection of 6 three storey terraced houses with 12 car parking spaces at 66 and 68 Park. This application included basements to the proposed houses
- 06/00186- Outline permission was granted for 6 three storey terraced houses at 66 and 68 Park Road
- 05/03103- Outline permission was refused for 6 three storey terraced houses

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.

It is considered that the redevelopment of the site would be acceptable in principle as planning permission has already been granted at the site for the erection of 6 three storey terraced houses (refs. 11/00047 and 11/00213). The site also previously housed two detached dwellings and the surrounding area is characterised by residential developments.

The main changes which are included in the most recent application are that one block of 6 houses is now proposed (compared to two blocks of three houses), the design of the building and the increase in the size of the footprint of the building. In term of form and scale, the proposed height of the houses would be comparable with a number of properties along Park Road, in particular the three storey terraced properties adjacent to the site, Nos. 70 – 78. The proposed buildings are set back from the front boundary and rear gardens varying from approximately 17m to 20m are proposed. Some soft landscaping is proposed to the front of the site (although this is fairly limited) and adequate amenity spaces are proposed, Members may consider that the site will be redeveloped in satisfactorily to reflect the character of the area.

With regard to the proposed design of the buildings, the houses are proposed in one continuous block of Georgian style. The buildings have a slight staggered frontage which Members may consider to go some way to add visual interest to the design and break up the massing of the buildings. The previously granted schemes (refs. 11/00047 and 11/00213) had two blocks of 3 houses with pitched roofs,

whilst the current application maintains a hipped roof line, the overall massing of the roof is greater than previously granted. Members will need to carefully consider whether the increase in roof bulk (not height) is detrimental to the streetscene.

The proposed the three storey block maintain a minimum separation of 1.9m to the western boundary (adj. No.70), a minimum separation of 1.4m to the eastern boundary (adjacent to No. 64), when scaled from the submitted drawings, which is comparable to the most recent applications at the site. The application in this respect would accord with Policy H9 in that a minimum 1m separation is retained to the adjoining boundaries.

With regard to the impact of the proposed building on the residential amenity of the neighbouring properties, the proposed buildings are set at reasonable distances away from the adjoining properties. However, Members will note that the overall footprint of the proposed buildings at single storey level has increased when compared to the most recently permitted applications at 66 and 68 (refs. 11/00047 and 11/00213), and consideration should be given as to whether this increase in bulk along the boundary would impact detrimentally on the amenities of the adjacent neighbours. The windows proposed on the upper western and eastern flanks are indicated hallways and a condition may be added to ensure these windows are obscure glazed.

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 12 car parking spaces were previously considered acceptable by the Council's Highways engineer.

Background papers referred to during production of this report comprise all correspondence on file ref. 12/01569, 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 | ACB01 | Trees to be retained during building op. |
| | ACB01R | Reason B01 |
| 5 | ACB02 | Trees - protective fencing |
| | ACB02R | Reason B02 |
| 6 | ACB03 | Trees - no bonfires |
| | ACB03R | Reason B03 |
| 7 | ACC01 | Satisfactory materials (ext'nl surfaces) |

	ACC01R	Reason C01
8	ACC03	Details of windows
	ACC03R	Reason C03
9	ACD02	Surface water drainage - no det. submitt
	ADD02R	Reason D02
10	ACH03	Satisfactory parking - full application
	ACH03R	Reason H03
11	ACH18	Refuse storage - no details submitted
	ACH18R	Reason H18
12	ACH22	Bicycle Parking
	ACH22R	Reason H22
13	ACH32	Highway Drainage
	ADH32R	Reason H32
14	Before the development hereby permitted is first occupied, the proposed window(s) on the first and second floor of the western flank (Plot 1) and eastern flank (Plot 6) shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.	
	ACI12R	I12 reason (1 insert) BE1

Reasons for granting permission:

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

- 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

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 You are advised that this application is considered to be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). The Levy will appear as a Land Charge on the relevant land with immediate effect.

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

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SECTION '2' – Applications meriting special consideration

Application No : 12/01612/FULL6

Ward:
Plaistow And Sundridge

Address : 14 Alexandra Crescent Bromley BR1
4EU

OS Grid Ref: E: 539852 N: 170907

Applicant : Mrs Fernandes

Objections : NO

Description of Development:

Two storey side/rear and first floor side extension

Key designations:

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

Proposal

The site is a two storey semi-detached dwelling and the application proposes a two storey side/rear and first floor side extension. The side space between the proposed two storey development and the site boundary will be 920mm.

Location

The site is located on the north side of Alexandra Crescent with Urban Open Space to the rear of the site (north) and a locally listed building to the east.

Comments from Local Residents

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

Planning Considerations

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

BE1 Design of New Development
H8 Residential Extensions
H9 Side Space

Conclusions

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

The proposed two storey development will allow 920mm to the eastern boundary and therefore does not have the full 1 metre side space normally expected in respect of Policy H9 regarding side space. The site to the east, number 8 Alexander Crescent, is a locally listed building and has a garage sited close to its western boundary. It has a steep pitch and overall roof height of 7.4m. The design of the proposed extension results in a development which is subservient to the host dwelling and hips the roof line away from the boundary.

The floor plans indicate a kitchen to the first floor accommodation and a separate staircase. In the event of a planning permission conditions are suggested to guard against any unsatisfactory sub-division.

Given its location it may not be considered to result in harm to the neighbouring amenities however given the reduced side-space and its location adjacent to a locally listed building the impacts on the character of the area require careful consideration.

Members may consider given the subservient design and 920mm side-space proposed that, on balance, the scheme may not cause such harm to the character of the area as to warrant a planning refusal.

Background papers referred to during production of this report comprise all correspondence on file ref. 12/01612, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACC04 Matching materials
 ACC04R Reason C04
- 3 The additional accommodation shall be used only by members of the household occupying the development hereby permitted and shall not be severed to form a separate self-contained unit.
 ACI07R Reason I07
- 4 ACI10 Side space (1 insert) 920mm
 ACI10R Reason I10

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
H8 Residential Extensions
H9 Side Space

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

- (a) the appearance of the development in the street scene;
- (b) the relationship of the development to adjacent properties;
- (c) the character of the development in the surrounding area

and having regard to all other matters raised.

Application:12/01612/FULL6

Address: 14 Alexandra Crescent Bromley BR1 4EU

Proposal: Two storey side/rear and first floor side extension



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

Application No : 11/03432/FULL6

Ward:
Chelsfield And Pratts
Bottom

Address : 205 Worlds End Lane Orpington BR6
6AT

OS Grid Ref: E: 546958 N: 163223

Applicant : Mr Richard Evans

Objections : YES

Description of Development:

First floor front extension. Increase in roof height incorporating front and rear dormer extensions and elevational alterations (amendment to 10/03145 to incorporate first floor rear extension instead of rear box dormer at first floor level, increase in size of rear dormers above and front dormers together with elevational alterations) RETROSPECTIVE APPLICATION

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Sites of Interest for Nat. Conservation
Tree Preservation Order

Proposal

- The application is an amendment to application ref. 10/03145 for a first floor front extension, increase in roof height incorporating front and rear dormer extensions and elevational alterations.
- The amendment results in a first floor rear extension instead of the rear box dormer permitted, an increase in the size of the dormers within the roof space above at the rear and an increase in the size of the two front dormers.
- These amendments have already been carried out and the application therefore seeks retrospective planning permission.

Location

- The application site is located to the south of Worlds End Lane and is a large detached family dwelling set within a large plot.

- The rear of the site is designated Green Belt although the property itself is not within the Green Belt.
- The area is mainly characterised by large family properties set back from the road with large frontages and large rear gardens.

Comments from Local Residents

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

- breach of side space policy
- harmful to amenities and living conditions (203)
- dormers and building height bear little resemblance to original plans
- loss of privacy
- out of keeping with the streetscene

Comments from Consultees

No comments have been received from consultees.

Planning Considerations

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

BE1 Design of New Development
H8 Residential Extensions

Planning History

1989 – Planning permission was granted for a two storey front and single storey side extensions, front and rear dormer extensions and detached double garage under ref. 89/01331.

1993 – Planning permission was refused for a two storey detached house under ref. 92/02344.

Planning permission was granted for the demolition of the existing dwelling and erection of a five bedroom house under ref. 93/01067.

1994 – Planning permission was refused for a detached double garage with store above under ref. 93/02983.

Planning permission was granted for a detached two storey five bedroom house under ref. 94/00032.

Planning permission was refused for a detached double garage under ref. 94/00458.

Planning permission was granted for a detached double garage under ref. 94/01321.

1996 – Planning permission was granted for the retention of 2 brick piers under ref. 96/00456.

Planning permission was granted for retention of a chimney stack under ref. 96/01134.

2008 – Planning permission was refused for a two storey rear extension and side dormer extensions under ref. 08/02387.

Planning permission was granted for a part one/two storey rear extension under ref. 08/03108.

2011 – Planning permission was granted for a first floor front extension. Increase in roof height incorporating front and rear dormer extensions and elevational alterations under ref. 10/03145..

Conclusions

The main issues for considerations in relation to this application are the impact of the amendments on the amenities of nearby residents and the effect that the proposal has on the character of the surrounding area.

Planning permission has previously been granted for the first floor front extension, increase in roof height, front and rear dormers and some elevational alterations and Members are therefore only asked to consider the amendments made to this scheme. No change to the overall ridge height is proposed and there is an increase in the size of the front dormers. There is also a minor alteration to the glazing of the front first floor windows. Other than this, the view of the front of the dwelling will remain unaltered from the previously approved application and it is therefore considered that given the limited increase in the size of the front dormers, there is little further impact on the character of the property within the streetscene.

Objections have been received in relation to a conflict with the Council's side space policy. Policy H9 relates purely to extensions of two or more storeys to the side of a property. The alterations in this application are restricted to the front and rear and this policy is therefore irrelevant.

With respect to neighbouring amenities, the proposal includes no additional first floor flank windows and the repositioning of the existing roof light to the existing eastern flank roof slope. This will be approximately 1.3 metres higher and is unlikely to result in overlooking. There are two first floor windows at No. 203 which are small and serve bathrooms. Whilst there is an increase in the bulk of the property to the rear, it is not considered that the increase in bulk, along with the hipped design of the roof would impact significantly on the amenities of this property or result in a significant loss of light. The bedroom windows are situated on the front and rear elevations and these are not considered to be seriously affected by loss of prospect or daylight.

No facing flank windows serve the property at No. 207 and it is considered that the extension would similarly not impact detrimentally on sunlight or prospect. The property at No. 207 is separated by a garage and this separation reduces the impact of the extension. The resulting dwelling would be significantly taller than No. 207. However the separation is considered such as to not seriously harm the visual appearance of the area.

The increase in the size of the rear dormers is considered to have little impact on the character of the property nor impact detrimentally on the amenities of the neighbour properties in terms of light, prospect, overlooking or visual amenity. The works to the rear of the property are considered to improve the appearance of the dwelling giving it a less cluttered rear elevation and Members are therefore asked to grant planning permission.

Background papers referred to during production of this report comprise all correspondence on files refs. 08/02387, 08/03108 and 10/03145, excluding exempt information.

as amended by documents received on 19.03.2012

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACC04 Matching materials
ACC04R Reason C04
- 2 ACI17 No additional windows (2 inserts) flank extensions
ACI17R I17 reason (1 insert) BE1
- 3 ACK01 Compliance with submitted plan

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

Reasons for granting permission:

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

BE1 Design of New Development
H8 Residential Extensions

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

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

and having regard to all other matters raised.

Application:11/03432/FULL6

Address: 205 Worlds End Lane Orpington BR6 6AT

Proposal: First floor front extension. Increase in roof height incorporating front and rear dormer extensions and elevational alterations (amendment to 10/03145 to incorporate first floor rear extension instead of rear box dormer at first floor level, increase in size of rear dormers above and front



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

Application No : 12/01145/FULL6

Ward:
Plaistow And Sundridge

Address : 8 Park Grove Bromley BR1 3HR

OS Grid Ref: E: 540844 N: 169769

Applicant : Ms G Clark And Rev C Elkington

Objections : YES

Description of Development:

First floor rear extension

Key designations:

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

Proposal

The proposal is for a first floor rear extension projecting 2.44 metres with a height to match the existing first floor flat roofed extension.

Location

The application site is located on the eastern side of Park Grove, at the end of the road, and comprises of a detached dwelling.

Comments from Local Residents

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

- the distance to the boundary is only 0.97 m and not 1.01 metres as stated on the plans
- the extension would block a feature of our house through which we enjoy light and view.
- the proposed flat roof does not fit with the character of the houses on the street.
- suggest that the neighbours remove the proposed side wall adjacent to the property by at least a metre this would provide a safe distance between their roof and ours this would have less impact on our property and more light and view to our bedroom.

Planning Considerations

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

BE1 Design of New Development
H8 Residential Extensions
H9 Side Space

History

00/00973/FULL1 Single storey rear extension Permission
01/04043/FULL1 Single storey side extension RETROSPECTIVE
APPLICATION Refused
95/00457/FUL First floor rear extension Permission

Conclusions

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

The proposal is for a first floor infill rear extension adjacent to the northern boundary with No.10 Park Grove, the proposal would incorporate a flat roof to match the existing first floor projection, and given the modest rearward projection (2.45m) of the extension would project no further to the rear than the existing ground floor, the scale and form of the extension would respect those of the host building. The drawing shows that there is a distance of 1.1 metres between the boundary and the property, although this has been disputed by the neighbour at No. 10. Taking into account that the flank wall of the proposed first floor extension is following that of the existing house and if the distance is less than a metre it may be considered that the proposal is acceptable in this instance.

With regard to the impact on nearby residential amenities, the most noticeable impact would be at No.10 Park Grove where a degree of overshadowing is likely to occur as a result of the extension. There is a window in the side elevation of No.10 which serves as a bedroom, this appears to be a secondary window, the main one being the bay window on the rear elevation, and taking into account the modest depth of the extension the impact is considered acceptable in that it would not result in a significant loss of amenity for the occupiers of the adjacent property.

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

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

Reasons for permission:

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

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

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

- (a) the appearance of the development in the street scene;
- (b) the relationship of the development to adjacent properties;
- (c) the character of the development in the surrounding area

and having regard to all other matters raised.

Application:12/01145/FULL6

Address: 8 Park Grove Bromley BR1 3HR

Proposal: First floor rear extension



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

Application No : 12/01381/FULL6

Ward:
Kelsey And Eden Park

Address : 11 Kelsey Way Beckenham BR3 3LP

OS Grid Ref: E: 537358 N: 168750

Applicant : Mr Om Lahoti

Objections : YES

Description of Development:

Demolition of existing garage and erection of two storey side and single storey rear extensions and first floor front bay window

Key designations:

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

Proposal

Planning permission is sought for the demolition of the existing single storey garage to the side of the property, and the construction of a two storey side extension, a single storey rear extension and alterations to an existing first floor bay window. The details of the proposal are as follows:

- two storey side extension to have width of 3.3m (with side space of 1.48m) and feature hipped roof subservient to main dwelling
- single storey rear extension to project with depth of approx. 4.2m, and have a height of 3.1m with a flat roof
- existing first floor bay to right hand side of front elevation to be replaced with flush window

Location

The application property is located on the southern side of Kelsey Way, Beckenham, and comprises a detached dwellinghouse.

Comments from Local Residents

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

The owner/occupier at No. 9 Kelsey Way (to the east of the application site) has raised the following concerns:

- development would result in considerable loss of light to flank windows in ground and first floor elevations of No. 9 by reason of height and proximity of extension
- development would result in a loss of privacy through direct overlooking into first floor landing window, together with the new rear facing window in the rear elevation which would overlook the patio
- the degree of separation between Nos. 9 and 11 would, as a result of the development, appear cramped and out of character
- proposal would result in the overdevelopment of the plot with a subsequent impact on the street scene

The owner/occupier of No. 10 Kelsey Way (opposite the application site) has raised the following concerns:

- no objection in principle but side extension should be stepped back on the front elevation to preserve the Arts and Crafts style of the houses in the road and maintain the brick quoin and avoid a straight abutment of old and new materials.

Comments from Consultees

No consultations were made in respect of this application.

Planning Considerations

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

BE1 Design of New Development
H8 Residential Extensions
H9 Side Space

Planning History

Under ref. 05/02705, planning permission was granted for the demolition of existing conservatory and erection of single storey rear extension.

Conclusions

The main issues for consideration in this case will be the impact of the development on the character and appearance of the area and the amenities of neighbouring residential properties.

The proposed side extension will be positioned around 1.5m from the flank boundary, exceeding the minimum requirements defined in Policy H9. The extension will be finished in materials to match the existing dwelling and would appear subservient to the host dwelling. Although the extension will reduce the

visual separation at first floor between the application property and its neighbour, in view of the side space maintained and the varying degrees of separation between properties in Kelsey Way, it is not considered that the development would give rise to an unacceptable impact on the character of the area or the visual amenities of the street scene.

Regarding the impact of the two storey side extension to the amenities of neighbouring residential properties, the adjacent property at No. 9 Kelsey Way would experience a reduction in the amount of daylight and sunlight to a number of windows in the flank wall of this property. This is borne out in representations received from the owner/occupier of this property. As detailed in the representation however, the majority of the windows affected serve circulation areas or non-habitable rooms and any loss of light to these windows will not therefore be a material planning consideration. Two small ground floor flank windows serving the rear sitting room to No.9 will also be affected, however this also benefits from large patio doors on the rear (south facing) elevation of the property, and in this instance any loss of light to these windows will not be so significant to justify the refusal of planning permission.

Concerns have also been raised regarding the potential for overlooking as a result of the development. The first floor flank elevation features three windows, all of which would serve non-habitable rooms and can reasonably be conditioned to be obscurely glazed, limiting any possible overlooking. A bedroom window is also proposed in the first floor rear elevation of the extension, which has been raised as a concern by the neighbour. Whilst the concerns are noted, the window is rear facing and will not give rise to any greater degree of overlooking than existing rear facing windows in the host property.

Turning to the single storey rear extension, this will project with a depth of around 4.2m which would be similar to the depth of an existing single storey element of the property. Whilst the extension is of greater width than this existing element, spanning the entire width of the extended property, the host property is detached and it is not considered that neighbouring properties would suffer a significant loss of amenity as a result of this element of the proposal. It is not considered that this element will result in harm to the character and appearance of the area.

Finally with regard to the alteration to the front bay window at first floor level, this is considered to be a minor change in the appearance of the host property which will not result in a significant impact on the character of the area.

Having regard to the above, Members may agree that the proposed development is acceptable on balance and that planning permission should be granted.

Background papers referred to during production of this report comprise all correspondence on files refs. 12/01381 and 05/02705, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACC04 Matching materials
 ACC04R Reason C04
- 3 Before the development hereby permitted is first occupied, the proposed window(s) in the first floor flank elevation of the two storey extension shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.
 ACI12R I12 reason (1 insert) BE1

Reasons for granting permission:

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

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

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

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

and having regard to all other matters raised.

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

Application No : 12/01455/FULL6

Ward:
Petts Wood And Knoll

Address : 44 Towncourt Crescent Petts Wood
Orpington BR5 1PQ

OS Grid Ref: E: 544535 N: 168019

Applicant : Mr Vikram Patel

Objections : YES

Description of Development:

Part one/two storey front/side and rear extension

Key designations:

Area of Special Residential Character
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding

Proposal

It is proposed to remove the existing garage and lean-to, and construct a single storey front/side extension, and a part one/two storey rear extension.

The single storey front/side extension would provide a small front porch which would align with the main front wall of the dwelling, and a side garage and kitchen extension which would extend up to the side boundary with No.42. It would have a mono-pitch roof to the front with a flat roof behind, and would project 3m to the rear.

The rear extension would project 3m to the rear at ground floor level adjacent to the boundary with No.46, while the first floor element would project 2.1m to the rear on this side, set back 1m from the side boundary with No.46. Part of the first floor rear extension would project 3m to the rear, but this part would be set back 3.7m from the side boundary with No.46, and 2.5m from the side boundary with No.42.

Location

This semi-detached property is located on the south-eastern side of Towncourt Crescent and backs onto the recreation ground. It currently has a garage at the side and a lean-to structure at the rear. It is located within Petts Wood Area of Special Residential Character.

Comments from Local Residents

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

- overlarge extension which would detract from the symmetry of the dwellings
- design is out of character with Petts Wood Area of Special Residential Character
- front/side extension would appear prominent in the street scene and affect the symmetry of the dwellings
- loss of light and privacy to adjacent properties
- lack of information regarding drainage
- removal of chimney stack may result in structural damage.

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
H10 Areas of Special Residential Character

This application has been called in by a Ward Member.

Planning History

Permission was recently refused under ref.12/00488 for a part one/two storey front/side and rear extension on the following grounds:

- 1 The proposed extension would, by reason of its size, height and excessive rearward projection, have a seriously detrimental effect on the daylighting and sunlighting to the adjoining dwellings, and the prospect which the occupants of those dwellings might reasonably expect to be able to continue to enjoy, thereby contrary to Policy BE1 of the Unitary Development Plan.
- 2 The proposed single storey front/side extension would project forward of the main front wall of the dwelling and would appear bulky and prominent in the street scene by unbalancing the appearance of these semi-detached properties, which would be out of character with Petts Wood Area of Special Residential Character, thereby contrary to Policies H8, H10 and BE1 of the Unitary Development Plan.

Conclusions

The main issues in this case are the impact of the revised proposals on the character of Petts Wood Area of Special Residential Character, and on the amenities of the occupants of adjacent residential properties.

The current proposals have been revised from the scheme recently refused in the following main ways:

- the front porch and side garage extension would be set back 1m so that it would come in line with the existing front wall of the lounge
- the height of the pitched roof over the porch/garage would be reduced by 0.4m
- the rearward projection of the ground floor extension would be reduced from 4m to 3m adjacent to No.46 (the adjoining semi), and from 3.3m to 3m adjacent to No.42
- the first floor rear extension would be reduced in depth from 3m to 2.1m adjacent to No.46, but would increase in depth from 2.3m to 3m within the central part of the rear elevation.

The revised front/side extension would now have a reduced height roof and would not project forward of the main front wall, therefore, it is not considered to result in a prominent and unrelated feature in the street scene, and would not have a detrimental impact on the character and appearance of Petts Wood ASRC.

The part one/two storey rear extension would now project only 3m to the rear immediately adjacent to the boundary with the adjoining semi, and the first floor element would be set back 1m from the side boundary and would project only 2.1m to the rear. Although the central part of the first floor extension would project slightly deeper than the previous scheme, this element would be set back between 2.5-3.7m from the side boundaries. The revised proposals are not, therefore, considered to have a significant impact on the amenities of the adjoining occupiers in terms of loss of light and prospect.

Background papers referred to during production of this report comprise all correspondence on files refs. 12/00488 and 12/01455, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

Reasons for granting permission:

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

- H8 Residential Extensions
- H10 Areas of Special Residential Character

BE1 Design of New Development

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

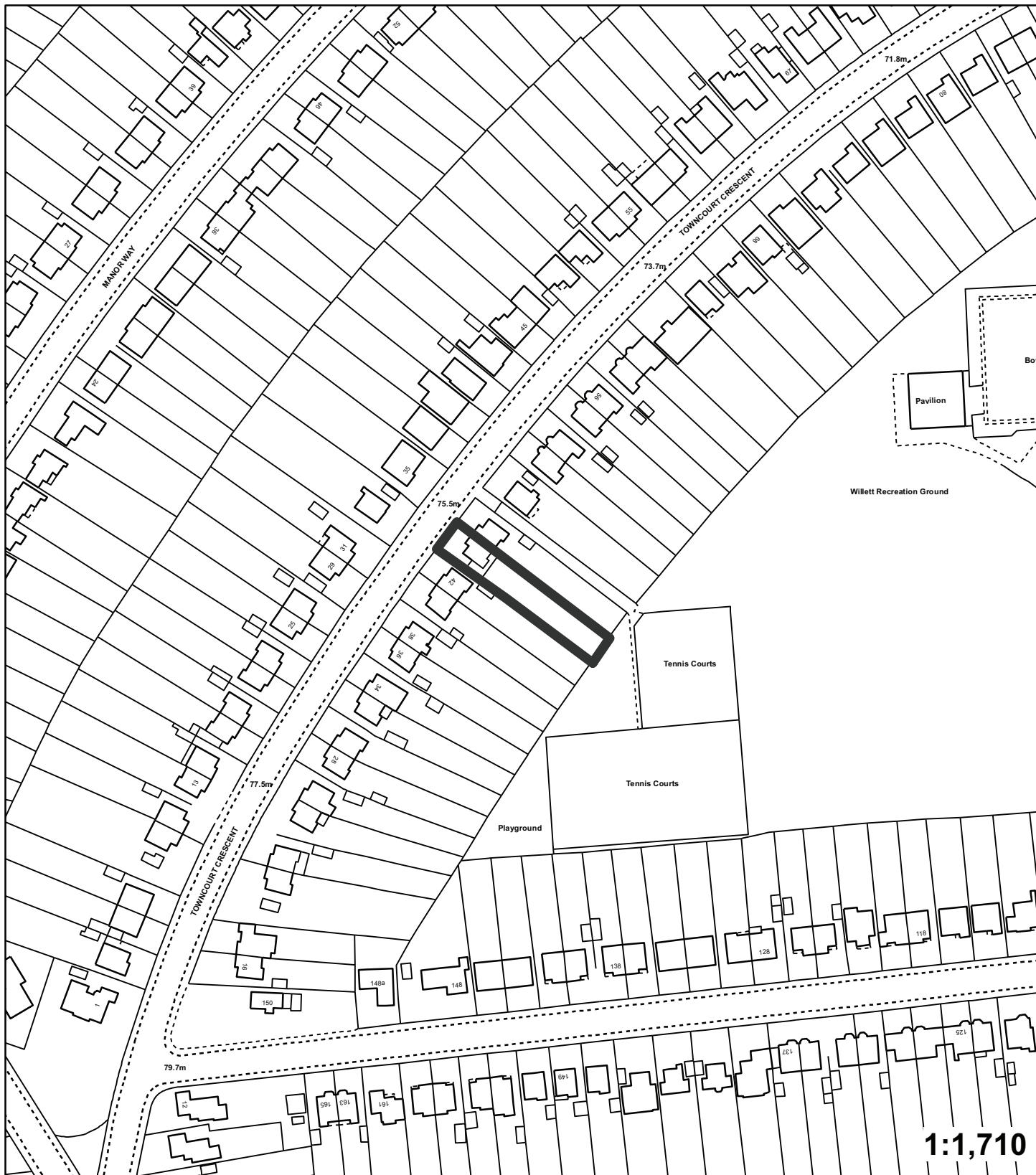
- (a) the visual impact on the Area of Special Residential Character
- (b) the impact on the amenities of the occupiers of nearby residential properties

and having regard to all other matters raised.

Application:12/01455/FULL6

Address: 44 Towncourt Crescent Petts Wood Orpington BR5 1PQ

Proposal: Part one/two storey font/side and rear extension



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

Application No : 12/01483/FULL6

Ward:
Kelsey And Eden Park

Address : 37 Oakfield Gardens Beckenham BR3
3AY

OS Grid Ref: E: 537408 N: 167638

Applicant : Ms A Worwood

Objections : YES

Description of Development:

Single storey rear extension

Key designations:

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

Proposal

The application proposes to construct a single storey rear extension. The proposed extension would occupy the full width of the existing dwelling. The depth of rearward projection would be 3.2 metres adjacent to No. 39 and 3.7 metres adjacent to No. 35. The extension would have a maximum height of 3.9 metres.

Location

The application site is located within a predominantly residential area at the end of Oakfield Gardens a small residential cul-de sac in Beckenham. The property currently has no existing rear extensions. Both adjacent properties have single storey rear extensions.

Comments from Local Residents

- The roof of this extension should be as low and flat as possible in line with that at No. 39. The current proposal would result in loss of outlook and impact on existing views from neighbouring properties
- The roof line is too high and the development would cause loss of light throughout the day.

The full text of this correspondence is available to view on file.

Planning History

Under application ref. 12/01486, a Certificate of Lawfulness for a proposed loft conversion with a rear dormer is pending consideration.

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

Conclusions

The main issues in this case are whether the current proposals would result in an overdevelopment of the site, whether they would adequately protect the amenities of adjacent residents in terms of light, privacy and outlook, whether the proposal would significantly harm the spatial standards of the locality and be in keeping with the character and appearance of the area, the existing building and the street scene in general.

Policies BE1 and H8 draw attention to the need to respect the character, appearance and spatial standards of the surrounding area, the area around the site is predominantly residential and the buildings in the area are predominantly terraced and semi detached dwellings set within spacious plots.

It is considered that the proposed extension would not on balance impact significantly on the amenities of neighbouring residents due to the height of the proposed extension, the orientation of the site, existing boundary screening and vegetation and the location of existing buildings at adjacent properties.

The proposed extension would be constructed up to the boundary of the site but would be single storey only and is considered to be subservient to the host dwelling and appropriately reflects the character and appearance of the area.

The development is not considered to result in any significant decrease in spatial standards as the footprint of the proposed extension is not considered on balance to be excessive and is similar to that at surrounding properties. The extensions are of an appropriate design and scale in keeping with the street scene and surroundings which could on balance be considered to relate well to the host dwelling and character and appearance of the area in general.

The main bulk of the extensions are located towards the rear of the property. Whilst the depth of rearward projection of the extension is some 3.7 metres adjacent to No. 35, there are existing similar rear extensions and building lines of a similar depth visible from the application site.

Members may therefore agree that this proposal is acceptable and would not result in a unduly detrimental impact on the residential amenities of neighbouring

properties nor impact detrimentally on the character of the area or the street scene generally given the overall size of the proposed extension, the orientation of the site, existing boundary screening and vegetation and the location of existing buildings and extensions at adjacent properties

Background papers referred to during production of this report comprise all correspondence on files refs. 12/01483 and 12/01486, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

Reasons for granting permission:

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

- BE1 Design of New Development
- H8 Residential Extensions

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

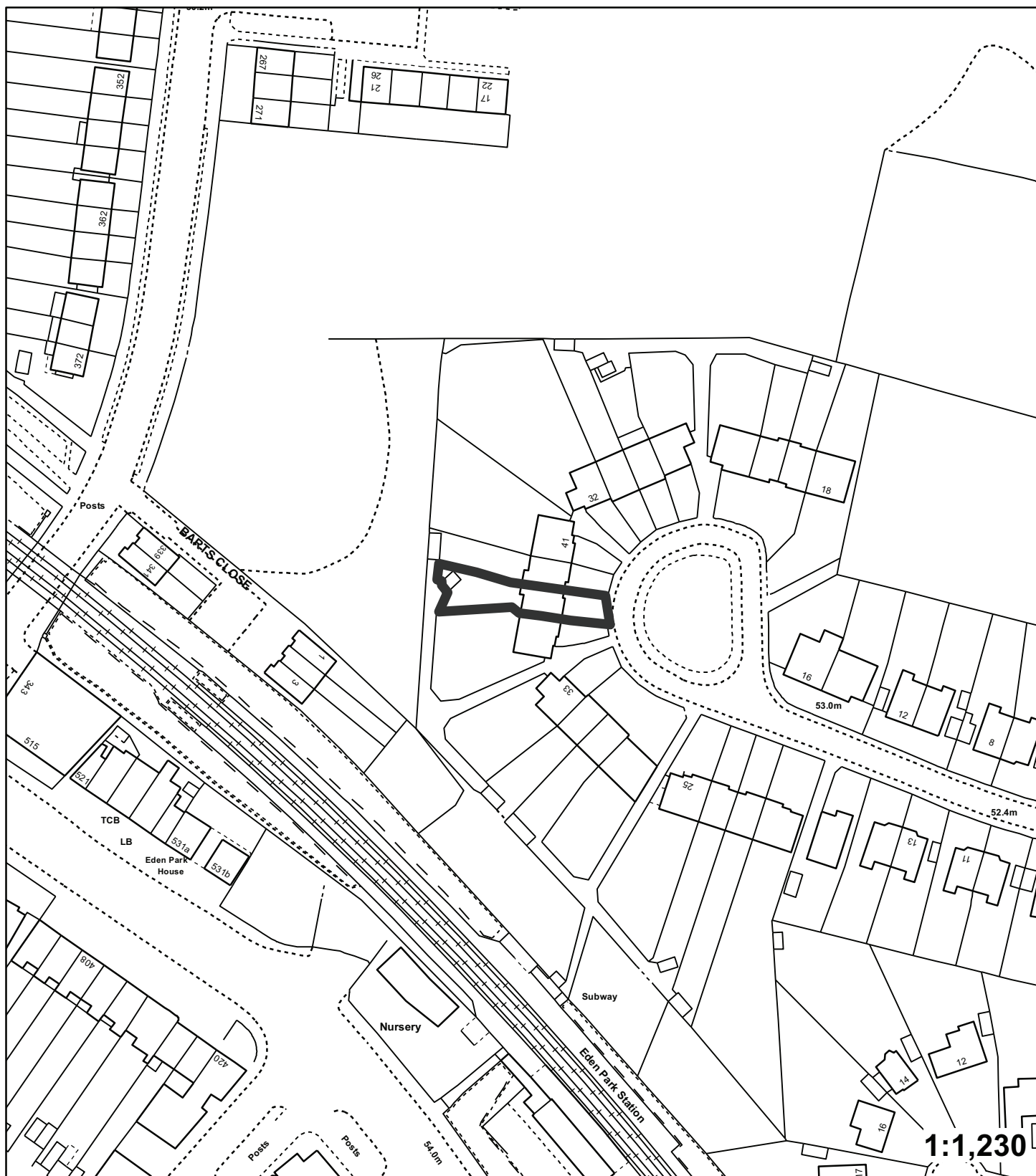
- (a) the impact of the development on the character and appearance of the area
- (b) the relationship of the development to adjacent property and the street scene;
- (c) the character of the development in the surrounding area;
- (d) the impact on the amenities of the occupiers of adjacent and nearby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

and having regard to all other matters raised.

Application:12/01483/FULL6

Address: 37 Oakfield Gardens Beckenham BR3 3AY

Proposal: Single storey rear extension



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

Application No : 12/01486/PLUD

Ward:
Kelsey And Eden Park

Address : 37 Oakfield Gardens Beckenham BR3
3AY

OS Grid Ref: E: 537408 N: 167638

Applicant : Ms A Worwood

Objections : YES

Description of Development:

Loft conversion with rear dormer CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT

Key designations:

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

Proposal

The proposal involves the construction of a loft conversion with a rear dormer to accommodate a new en-suite bedroom. The existing property has roof lights to the rear elevation which provide natural light to the existing roof space.

Location

The application site is located within a predominantly residential area at the end of Oakfield Gardens a small residential cul-de sac in Beckenham. The property currently has no existing rear extensions. Both adjacent properties have single storey rear extensions.

Comments from Local Residents

- The proposed dormer has an excessive width which would inhibit light and the view to adjacent properties. The proposal would result in increased noise and disturbance
- The roof line should be set back to match the dormer which already exists at No. 39.

The full text of this correspondence is available to view on file.

Members will appreciate that lawful development certificates are a legal determination based upon factual information. It is not possible to take into account comments or other considerations related to the normal planning merits of the case.

Planning Considerations

The application requires the Council to consider whether the proposal falls within the parameters of permitted development under Schedule 2, Part 1, Class B of the General Permitted Development Order 1995 (as amended)

Planning History

Under planning application ref. 12/01483, a planning application is pending consideration for a single storey rear extension.

Conclusions

The application requires the Council to consider whether the proposed extensions would fall within the parameters of permitted development.

With regards to the enlargements and alterations to the roof of the property including the rear dormer these are considered under Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

This guidance stipulates that development is NOT permitted if

- (a) As a result of works part of dwelling house would exceed the height of the highest part of the existing roof.
- (b) Any part of the dwelling house would as a result of the works extend beyond the plane of any existing roof slope which fronts a highway or forms the principal elevation of the house.
- (c) Cubic volume in roof is over 40 as in this case this is a terraced house
- (d) It would consist or include a veranda, balcony or raised platform or a replacement of a chimney Flue or soil and vent pipe
- (e) The dwelling is on article 1(5) land

The following conditions would apply to any permitted development within the roof:

- (a) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the existing house.
- (b) Other than in the case of a hip to gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall so far as practicable be not less than 20cm from the eaves of the original roof.
- (c) Any window inserted on a wall or roof slope forming a side elevation of the house shall be obscure glazed and non opening unless the parts of the window which can be opened are more than 1.7 m above the floor of the room in which the window is installed.

The total volume of the entire roof alterations are under the 40 cubic metres permitted for roof extensions to this type of property. The plans submitted for the proposed roof alterations would fall within all of the above permitted development criteria.

Background papers referred to during production of this report comprise all correspondence on files refs. 12/01483 and 12/01486, excluding exempt information.

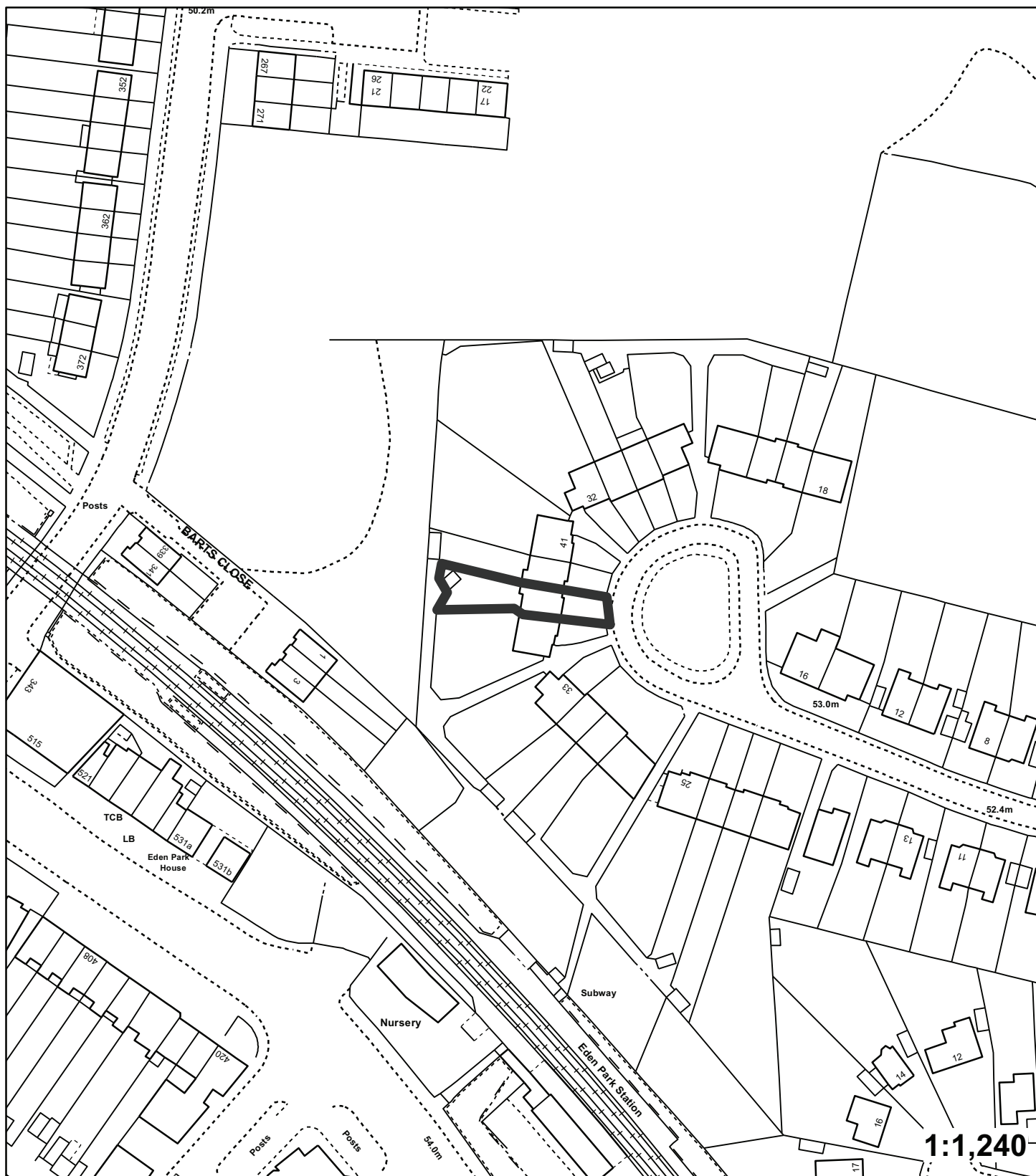
RECOMMENDATION: CERTIFICATE BE GRANTED

- 1 The proposed development is permitted by virtue of Class B, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (as amended).

Application:12/01486/PLUD

Address: 37 Oakfield Gardens Beckenham BR3 3AY

Proposal: Loft conversion with rear dormer CERTIFICATE OF
LAWFULNESS FOR A PROPOSED DEVELOPMENT



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

Application No : 12/00905/FULL6

Ward:
Plaistow And Sundridge

Address : 43 Palace Road Bromley BR1 3JU

OS Grid Ref: E: 540626 N: 169769

Applicant : Mr Alex Martin

Objections : NO

Description of Development:

Single storey rear extension

Key designations:

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

Proposal

The proposal is for a single storey rear extension. The extension will be " L" shaped to the side and rear of an existing projection of the house.

The depth will be 8.6 metres (of which 3.8 metres will be beyond the existing element) and a width of 5.2 metres.

Location

The application site is situated on the west side of Palace Road and comprises of an end of terrace house.

The plans have been amended during the course of the application. The revised plans indicate that the extension will be 1.8 mtres in height adjacent to the boundary with 42 Palace Road.

Comments from Local Residents

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

Planning Considerations

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

The relevant policies of the Unitary Development Plan appear to be as follows:

BE1 Design of New Development

H8 Residential Extensions

Conclusions

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

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

The proposed extension will project 8.6 m from the rear wall of the house along the side of the existing projection and 3.8m from the existing rear wall of the rear projection. The side element of the extension will abut the adjacent boundary of No. 42 Palace Road and will have a pitched roof of 2.67m to the ridge and 1.85 m to the eaves. The rear element will have a flat roof.

It may be considered that the proposed side element of the of the rear extension is unacceptable due to the overall length of the extension and its close proximity to the boundary of the No. 42.

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

as amended by documents received on 19.06.2012

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The depth of the proposed extension would be seriously detrimental to the prospect and amenities of the occupants of No. 42 Palace Road by reason of loss of light and visual impact contrary to Policies BE1 and H8 of the Unitary Development Plan.

Application:12/00905/FULL6

Address: 43 Palace Road Bromley BR1 3JU

Proposal: Single storey rear extension



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

Application No : 12/01407/FULL6

Ward:
Darwin

Address : Joyden Grays Road Westerham TN16
2JB

OS Grid Ref: E: 545314 N: 157342

Applicant : Mr D Barker

Objections : NO

Description of Development:

Single storey side/rear extension

Key designations:

Area of Outstanding Natural Beauty Area Of Outstanding Natural Beauty 02
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding

Proposal

The proposed single storey side/rear extension will be built within a recess to the north-western corner of the dwelling and align with the existing house along its flank and rear elevations. Externally it will measure 3.0m (w) x 4.5m.

Location

The site is located along the northern side of Grays Road within the Green Belt.

Comments from Local Residents

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

Comments from Consultees

Not applicable

Planning Considerations

Policies BE1, G4 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; to control the size of residential extensions within the Green Belt, and to safeguard the amenities of neighbouring properties.

Planning History

Under ref. 11/03178, an application for ground floor side and rear extensions together with elevational alterations and formation of first floor accommodation with front dormers to form chalet dwelling was withdrawn.

A Certificate of Lawfulness for a proposed side extension, ref. 11/03846 has been granted. In essence, this relates to the front element of the overall extension proposed in this application, and is situated behind the former side extension.

Subsequently, permission was granted for a single storey side extension to the eastern end of the dwelling under ref. 11/03862.

Conclusions

The main issues relating to the application are whether it is appropriate development within the Green Belt, the effect that it would have on the character and appearance of the Green Belt and the impact that it would have on the amenities of the occupants of surrounding residential properties.

In the case of the previously approved application for a single storey side extension along the opposite side of the dwelling (ref. 11/03826), Members considered that to be justified, in part because its floor area would be less than the cumulative floor area of a certified (but un-built) Permitted Development extension and an existing side extension.

In its approved form the dwelling has been extended well in excess of the size normally sought under Policy G4 of the Unitary Development Plan. It is calculated that this proposal will result in the dwelling becoming 2.8 times larger than in its original format. Whilst it is acknowledged that the proposed extension will in itself be of a modest size and will be discreetly situated within a recess to the rear of the dwelling, when taken in conjunction with the previous extensions, the proposal would result in a disproportionate addition to the original building and would constitute inappropriate development. The total addition would be well in excess of 10% which is the maximum permitted under UDP Policy G4. Accordingly, it is considered that the proposal would represent an unacceptable incremental enlargement of the property.

It is considered that the proposal would constitute inappropriate development in the Metropolitan Green Belt, and that it would thus conflict with established Green Belt policy which records that inappropriate development is by definition harmful to the Green Belt, and also UDP Policy G4. No very special circumstances have been demonstrated to outweigh the harm that would be caused.

With regard to neighbouring amenity, given its separation and relationship to surrounding houses it is not considered that the proposed extension will adversely affect neighbouring amenity.

Background papers referred to during production of this report comprise all correspondence on files refs. 11/03178, 11/03826, 11/03846 and 12/01407, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

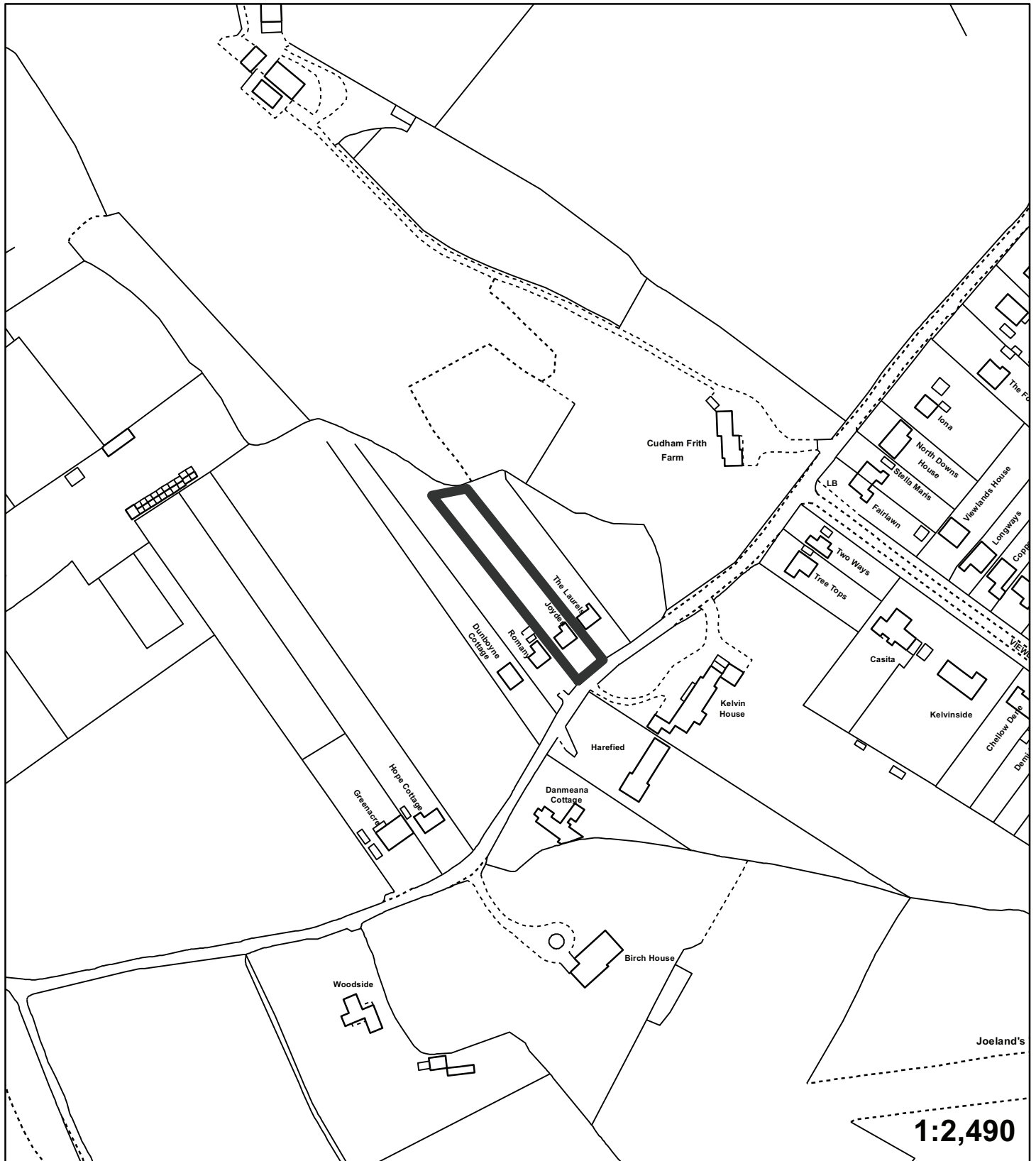
The reasons for refusal are:

- 1 The proposed extension would constitute inappropriate development and, in the absence of very special circumstances, would be contrary to Policy G4 of the Unitary Development Plan regarding extensions and alterations to dwellings in the Green Belt.

Application:12/01407/FULL6

Address: Joyden Grays Road Westerham TN16 2JB

Proposal: Single storey side/rear extension



Report No.
DRR/12/085

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Plans Sub Committee 2

Date: 19 July 2012

Decision Type: Non urgent Non-Executive Non-Key

Title: **Vinstrata Builders Ltd, 4 Lakes Road, Keston BR2 6BN**
Stationing of skip at front of premises

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

Chief Officer: Chief Planner

Ward: Bromley Common and Keston

1. Reason for report

A complaint has been made concerning the use of a skip on the frontage of a building company's premises. In the absence of a planning application consideration must be given to whether enforcement action is required.

2. **RECOMMENDATION**

No further action

3. COMMENTARY

- 3.1 The site is in a mixed residential and commercial area and the premises have been the head office of Vinstrata Builders (London) since 2002. The main business of the firm is office refurbishment in London.
- 3.2 Waste materials, such as partition walling, which are generated during normal working hours are taken directly to waste processing sites. However, some work has to be done at night when disposal sites are closed and this is brought back to Lakes Road for temporary storage in a skip on the site frontage prior to disposal during normal working hours.
- 3.3 The skip is positioned on the wide frontage between the building and the pavement and is covered by a tarpaulin to prevent disturbance of the contents (see photos on file).
- 3.4 Complaint was first made in 2007 concerning the presence of a skip at the premises. The matter was considered under delegated authority and it was decided that the use of the skip was ancillary to the purpose of the premises, not requiring planning permission for waste transfer.
- 3.5 A renewed complaint has been received about the stationing of the skip and alleging that the company's vehicles are reducing the number of parking spaces available to residents
- 3.6 On 10 May 2012, the matter was discussed on site with the managing director of Vinstrata. He stated that skips had been in use by his firm in the manner described since taking over the site in 2002 and that they are not a permanent feature, only being hired when needed. He also stated that two previous occupiers, a printing firm and a joinery workshop, had also used a skip for holding waste. He said it was not possible to locate a skip at the rear of the premises.
- 3.7 In order to achieve a formal determination of the matter, Vinstrata were then requested in writing to submit an application for a Certificate of Lawfulness for an Existing Use.
- 3.8 On 15.06.2012 a letter was received from Vinstrata stating that their use of a skip is occasional and does not amount to use as a waste transfer station. They are unable to produce records going back 10 years but state the following:
 - In the years 2009-2011 they hired 5, 7 and 12 skips respectively and 9 skips in the first six months of this year.
 - The previous owner, Anagram Print Works, brought waste materials back to the site for subsequent disposal
 - Prior to Anagram, the premises was a joinery and repair workshop
 - The current level of return and disposal of waste represents a small part of the business and is ancillary to the building business.
- 3.9 On the balance of probability, the available evidence indicates that the storage and disposal of waste has occurred at the premises at least since 2002, but forms a minor part of the business and does not constitute a separate waste transfer activity.

Report No.
DRR12/063

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Plans Sub Committee No.2

Date: 19/7/12

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

Title: **OBJECTIONS TO TREE PRESERVATION ORDER 2466 at
1 LANGLEY WAY, WEST WICKHAM**

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

Chief Officer: Bob McQuillan

Ward: West Wickham

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 Langley Way 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: Not Applicable:
 3. Budget head/performance centre: Planning Division Budget
 4. Total current budget for this head: £3.3
 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: 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 14th February 2012 and relates to 1 oak tree in the back garden of 1 Langley Way. Objections have been received from the owner of the adjoining property. She has concerns about the tree which relate to its size in relation to her garden that she wishes to have landscaped. She is also concerned about risks to her children from any falling branches and acorns and shading of her garden.

3.2. Her first concern is that this huge tree presents a health and safety risk to her very small children. The tree overhangs half of her garden, the branches of the tree are huge and if one of these branches were to fall into her garden from this tree which if not managed properly could cause considerable damage to her toddlers. She feels very uneasy about having no control over what overhangs her garden as they are putting that responsibility onto the tree owner to ensure that the tree is managed. She has asked who will be responsible should anything happen to her children because of the tree. She has been advised that a tree is not necessarily dangerous because of its size and whilst it is never possible to guarantee the trees' safety, provided it is in good health then this is normally accepted as a low risk. It is understood that the owner does have the tree regularly inspected and pruned. However, the Council's consent must first be gained prior to almost any tree works, and this is normally sought by the owner of the tree. One exemption specified in the Tree Preservation Order is that of dead wood, and the formal consent of the Council is not required for the removal of dead wood from the tree. The making of a Tree Preservation Order does not transfer responsibility for the tree to the Council, and the duty of care remains with the owner.

3.3. The objector secondly commented that a huge number of acorns fall into her garden on a regular basis and this also presents a health and safety risk to her children, babies love to put things into their mouths, this could potentially choke one of her children. This means that she is unable to have peace of mind whilst her children play in her garden. She would remove anything from my her own garden that presented a health and safety risk and feels that it is unfair that these hazards are coming from something that does not even belong to her. She has been advised that the fall of acorns is a seasonal problem and will vary from year to year, with seed production being more in some years than other. It is appreciated that this can be a worry but it is only for a short period time each year and would mean that the clearing of the garden would mean an increase in work but the limited nature of this problem would not normally be sufficient to preclude the confirmation of a Preservation Order.

3.4. Thirdly she has stated that when she bought the house she checked beforehand to see if this tree was protected due to these hazards and it was not, she says that she is not unreasonable. She would just like the tree cut back off her property as much as possible to enable us the family to enjoy their garden. In response the events prior to the making of this Order were explained. The Council receives thousands of queries about the status of trees each year. Council officers are not able to inspect each tree prior to letting people know the status of trees and it is open to the Council to make Orders at any time. It is therefore normal practice for the making of TPOs to be considered if the Council is made aware of threats to trees, and this tree has not been singled out in any way. The primary criterion for making TPOs is one of public amenity and this tree is a clearly visible feature in the locality.

3.5. Fourthly the objector has stated that she will be having the garden landscaped and has been informed that acorns will kill the new grass, again this tree isn't hers and she is getting no benefit from it at all. She has been advised that acorns do not kill grass but there may be some die back of the lawn if the acorns are left lying on the ground for an extended period of time. However if she is unable to clear the acorns for a while the grass will grow back once they have been cleared.

3.6. Fifthly she believes that there is a right to light, again this huge tree covers a considerable amount of her garden blocking out light. The tree is to the north west of the garden and there will be

some shading during late afternoons and evenings when the tree is in full leaf. The canopy is relatively high and light will reach the garden from under the canopy.

3.7. Sixthly she is concerned that the mess created in her garden is unfair, she has asked if the owners of the tree are responsible for clearing this up. She has stated that she is a busy working mum with 2 small children. She wants a low maintenance garden which would be possible if it wasn't for the tree next door. In respect of the debris that falls from the tree – the objector would be responsible for clearing her own garden. It is appreciated that this can be an onerous task at certain times of the year but it is a common problem in a suburban area where there are trees and it is unlikely that this would be considered sufficient reason to prevent the confirmation of a Preservation Order.

3.8. Finally she has stressed that all she wants to gain from this situation is to have some say in what affects her house, her garden and her children's safety. A tree is no different to a building in her opinion and if she were to erect something that cause such a disturbance to her neighbour she is sure they wouldn't be happy about that. She is also going to put an application in to cut this tree back off her property as much as possible. It has been pointed out that the extent of work proposed is likely to be extensive. This would be 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. After such work the tree would make rapid new growth but there would be potential points of failure of limbs at the cut points. In addition it would leave the tree looking unbalanced and unattractive.

4. POLICY IMPLICATIONS

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

5. FINANCIAL IMPLICATIONS

None

6. LEGAL IMPLICATIONS

If not confirmed the order will expire on 14th August 2012.

7. PERSONNEL IMPLICATIONS

None

Report No.
DRR12/064

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Plans Sub Committee No.2

Date: 19/7/12

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

Title: **OBJECTIONS TO TREE PRESERVATION ORDER 2469 at 117 RAVENSBOURNE AVE, BROMLEY**

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

Chief Officer: Bob McQuillan

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 Ravensbourne Avenue and Downs Hill. The trees have been protected as a group but as there are two leaning pines not worthy of protection it is recommended that this order not be confirmed but that a new order should be made specifying the trees individually.

Corporate Policy

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

Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: Not Applicable
 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: 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 29th February 2012 and relates to a group of pine trees in the back garden of 117 Ravensbourne Avenue. An objection has been made by the owner of the trees.

3.2. He considers that the order was made by stealth following a query he made about the status of the tree. It was explained that Council receives thousands of queries about the status of trees each year. Officers are not able to inspect each tree prior to letting people know the status of their trees but it is open to the Council to make Orders at any time. Whilst thousands of trees in the borough are protected by TPOs, there are many thousands more that are have amenity value, but are unprotected. It is not practical for the Council to make Orders on all trees of merit, but the power is available in the TPO legislation to make Orders when it is considered expedient to do so. It is therefore normal practice for the making of TPOs to be considered if the Council is made aware of threats to trees, and the trees at the property have not been singled out in any way. The primary criterion for making TPOs is one of public amenity, and the pine trees are a feature of the area.

3.3. The trees are protected as a group covering 6 pine trees and the objector is concerned that the order does not specify which trees are protected and he is particularly concerned that two of the pines are leaning at an acute angle. An officer has visited the property and has seen the leaning trees. It is agreed that these two trees are of concern and it is proposed that a new TPO be made specifying the individual trees but not including the leaning trees.

3.4. The objector is concerned that the trees are very tall and because they are impeding the growth of some fruit trees that he has planted he wishes to reduce the height of the pines. The height of the trees is not of itself a problem, the form and condition of the trees is however important in considering the trees. Apart from the leaning pines, the trees are in a reasonably healthy condition. Height reduction of pines is a major operation which can harm the health of the trees 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. The trees would not regenerate from the cut points and would leave them looking unsightly. The trees are to the west of the house and will create dry shade and this is likely to restrict the types of plants that will grow. However, there remain a variety of species which tolerate dry shady conditions, which could be considered.

4. The objector has instructed an architect to prepare plans for a garage at the end of the garden where the trees are growing and the TPO could jeopardise these plans. It is noted that the land at the end of the garden drops steeply away from Downs Hill and the size of the proposed garage has not been indicated. Plans for the garage have been requested to enable more detailed comments to be given.

5. He has indicated that his neighbours have complained about the trees causing loss of sunlight to their gardens. He has not said which neighbours have commented about shading - the trees are to the north of 115 and the impact on this garden will be limited. However the trees are to the south of the garden of no.119 and the trees will create some shade during the middle of the day but it should receive sunlight in the late afternoons and evenings.

4. POLICY IMPLICATIONS

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

5. FINANCIAL IMPLICATIONS

None

6. LEGAL IMPLICATIONS

If not confirmed the order will expire on 29th August.

7. PERSONNEL IMPLICATIONS

None