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To: Members of the
PLANS SUB-COMMITTEE NO. 3

Councillor Katy Boughey (Chairman)
Councillor Douglas Auld (Vice-Chairman)
Councillors Roxhannah Fawthrop, Peter Fookes, John Ince, Charles Joel,
Paul Lynch, David McBride and Alexa Michael

A meeting of the Plans Sub-Committee No. 3 will be held at Bromley Civic Centre on
THURSDAY 2 AUGUST 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 7 JUNE 2012**
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- 4 PLANNING APPLICATIONS**

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

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

SECTION 2 (Applications meriting special consideration)

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4.1	Penge and Cator	9 - 16	(1200294/FULL1) - Homelands, 101 Lennard Road, Beckenham.
4.2	Farnborough and Crofton Conservation Area	17 - 20	(12/00464/FULL6) - 36 Meadow Way, Orpington.
4.3	Orpington	21 - 24	(12/01109/FULL6) - 5 Magdalen Grove, Orpington.
4.4	Darwin	25 - 30	(12/01250/FULL6) - 115 Leaves Green Road, Keston.
4.5	Petts Wood and Knoll	31 - 34	(12/01261/FULL6) - 41 Crossway, Petts Wood.
4.6	Orpington	35 - 38	(12/01545/FULL6) - 87 Spur Road, Orpington.
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SECTION 3 (Applications recommended for permission, approval or consent)

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4.8	Hayes and Coney Hall Conservation Area	45 - 50	(12/01075/FULL6) - 9 Redgate Drive, Hayes.
4.9	Kelsey and Eden Park	51 - 56	(12/01235/FULL6) - 21 Monks Orchard Road, Beckenham.
4.10	Shortlands	57 - 62	(12/01298/FULL6) - 40 South Hill Road, Shortlands.
4.11	Penge and Cator	63 - 66	(12/01425/FULL6) - 5 Wiverton Road, Sydenham.
4.12	Hayes and Coney Hall	67 - 70	(12/01607/FULL6) - 10 Pickhurst Lane, Hayes.

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

Report No.	Ward	Page No.	Application Number and Address
4.13	Penge and Cator	71 - 80	(11/00482/FULL1) - Site formerly Burnham Signs Ltd, Burnham Way, Lower Sydenham.
4.14	Penge and Cator	81 - 88	(12/00259/VAR) - Site formerly Burnham Signs Ltd, Burnham Way, Lower Sydenham.
4.15	Penge and Cator	89 - 92	(12/01422/FULL2) - 1 The Parade, Croydon Road, Penge.
4.16	Chelsfield and Pratts Bottom	93 - 98	(12/01921/FULL1) - 62 Windsor Drive, Orpington.

5 CONTRAVENTIONS AND OTHER ISSUES

Report No.	Ward	Page No.	Application Number and Address
5.1	Bromley Common and Keston	99 - 100	(DRR12/094) - 16 Oakley Drive, Bromley - Details of Condition 3 of Application 12/00587 relating to Obscure Glazing.

5.2	Bromley Common and Keston	101 - 104	(DRR12/090) - 358 Southborough Lane, Bromley.
5.3	Kelsey and Eden Park	105 - 108	(DRR12/087) - 12 Kemerton Road, Beckenham - Breach of Condition.
5.4	Hayes and Coney Hall	109 - 112	(DRR12/092) - Former Hayes Country Club, West Common Road, Bromley - Application to High Court for Injunction Order to Enforce Section 106 Legal Agreement.

6 TREE PRESERVATION ORDERS

6.1	Petts Wood and Knoll	113 - 118	(DRR12/078) - Objections to Tree Preservation Order 2474 at 29 Rolleston Avenue, Petts Wood.
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7 MATTERS FOR INFORMATION:- ENFORCEMENT ACTION AUTHORISED BY CHIEF PLANNER UNDER DELEGATED AUTHORITY

NO REPORT

Agenda Item 3

PLANS SUB-COMMITTEE NO. 3

Minutes of the meeting held at 7.00 pm on 7 June 2012

Present:

Councillor Katy Boughey (Chairman)
Councillor Douglas Auld (Vice-Chairman)
Councillors Roxhannah Fawthrop, Peter Fookes, John Ince,
Charles Joel, Paul Lynch, David McBride and Alexa Michael

Also Present:

Councillors Julian Grainger, Mrs Anne Manning and
Richard Scoates

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

All Members were present.

2 DECLARATIONS OF INTEREST

There were no declarations of interest reported.

3 CONFIRMATION OF MINUTES OF MEETING HELD ON 12 APRIL 2012

RESOLVED that the Minutes of the meeting held on 12 April 2012 be confirmed and signed as a correct record.

4 PLANNING APPLICATIONS

SECTION 2

(Applications meriting special consideration)

4.1 BICKLEY

(12/00108/FULL1) - Caragh House, 41 Chislehurst Road, Bromley.

Description of application - Demolition of existing dwelling and erection of 2 storey 5 bedroom detached dwelling with accommodation in roofspace, attached garage and associated landscaping.

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

Members having considered the report and

representations, **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.

**4.2
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.

It was reported that Countryside Management had no objection to the application.

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

**4.3
KELSEY AND EDEN PARK**

(12/00347/FULL6) - 93 Glanfield Road, Beckenham.

Description of application – Single storey side and rear extensions and extension to lower level with decking, balustrade and steps.

Oral representations in support of the application were received at the meeting. It was noted that on Page 25 of the Chief Planner's report, paragraph 2, line 5, and paragraph 3, line 2, should be amended to read, "No. 91".

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.

**4.4
DARWIN**

**(12/00470/FULL6) - North Downs House, Grays
Road, Westerham.**

Description of application – Rooflights to front and rear roofslopes, part conversion of garage to habitable accommodation and elevational alterations.

THIS REPORT WAS WITHDRAWN BY THE CHIEF PLANNER.

**4.5
DARWIN**

(12/00557/FULL6) - 3 West Hill, Downe.

Description of application - Part one/two storey side and rear extension with steps to front.

Oral representations in support of the application were received. Oral representations from Ward Member, Councillor Richard Scoates, in support of the application were received at the meeting.

Members having considered the report and representations, **RESOLVED THAT PERMISSION BE GRANTED**, for the following reasons:-

“1. The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.

REASON: Section 91, Town and Country Planning Act 1990.

2. Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A or B of Part 1 of Schedule 2 of the 1995 Order (as amended), shall be erected or made within the curtilage of the dwelling hereby permitted without the prior approval in writing of the Local Planning Authority.

REASON: In order to comply with Policy BE1 and in the interest of the amenities of neighbouring properties.”

**4.6
BICKLEY**

(12/00608/LBC) - The Widmore, 3 Bickley Road, Bickley.

Description of application – Demolition of 19th & 20th rear section, internal alterations and new single storey rear extension. LISTED BUILDING CONSENT.

THIS REPORT WAS WITHDRAWN BY THE CHIEF PLANNER.

**4.7
CHELSFIELD AND PRATTS
BOTTOM**

(12/00725/FULL6) - 3 Highfield Avenue, Orpington.

Description of application - Alterations to single storey side/rear extension including increase in height
RETROSPECTIVE APPLICATION.

Oral representations in support of the application were

received. Oral representations from Ward Member, Councillor Julian Grainger, in support of the application were received at the meeting. Members having considered the report, objections and representations, **RESOLVED THAT PERMISSION BE GRANTED**, for the following reasons:-

In granting permission, the local planning authority has regard to the following Policies in the Unitary Development Plan: BE1 and H8.

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

**4.8
HAYES AND CONEY HALL**

(12/00780/FULL6) - 14 Layhams Road, West Wickham.

Description of application - Two storey side/rear extension.

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

“4. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

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

**4.9
ORPINGTON**

(12/00848/FULL6) - 111 Court Road, Orpington.

Description of application - Part single storey/first floor side and rear extension.

Oral representations in support of the application were received at the meeting. It was reported that further

objections to the application had been received. Members having considered the report, objections and representations, **RESOLVED THAT PERMISSION BE 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**

(12/00908/FULL1) - Backwoods, Kelsey Lane, Beckenham.

Description of application – Single storey side and front (southern elevation) extension at dental practice.

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

Members having considered the report and representations, **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 amendments to conditions 7 and 9 to read:-

“7. The use of the ground floor as a dental surgery shall not operate outside the following times:

- 8:30 – 20:00 Mondays
- 8:30 – 17:30 Tuesday, Thursday, Friday
- 8:30 – 19:00 Wednesdays
- 9:00 – 13:00 every second Saturday
- Not at any time on Sundays, Bank Holidays or Public Holidays

REASON: As per Condition 3 of the Appeal Decision APP/G5180/A/1129503 and in the interests of the residential amenities of the area in accordance with Policy BE1 of the Unitary Development Plan.

9. The occupation of the dwelling at Backwoods shall be limited to a person carrying on the dental practice at the premises together with any dependent of such person residing with him or her and no rooms on the first floor of the premises shall be used in relation to the Dental Practice.

REASON: In the interests of the residential amenities of the area in accordance with Policy BE1 of the Unitary Development Plan.”

**4.11
HAYES AND CONEY HALL**

(12/00929/FULL6) - 175 Mead Way, Hayes.

Description of application – Part one/two storey front, side and rear extensions.

Oral representations in support of the application were

received. Oral representations from Ward Member, Councillor Mrs Anne Manning, in support of the application were received at the meeting. Members having considered the report and representations, **RESOLVED** that **PERMISSION BE REFUSED** as recommended, for the reason set out in the report of the Chief Planner.

**4.12
WEST WICKHAM**

(12/01510/FULL6) - 94 The Avenue, West Wickham.

Description of application – Single storey front/side and rear extension.

Oral representations in support of the application were received at the meeting. It was reported that further correspondence had been received together with representations from the Applicant. Members having considered the report and representations, **RESOLVED** that the application **BE DEFERRED** without prejudice to any future consideration to seek a reduction in the depth of the extension and to ascertain whether any works had been carried out on the site.

SECTION 3

(Applications recommended for permission, approval or consent)

**4.13
CRAY VALLEY EAST**

(11/03862/PLUD) - Crouch Farm, Crockenhill Road, Swanley.

Description of application – Temporary use of part of the land as a landing strip for a Gyrocopter for no more than 28 days per calendar year (Certificate of Lawfulness for a Proposed Development).

Oral representations in objection to and in support of the application were received at the meeting. Members having considered the report, objections and representations, **RESOLVED** that the application **BE DEFERRED** without prejudice to any future consideration to seek clarification on the Environment Impact Assessment.

**4.14
BROMLEY COMMON AND
KESTON
CONSERVATION AREA**

(12/00625/ELUD) - 33 Oakley Road, Bromley.

Description of application – Continued use of part ground floor of property as office and use of first floor and part of ground floor as residential dwelling associated with business use. Use of yard for parking of removal vehicles & storage. CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE.

It was noted that on page 87 of the Chief Planner's report under the heading, 'Proposal', line 4 should be amended to read, "(Class C3) (on part of the ground floor and entire first floor) with use of the yard for".

Members having considered the report, **RESOLVED** that a **CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE BE GRANTED** for the reason set out in the report of the Chief Planner.

**4.15
CLOCK HOUSE**

(12/00835/FULL1) - 175 Beckenham Road, Beckenham.

Description of application – Change of use of ground floor A1/A2 to two 2 bedroom flats (for shared ownership).

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

**4.16
MOTTINGHAM AND
CHISLEHURST NORTH**

(12/01011/FULL1) - City of London Polytechnic Sports Ground, 69 Marvels Lane, Grove Park.

Description of application – Formation of car park with 70 car parking spaces and 4 coach bays with overflow area to provide 34 additional car parking spaces. Chainlink and palisade fencing, 3m high lighting columns and cycle parking. **PART RETROSPECTIVE.**

Oral representations in objection to and in support of the application were received at the meeting. It was reported that The Environment Agency had no objection to the Flood Risk Assessment and that the Environmental Health Officer had not objection to the application.

Members having considered the report, objections and representations, **RESOLVED** that the application **BE DEFERRED**, without prejudice to any future consideration, to seek further information in relation to the height, the design and hours of use of lighting, the painting of fencing and the permanence of the security hut.

**4.17
PETTS WOOD AND KNOLL**

(12/01042/FULL6) - 22 Queensway, Petts Wood.

Description of application – Two storey side and rear extension and roof alterations to incorporate rear dormer 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 and informative set out in the report of the Chief Planner.

SECTION 4

(Applications recommended for refusal or disapproval of details)

4.18 BICKLEY

(12/00609/FULL1) - The Widmore, 3 Bickley Road, Bickley.

Description of application – Conversion and refurbishment of former public house into a single five bedroom family dwelling including partial demolition of single storey rear elements and addition of single storey extension and elevational alterations. 2 four bedroom detached dwellings and 1 five bedroom detached dwelling on land at 'The Widmore' with associated accesses, parking areas and landscaping.

THIS REPORT WAS WITHDRAWN BY THE CHIEF PLANNER.

5 CONTRAVENTIONS AND OTHER ISSUES

5.1 CRAY VALLEY WEST

(DRR/12/056) 40 Midfield Way, Orpington.

Oral representations in support of no further action were received at the meeting. The recommendation given on the report of the Chief Planner was amended to read, "Plans Sub-Committee 3 request that the Director of Resources commence legal proceedings concerning the breach of the effective enforcement notice."

Members having considered the report, **RESOLVED** that the matter **BE DEFERRED** without prejudice to any future consideration to invite the occupier to lodge a formal planning application with the Local Authority by 6 July 2012 and for a further report to be submitted to the meeting of Plans Sub-Committee 1 to be held on 5 July 2012.

The Meeting ended at 10.05 pm

Chairman

SECTION '2' – Applications meriting special consideration

Application No : 12/00294/FULL1

Ward:
Penge And Cator

Address : Homelands 101 Lennard Road
Beckenham BR3 1QS

OS Grid Ref: E: 536015 N: 170528

Applicant : Homelands

Objections : YES

Description of Development:

Part one/two storey side and single storey rear extensions and pitched roof to existing flat roofed rear extension and conversion of building into 4 one bedroom and 1 two bedroom self-contained units with associated bin store at front.

Key designations:

Local Distributor Roads

Members may recall that this application was originally presented to at Plans Sub Committee 1 on 5th July 2012 but was deferred without prejudice for the applicants to consider a reduction in either the number of units or the number of bedrooms proposed.

The agent submitted additional information on 13th July 2012 in the form of a statement from the applicant which can be summarised as follows:

- The Design and Access Statement (D&A) stated that there are 8 residents in the home, which was true at the time of submitting the application, however the premises is registered to care for 12 residents;
- Homelands is currently registered for the care of 12 elderly vulnerable adults and has had this status for the last 24 years;
- The home has a capacity to accommodate 12 people plus their visitors and 8 staff in the daytime and 3 staff at night time;
- Also have visits from the CPN, District Nurse, paramedics and other personnel;
- Have never had any issues regarding overcrowding or over-intensive occupation;
- Planning approval to extend and alter the premises was not implemented due to the lack of space and inherent difficulties converting an old-fashioned split-level property (such as Homelands) to comply with current standards;
- Decision was made, in conjunction with Bromley Social Services, to relocate existing Homelands residents to Oatlands Care Village in Anerley Road, where the facilities are state of the art and the service offered is superior;

The agent therefore summarised the position as follows:

- There was an 'honest mistake' when the original Design and Access Statement (D&A) was submitted, which the previous committee report referred to;
- In view of the statement from the applicant (summarised above), the existing building could legitimately accommodate 12 persons (bed spaces) plus the visitors and support staff;
- The proposal is for 5 flats which would house 11 persons (bed spaces) which is one less than the current permitted occupancy level;
- Therefore even without amending the proposal, the current conversion scheme would generate 11 bed spaces which is one space less than the current permitted use;
- The proposal will therefore result in a less-intensive level of occupancy than the existing building currently has permission for;
- On this basis the current scheme is not being amended and it is hoped that this explanation will satisfy the Committee.

The report has therefore been amended accordingly.

Proposal

The current proposal can be split into two separate elements:

- 1) Part one/two storey side and single storey rear extensions and pitched roof to existing flat roofed rear extension; and
- 2) Conversion of building into 4 one bedroom and 1 two bedroom self-contained units.

There will also be car parking spaces and associated bin store to the front and a secure bike shelter at the rear.

- The proposed extensions will match extensions previously granted permission at Committee in December 2011. The previous application sought extensions to the care home.
- The current proposal seeks to extend the existing building and convert the resulting building into 4 one bedroom self-contained units and 1 two bedroom self-contained unit.
- The proposed resulting accommodation will be set out as follows:
 - Ground floor: Flat 1 – One bedroom unit
 - Ground floor: Flat 2 – One bedroom unit
 - First floor: Flat 3 – One bedroom unit
 - First floor: Flat 4 – One bedroom unit
 - Second floor: Flat 5 – Two bedroom unit
- All of the flats would be self-contained, with combined living, dining and kitchen areas with separate bedroom and bathroom. Communal access

would be provided from the existing front door and stairwell, and a connecting corridor would be created at ground floor level allowing all flats access to the rear garden.

Location

The application site is situated to the southern side of Lennard Road, close to the junction with Kent House Road. The area is residential in character, comprising a mixture of semi-detached, terraced and detached properties. The property is a registered care home for the elderly.

Comments from Local Residents

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

- have objected to a window in the flank facing Number 99 over the years, and the objections have been upheld in past applications;
- now find there is a window overlooking Number 99 again, where the fire escape door is being removed and replaced with a window;
- property has already had a series of unattractive extensions;
- is this not overdevelopment;
- occupancy of 5 flats will cause parking problems.

Any further comments received will be reported verbally.

Comments from Consultees

Crime Prevention – The agreed ‘Secure by Design’ condition should be attached should permission be granted. This should ensure that the development will achieve, not merely seek to achieve, accreditation.

Thames Water – Should the proposed building works fall within 3 metres of the pipes (that are likely to have transferred into Thames Water’s ownership), the applicant should contact Thames Water to determine whether a building over / near to agreement is required.

No objection was raised with regard to water infrastructure.

Highways Engineer – following further information relating to a parking stress survey being submitted on 24th May 2012, no objection has been raised with regard to the scheme.

Planning Considerations

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

- C1 Community Facilities
- H9 Side Space
- H12 Conversion of Non-residential Buildings to Residential Use

BE1 Design of New Development
T3 Parking
T18 Road Safety

Planning History

Planning permission was granted under ref. 87/02901 for a two storey side and first floor rear extensions, and the use of property as a residential care home for the elderly.

Planning permission was then granted for a part one/two storey side and single storey rear extensions and pitched roof to existing flat roof rear extension for existing care home under ref. 08/00197.

Following this, permission was granted under ref. 08/01456 for an amendment to application ref. 08/00197. This scheme resulted in permission being granted for a part one/two storey side and single storey rear extensions and pitched roof to existing flat roof rear extension for existing care home, with the amendment relating to the removal of 1 proposed window and 1 existing window.

Permission was then refused under ref. 09/00344 for a single storey rear extension and part one/two/three storey side extension. This was refused for the following reason:

The proposal would be an overdevelopment, out of character with the locality and contrary to Policies H8 and H9 of the Unitary Development Plan.

An Appeal was lodged and dismissed by The Inspectorate.

Most recently, an application was granted permission under ref. 11/03050 which matched the previously approved scheme under ref. 08/01456, for part one/two storey side and single storey extensions and pitched roof to existing flat roof rear extension for existing care home.

Conclusions

Members may consider that 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 principle of the extensions that form part of the current proposal has already been approved under refs. 08/00197 and 08/01456. The plans for the extensions associated with the current scheme are exactly the same as the plans that were approved under ref. 08/01456, where the bulk of the extension matches the original application (ref. 08/00197) however where 2 windows were removed from the original scheme.

The main difference with the current scheme is that where the previous extensions were to enlarge the care home, the current application seeks to convert the resulting building into 5 self-contained units. The building would no longer be used

as a care home, and the current occupants would be relocated to another care home also owned by the applicant elsewhere in the Borough.

As a result, aside from the extensions that already effectively have permission from the previous application, the significant changes will be internal. There will therefore be no external changes beyond those that have already been granted under previous planning applications, including a tile-hung appearance to the first floor side extension.

In terms of converting the premises from the existing care home facility, Members will need to consider whether the resulting accommodation is considered satisfactory and will not result in an overdevelopment of the site. As it currently stands, the premises is registered for providing living accommodation for 12 residents, along with their visitors, 8 members of staff in the daytime and 3 members of staff during the night, albeit at the time the application was submitted the premises was providing living accommodation for only 8 residents.

However the present owner is finding it increasingly difficult to meet the current expectations, standards and regulations for this particular use and the decision has been made that the adaptations required to achieve and maintain compliance are not cost-effective. As such, in conjunction with Bromley Social Services, it was determined by the present owners that the existing residents will be transferred to another care home owned by the same company that is located elsewhere in the Borough, where the facilities and service are superior, and the current premises will be converted to self-contained units.

Members may consider that the overall intensity of the proposed use when compared with the existing use will not be excessively increased. At present, 12 residents are registered to live at the site at any one time, with associated members of staff frequenting the premises. The resulting accommodation for 5 self-contained units is likely to result in a similar number of people residing at the premises.

On this basis, the requirement for car parking is unlikely to be increased to a degree that would be likely to impact upon the existing road network. Indeed following a parking stress survey submitted on behalf of the applicants, the Highways Engineers found that the proposal would be satisfactory provided the revised plans showing an amended parking layout to the forecourt is complied with, and bicycle parking is provided on-site.

As such, Members may consider that the current proposal is unlikely to have a detrimental impact upon the surrounding area. The extensions that form part of the scheme have already been approved under previous applications, despite not having yet been implemented, therefore the principle of this element of the scheme has already been accepted. The part of the proposal which has not yet been tested is the element which proposes to convert the existing care home premises to 5 self-contained units. On the basis that the existing building is registered to provide residential care for 12 residents, along with various members of staff regularly frequenting the premises, Members may consider that it is unlikely to lead to an

overdevelopment of the site and the application is therefore worthy of planning permission being granted.

Background papers referred to during production of this report comprise all correspondence on files refs. 87/02901, 88/01351, 90/01613, 08/00197, 08/01456, 09/00344, 11/03050, and 12/00294, excluding exempt information.

as amended by documents received on 23.05.2012 13.07.2012

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 ACD02 Surface water drainage - no det. submitt
ADD02R Reason D02
- 4 ACH03 Satisfactory parking - full application
ACH03R Reason H03
- 5 ACH18 Refuse storage - no details submitted
ACH18R Reason H18
- 6 ACH22 Bicycle Parking
ACH22R Reason H22
- 7 ACI12 Obscure glazing (1 insert) in the first floor eastern and
western elevations
ACI12R I12 reason (1 insert) BE1
- 8 ACI14 No balcony (1 insert) the existing first floor rear
extension
ACI14R I14 reason (1 insert) BE1
- 9 ACI17 No additional windows (2 inserts) first floor flank extension
ACI17R I17 reason (1 insert) BE1
- 10 ACI21 Secured By Design
ACI21R I21 reason
- 11 ACK01 Compliance with submitted plan

Reason: In order to protect the visual and residential amenities of the neighbouring properties and to comply with Policies BE1 and T3 of the Unitary Development Plan.

Reasons for granting permission:

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

- C1 Community Facilities
- H9 Side Space
- H12 Conversion of Non-residential Buildings to Residential Use
- 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 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 housing policies of the development plan;
- (h) the transport policies of the development plan;
- (i) and having regard to all other matters raised including concerns from neighbours.

INFORMATIVE(S)

- 1 RDI16 Contact Highways re. crossover
- 2 Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant.

Application:12/00294/FULL1

Address: Homelands 101 Lennard Road Beckenham BR3 1QS

Proposal: Part one/two storey side and single storey rear extensions and pitched roof to existing flat roofed rear extension and conversion of building into 4 one bedroom and 1 two bedroom self-contained units with associated bin store at front.



SECTION '2' – Applications meriting special consideration

Application No : 12/00464/FULL6

Ward:
Farnborough And Crofton

Address : 36 Meadow Way Orpington BR6 8LW

OS Grid Ref: E: 543304 N: 165400

Applicant : Mr & Mrs Koray and Canel Kanli

Objections : NO

Description of Development:

First floor rear extension

Key designations:

Conservation Area: Farnborough Park

Biggin Hill Safeguarding Birds

Biggin Hill Safeguarding Area

London City Airport Safeguarding

Proposal

It is proposed to add a first floor rear extension which would project 4.63m to the rear, and would have a double hipped roof design with central valley. The roof would be tiled with clay peg tiles to match the existing, and the side walls of the extension would be rendered.

Location

This detached property lies on the south-eastern side of Meadow Way within Farnborough Park Conservation Area, and occupies a site of 0.11ha. The original two storey dwelling has been extended in the past to provide single storey side and rear extensions, and an open car port structure to the front.

Consultations

No third party representations have been received to date.

Planning Considerations

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

BE1 Design of New Development

BE11 Conservation Areas

H8 Residential Extensions

Planning History

Permission (ref. 08/03837) and Conservation Area Consent (ref.08/03838) were refused in January 2009 for the demolition of the existing dwelling and erection of a replacement two storey five bedroom dwelling on the following grounds:

“The proposed replacement dwelling would, by reason of its size, height, bulk and close proximity to the side boundaries, result in a cramped form of development, detrimental to the spatial standards of this part of Farnborough Park Conservation Area, thereby contrary to Policies BE1, BE11 and H7 of the Unitary Development Plan.

The existing dwelling is considered to make a positive contribution to the character and appearance of Farnborough Park Conservation Area, and its loss would therefore be contrary to Policy BE12 of the Unitary Development Plan.”

A subsequent appeal was dismissed in July 2009 wherein the Inspector agreed that the existing building made a positive contribution to the character and appearance of the Conservation Area and should be retained, and that the replacement dwelling would be a cramped overdevelopment of the site.

An application was submitted in 2011 (ref.11/00317) for first floor side and rear extensions to the property to include a varied roof profile and elevational alterations, but an appeal against non-determination was lodged prior to the decision being made. The appeal was subsequently contested on the following grounds:

“The proposed extensions would, by reason of their excessive bulk, lack of symmetry and awkward roof design, be incongruous with and unsympathetic to the simple lines and symmetrical appearance of the host dwelling, which is considered to make a positive contribution to Farnborough Park Conservation Area, and would thereby fail to respect the character and appearance of the Conservation Area, contrary to Policies BE1, BE11 and H8 of the Unitary Development Plan.”

The subsequent appeal was recently dismissed wherein the Inspector considered that the proposals would seriously detract from the appearance of the building, and thus significantly diminish the valuable contribution it made to the character and appearance of the Conservation Area. In particular, the Inspector was concerned about the awkward and complicated shape of the roof which would detract from the simple form of the building, the side extension which would unbalance the symmetry, and the use of slates for the roof instead of clay peg tiles to match the existing.

Conclusions

The main issues relating to the application are the impact of the revised proposals on the character and appearance of Farnborough Park Conservation Area, and on the amenities of the occupants of surrounding residential properties.

In relation to the recent appeal scheme, the proposals retain the shape of the original roof when viewed from the front, as opposed to hipping the roof to each side (the original front façade was considered particularly important to retain by the Appeal Inspector), and do not now include the side extension which would have unbalanced the symmetry of the dwelling. Furthermore, the roof over the extension would now be tiled in clay peg tiles to match the existing rather than slates.

The proposals are now considered to be sympathetic to the simple lines of the host dwelling which makes a positive contribution to Farnborough Park Conservation Area, and would thereby respect the character and appearance of the Conservation Area.

With regard to the impact on neighbouring properties, the first floor extension would be set back a minimum 4m from the side boundaries, and is not considered to have an unduly harmful impact on the amenities of adjoining residents.

Background papers referred to during production of this report comprise all correspondence on files refs. 08/03837, 08/03838, 11/00317 and 12/00464, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | | | |
|---|--------|--|-------|-----------|
| 1 | ACA01 | Commencement of development within 3 yrs | | |
| | ACA01R | A01 Reason 3 years | | |
| 2 | ACC01 | Satisfactory materials (ext'nl surfaces) | | |
| | ACC01R | Reason C01 | | |
| 3 | ACI13 | No windows (2 inserts) | flank | extension |
| | ACI13R | I13 reason (1 insert) | BE1 | |

Reasons for permission:

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

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

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

- (a) the visual impact on the character and appearance of Farnborough Park Conservation Area
- (b) the impact on the amenities of the occupiers of nearby residential properties

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

Application: 12/00464/FULL6

Address: 36 Meadow Way Orpington BR6 8LW

Proposal: First floor rear extension



SECTION '2' – Applications meriting special consideration

Application No : 12/01109/FULL6

Ward:
Orpington

Address : 5 Magdalen Grove Orpington BR6 9WE

OS Grid Ref: E: 546623 N: 164659

Applicant : Chris Downing

Objections : YES

Description of Development:

Two storey rear and single storey side extensions, roof alterations incorporating rear and front dormer window extensions and elevational alterations

Key designations:

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

Proposal

This proposal is for two storey rear and single storey side extensions, roof alterations incorporating rear and front dormer window extensions and elevational alterations.

The property is proposed to be extended by 4m at the rear at two storey level with a width of 10.9m with a dormer window above resulting in the ridge height of the proposed extension being 8.6m above ground level. A dormer window is proposed to be located in the principal elevation and an additional window is proposed in the first floor flank elevation. A single storey side extension is also proposed which would be 1.7m in width, 6.2m in depth and would have an overall height of 3.4m.

Location

The application site is currently comprised of a two storey detached dwelling located to the north of Magdalen Close. Properties in the area are primarily detached dwellings of a similar scale although they vary somewhat in terms of their architectural style.

Comments from Local Residents

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

- proposed extension is extensive and greatly exceeds the size and character of adjacent properties.
- reduce value of neighbouring properties.
- large dormer window to be located in the roof result in extension being 3 storeys in height overlooking garden of No. 9 Abingdon Way and rear of this property reducing natural light and privacy currently enjoyed.
- original layout of houses was carefully planned to maximise privacy and proposal would reduce this.
- no objection for No. 13 Abingdon Way subject to window overlooking this property being obscure glazed and permanently retained as such.

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

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

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

Planning History

There is no recent planning history relating to this property.

Permitted Development rights for the conversion of the garage were removed under planning ref. 85/01793.

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.

In terms of the impact of the proposed front dormer window extension, Policy H8 states “dormer extensions into prominent roof slopes and extensions above the existing ridgeline, will not normally be permitted”. Dormer window extensions located in the front elevation require careful consideration to ensure they are in keeping with the character of the area. The dormer window proposed incorporates

a pitched roof which is preferable to a 'box' dormer and there are a number of examples of such dormer windows in the area. As such the design of this element of the proposal is considered to be acceptable and in keeping with the character of the area.

Given the orientation of the proposed dormer window facing onto the rear garden and flank elevation of No. 4 there is a potential for loss of privacy and sense of overlooking for this property. However, this dormer window would service a staircase providing access to the proposed bedroom in the roofspace as opposed to a habitable room. The potential impact for No. 4 may therefore be overcome if a condition was attached requiring this window was to be obscure glazed.

In terms of the two storey rear extension given the orientation of the plot this is unlikely to result in a significant loss of light for No. 6 given this property is located to the south of the application site and as there is a sizeable detached garage located on the boundary at No. 6, with the main dwellinghouse sited a further 5.5m from the flank boundary.

However, given the considerable scale of the proposal with 4m depth at a two storey level with a sizeable rear dormer window above located 1m from the boundary with No. 11 Abingdon Way, approximately 1.8m from the boundary with No. 13 and 1.12m from the flank boundary with No. 6 Magdalen Grove it is considered the proposal would result in a detrimental visual impact and would appear as an over-dominant and over-bearing feature when viewed from the rear elevations of these properties resulting in a significant loss of prospect.

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 particularly in terms of loss of prospect.

RECOMMENDATION: PERMISSION BE REFUSED

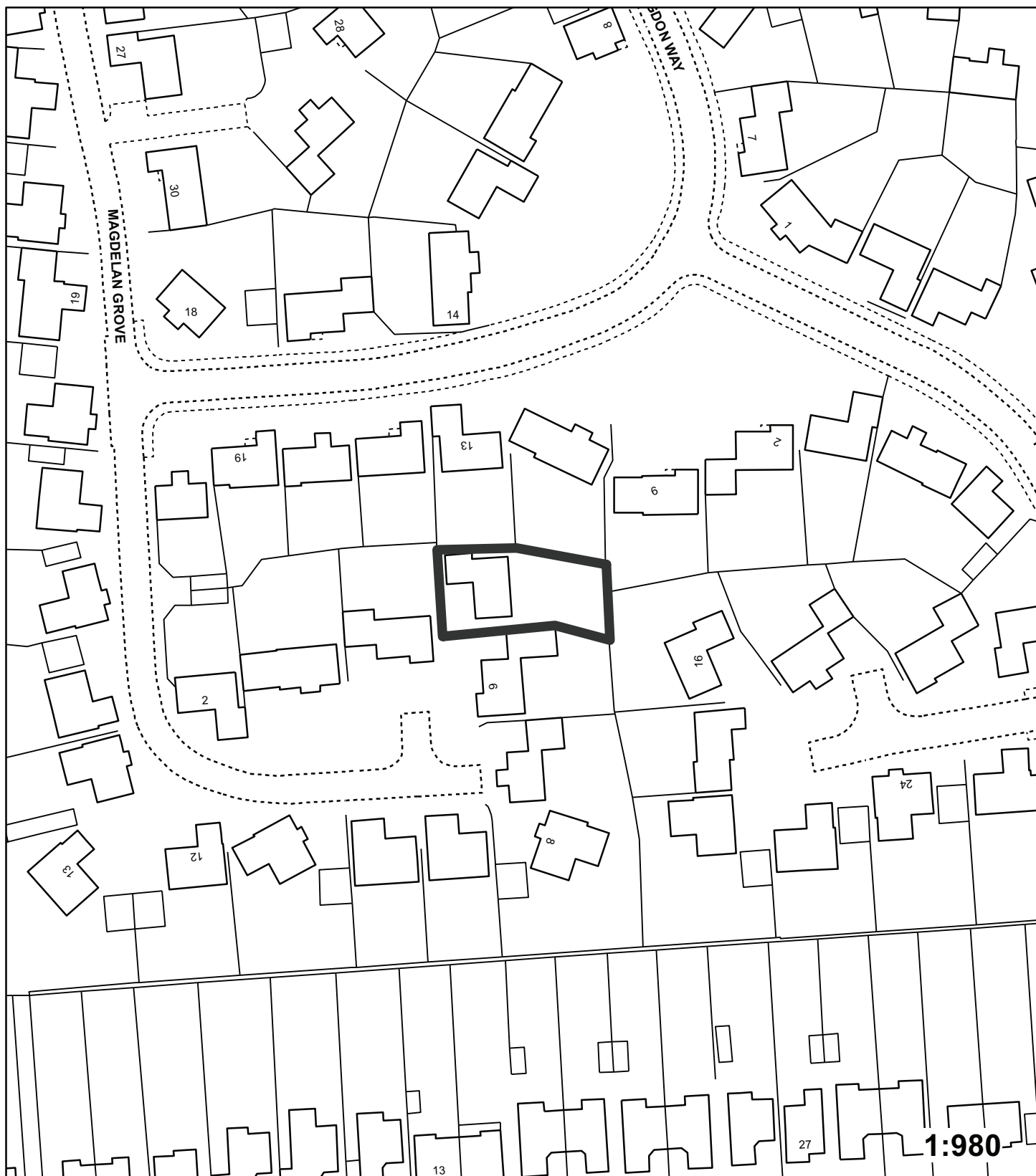
The reasons for refusal are:

- 1 The proposed extension would, by reason of its excessive rearward projection, have a seriously detrimental effect on the residential amenities of neighbouring properties which the occupants of these dwellings might reasonably expect to be able to continue to enjoy, contrary to Policies BE1 and H8 of the Unitary Development Plan.

Application:12/01109/FULL6

Address: 5 Magdalen Grove Orpington BR6 9WE

Proposal: Two storey rear and single storey side extensions, roof alterations incorporating rear and front dormer window extensions and elevational alterations



SECTION '2' – Applications meriting special consideration

Application No : 12/01250/FULL6

Ward:
Darwin

Address : 115 Leaves Green Road Keston BR2
6DG

OS Grid Ref: E: 541561 N: 162187

Applicant : Mr Keith Hopton

Objections : YES

Description of Development:

Increase in roof height to form accommodation in roof space, single storey rear extension and bay windows to front

Key designations:

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

Proposal

The proposal consists of increasing the existing roof height in order to create a first floor level of accommodation, a single storey rear extension and the provision of two bay windows to the front elevation.

The proposed roof sees an increase of 1.35 metres over the existing ridge height with gables introduced to the side and rear roofslopes which replace the current hipped roof. The rear gable sits above the proposed rear extension.

The rear extension has a depth of 3.9 metres and is for the full width of the dwelling. Including the roof enlargement above, the rear element has a total height of 6.3 metres.

Two bay windows are proposed and these are situated to the existing front windows with a projection of some 0.4 metres.

Location

The application site is located to the eastern edge of Leaves Green Road, just north of Leaves Green petrol station to the western edge, and consists of a single storey detached dwelling.

Neighbouring properties are predominately two storey in nature, although the adjoining property to the northern boundary, No.113, is of a similar design and scale as the application dwelling.

Comments from Local Residents

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

- the owner at No.117 has stated that whilst development is welcome to improve the property, the depth of the rear extension (given as 4.5 metres) is too large and this will detrimentally impact the outlook from No.117.

Comments from Consultees

No technical consultation were undertaken for 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
- G1 The Green Belt
- G4 Dwellings Within the Green Belt or on Metropolitan Open Land

London Plan Policy 7.16: Green Belt

The National Planning Policy Framework

The application site has no application history.

However neighbouring properties have had previously approved proposals that are relevant to this application:

- No.117 – The replacement of a detached bungalow with a 3 bedroom detached dwelling was permitted under application reference 00/00384, this has been implemented. The former property had been previously extended and the replacement dwelling represented an increase of 32% over the existing floor area and a 75% increase over the original floor area with a total floor area of 183 square metres.
- No.111 – The demolition of the existing bungalow and the erection of a detached 4 bedroom dwelling was permitted under application reference 96/00813, this has been implemented. The officer's report for this application states that the principal for development in the area has been set by the replacement dwelling at No.109 in 1992 with subsequent extensions giving a footprint of 198 square metres and that the proposal at No.111 'is below this figure'.

- No.109 - was granted permission under application reference 90/00799 for a replacement 4 bedroom detached dwelling. This replaced a bungalow of 143 square metres with a house of 166 square metres. Subsequent permissions for a single storey side extension (02/01177) and a detached garage (06/03105) have given a total footprint of 198 square metres.

Conclusions

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

The application property is of a similar scale and design to No.113 to the north, with No.113 being set further forward to Leaves Green Road. To the boundary No.113 has a single storey detached garage which offers a degree of screening to the northern flank elevation of No.115, although there are currently no boundary fences. Further to the north No.111 is a two storey dwelling permitted under application reference 96/00813, the rear elevation of which is more in line with the front elevation of No.115.

To the southern boundary No.117 is a detached two storey dwelling permitted under application reference 00/00384 with a rear building line approximately level to that of No.115 as existing and the property at No.119. Wooden fencing is present to this southern boundary with the first floor northern roofslope of No.117 featuring a single side dormer.

The rear extension has a rearward projection of 3.9 metres, which is considered acceptable in terms of depth for a detached property. Given the separation to the southern boundary with No.117 and the orientation of the properties, it is not considered that an unacceptable level of impact would occur to the amenities of outlook of the residents of No.117. The rear element is set well back from No.113 and it is considered that no impact would result to this property.

The front roofslope is to remain as a hipped design, with gables to the sides and rear. It is noted that No.117 features gables at front and rear and as such it is not considered that the design would be out of character. Although the height of the roof would be increased by some 1.3 metres, this would still be below the ridgeline of No.117. To No.113, the northern gable would result in some additional overlooking, however it is considered that the level of impact is acceptable.

The rear gable would match that at No.117, although at a lower level. This first floor element would project beyond the building line of No.117, however it is considered that the pitched design and separation to the boundary would largely reduce any impact upon the outlook of the adjoining owners.

The proposal, as a result of the scale and floor area of the extensions, consists of inappropriate development within the Green Belt and as such very special circumstances must be demonstrated by the applicant to warrant permission being given. Within the Statement submitted it is argued that due to a lack of urban sprawl resulting from the proposal, the relatively small scale in context with

neighbouring properties, and the lack of visual impact such circumstances exist. Additionally, the dwelling is stated as being of poor energy efficiency and that the proposed alterations would substantially improve this situation. Member's should consider whether this position qualifies as very special circumstance that justify the setting aside of established Green Belt policy in this instance.

The proposal would materially increase the floorspace of the existing and original dwelling with an increase of some 120 square metres, representing an increase of 127% above the original dwelling. These figures greatly exceed the 10% tolerance stipulated by Policy G4, however it is considered that this figure is representative of the relatively small footprint of the existing dwelling, with the creation of a first floor automatically doubling the existing floor space.

Within this context Members may wish to consider the replacement dwellings at No.109, No.111 and No. 117 that have seen the demolition of single storey bungalows and the erection of two storey detached dwellings with larger overall floor areas than the current proposal.

Members should also be aware that the elements of the proposal, namely the single storey rear extension and side gable end enlargements, possibly and without prejudice fall under permitted development. Although the Court of Appeal has stated that there is no presumption in favour of a development to be gleaned from that allowed under permitted development and a local authority should be able to consider all the issues raised by such a development, this is a consideration, albeit of limited weight, in the determination of this application.

Green Belt policy seeks to protect the openness within the Green Belt although this is not specifically defined, but can be taken to mean the absence of visible development. The effect of a development on the openness of the Green Belt is primarily a matter of its nature, scale, bulk and site coverage. That is to say its physical effect on the application site rather than any visual or other impact on its surroundings.

Given the two storey nature of the surrounding dwellings and the small scale of the existing property at No.115, it is requested that Member's consider whether the proposal would harm the openness of the Green Belt and consequently whether the proposed development is acceptable in this instance.

Background papers referred to during production of this report comprise all correspondence on file ref. 12/01250, excluding exempt information.

as amended by documents received on 18.07.2012

RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED

- | | | |
|---|-----------------|--|
| 0 | D00002 | If Members are minded to grant planning permission the following conditions are suggested: |
| 1 | ACA01
ACA01R | Commencement of development within 3 yrs
A01 Reason 3 years |

- 2 ACC07 Materials as set out in application
- ACC07R Reason C07
- 3 ACK01 Compliance with submitted plan

Reason: In the interests of the appearance of the site and to preserve the openness of the Green Belt in accordance with Policy G1 of the Unitary Development Plan.

- 4 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

- BE1 Design of New Development
- H8 Residential Extensions
- H9 Side Space
- G1 The Green Belt
- G4 Dwellings Within the Green Belt or on Metropolitan Open Land

London Plan Policy 7.16: Green Belt

The National Planning Policy Framework

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

- 1 The site is located in the Green Belt wherein there is a presumption against inappropriate development and the Council sees no very special circumstances which might justify the grant of planning permission as an exception to Policy G1 of the Unitary Development Plan.

Application:12/01250/FULL6

Address: 115 Leaves Green Road Keston BR2 6DG

Proposal: Increase in roof height to form accommodation in roof space, single storey rear extension and bay windows to front



SECTION '2' – Applications meriting special consideration

Application No : 12/01261/FULL6

Ward:
Petts Wood And Knoll

Address : 41 Crossway Petts Wood Orpington
BR5 1PE

OS Grid Ref: E: 544771 N: 168045

Applicant : Mr John And Mrs Meranda Gibbings **Objections :** NO

Description of Development:

Two storey side extension, front dormer and elevational alterations

Key designations:

Area of Special Residential Character
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Flood Zone 2
Flood Zone 3
London City Airport Safeguarding

Proposal

Permission is sought for a two storey side extension with a front dormer situated within a pitched roof to the front elevation.

The two storey side element has a length of 8.1 metres and a width of 2.84 metres for the full height of the dwelling with a hipped roof incorporated with the existing roof. This side extension also projects forward of the principal elevation by 1.54 metres to match a forward projection to the southern boundary.

The roof is to be extended forward above the existing porch by way of a pitched roof and a dormer featuring a hipped design.

Location

The application site is located to the western edge of Crossway just to the north of the junction with Wood Ride and features a two storey semi-detached dwelling.

The site is located within the Petts Wood Area of Special Residential Character (ASRC) with the area being typified by dwellings of a similar scale and design with single storey side garages being a common feature. Abutting the site to the northern boundary is the access road to the recreation ground situated to the rear.

Comments from Local Residents

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

Comments from Consultees

No technical consultations have been undertaken for this application.

Planning Considerations

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

- BE1 Design of New Development
- H8 Residential Extensions
- H9 Side Space
- H10 Areas of Special Residential Character
- T3 Parking

Supplementary Planning Guidance 1 and 2

Planning History

The property was granted permission for a single storey front side and rear extension under application ref. 06/00754. This has been implemented with the approved side element being replaced by this proposal.

Conclusions

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

Policy H9 requires a 1 metre side space to be provided to the boundary for the full height and length of proposals of this nature. In this instance the proposal allows for some 0.1 metres separation and as such does not comply with this requirement. Although an access road is present to the northern boundary which creates an enlarged area of separation to the neighbouring property, it is considered that this contributes positively to the spatial standards of the ASRC and should be protected as required by Policy H10.

Policy H10 expands upon the required side space under Policy H9, by stipulating that the space between developments of two or more storeys and the side boundary should accord with the that prevailing in the area, new development should take into account front and rear building lines and the spatial standards of the area shall be respected by the new development.

This proposal seeks to extend the property by two storeys to both the front and side elevations with no side space provided. The spatial standards of the area are

notable by way of the absence of such development, with single storey side extensions for a garage being the only common development.

As a result of the lack of any adequate side space or subservience to the original front elevation, it is considered that the proposal is out of character with the spatial standards of the ASRC, resulting in a cramped form of development out of character with the area. Whilst there is an access road to the boundary, this is a positive contribution to the established spatial standards of the ASRC in general and the application site in particular and it is considered that the proposal would greatly reduce this contribution to the detriment of current and future residents of the area.

Additionally, a front dormer is also proposed at first floor level. The ASRC is characterised by the predominately uniform nature of the properties by way of their scale and design, with the small number of exceptions still according to the general pattern of development. It is noted that front dormers are not a feature of the area and as such are resisted by Policy H8.

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 and have a detrimental impact upon the spatial standards of the ASRC.

Background papers referred to during production of this report comprise all correspondence on file ref. 12/01261, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The proposal does not comply with the Council's requirement for a minimum 1 metre side space to be maintained to the flank boundary in respect of two storey development in the absence of which the extension would constitute a cramped form of development, out of character with the street scene, conducive to a retrograde lowering of the spatial standards to which this Area of Special Residential Character is at present developed and contrary to Policies H9 and H10 of the Unitary Development Plan.
- 2 The proposed front dormer would be out of character with the established character of the Area of Special Residential Character, being detrimental to the prevailing appearance of the area and to the street scene generally contrary to Policies H8 and H10 of the Unitary Development Plan.

Application:12/01261/FULL6

Address: 41 Crossway Petts Wood Orpington BR5 1PE

Proposal: Two storey side extension, front dormer and elevational alterations



SECTION '2' – Applications meriting special consideration

Application No : 12/01545/FULL6

Ward:
Orpington

Address : 87 Spur Road Orpington BR6 0QP

OS Grid Ref: E: 546674 N: 165800

Applicant : Mr G Marrison

Objections : YES

Description of Development:

First floor rear extension and extension to room in roof space

Key designations:

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

Proposal

- The proposed extension will be constructed on top of an existing single storey flat roofed extension.
- The roof height will be 8.0m and will be hipped and not subservient to the main roof of the dwelling. The extension will have a rear projection of 3.75m and a width of 8.85m, spanning the entire width of the house.

Location

The application site is on the western side of Spur Road. The site comprises a detached two storey dwelling in an area characterised by similar development and a spacious character. The wider area is residential in character, with ample plot sizes and rear garden areas.

Comments from Local Residents

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

- loss of light and visual impact
- loss of privacy
- overdevelopment and out of character

Comments from Consultees

None.

Planning Considerations

Policies relevant to the consideration of this application are BE1 (Design of New Development) and H8 (Residential Extensions) of the adopted Unitary Development Plan.

The Council's adopted SPG guidance is also a consideration.

Planning History

A two storey side and single storey front and rear extension was granted under refs. 98/00480 and 98/01562.

A rear dormer extension was granted under ref. 98/02630.

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 extension will be sited at the rear of the house and will match the architectural style of the house. It would not be clearly visible from the highway and would have no impact on the street scene. The extension will not project further into the garden than the existing extension and the site would not be overdeveloped as a result. The extension is considered to be in context with the scale of the original house.

The proposed extension will not project further to the rear of the existing building line and will extend beyond the rear walls of the neighbouring houses by an acceptable amount due to the dwelling being detached from both neighbouring buildings. There would be no serious impact on the outlook or light to these neighbouring houses as a result. Each neighbouring house possesses flank facing windows that would be affected by the development, however the windows at No. 85 are obscurely glazed, as are most at No. 89 and these are likely to serve bathrooms and staircases. At No. 89 there is a second floor small flank window which also appears to serve the top of the staircase or the room which is contained within the rear dormer. Given the high level and small size of this window, it is considered that this window would not be greatly affected and is unlikely to serve as the only main light source to the roof room.

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. It is therefore recommended that Members grant planning permission.

Background papers referred to during production of this report comprise all correspondence on file ref. 12/01545, 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 ACI12 Obscure glazing (1 insert) in the second floor flank
 elevations
 ACI12R I12 reason (1 insert) BE1
- 4 ACI17 No additional windows (2 inserts) flank extension
 ACI17R I17 reason (1 insert) BE1
- 5 ACK01 Compliance with submitted plan

Reason: In order to comply with Policies BE1 and H8 of the Unitary Development Plan and in the interest of the visual amenities of the area and the amenities of nearby residential properties.

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
- H8 Residential Extensions

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

- (a) the impact on the character of the surrounding area
- (b) the impact on the amenities of the occupiers of adjacent and nearby properties, including light, prospect and privacy
- (c) the spatial standards to which the area is at present developed

and having regard to all other matters raised.

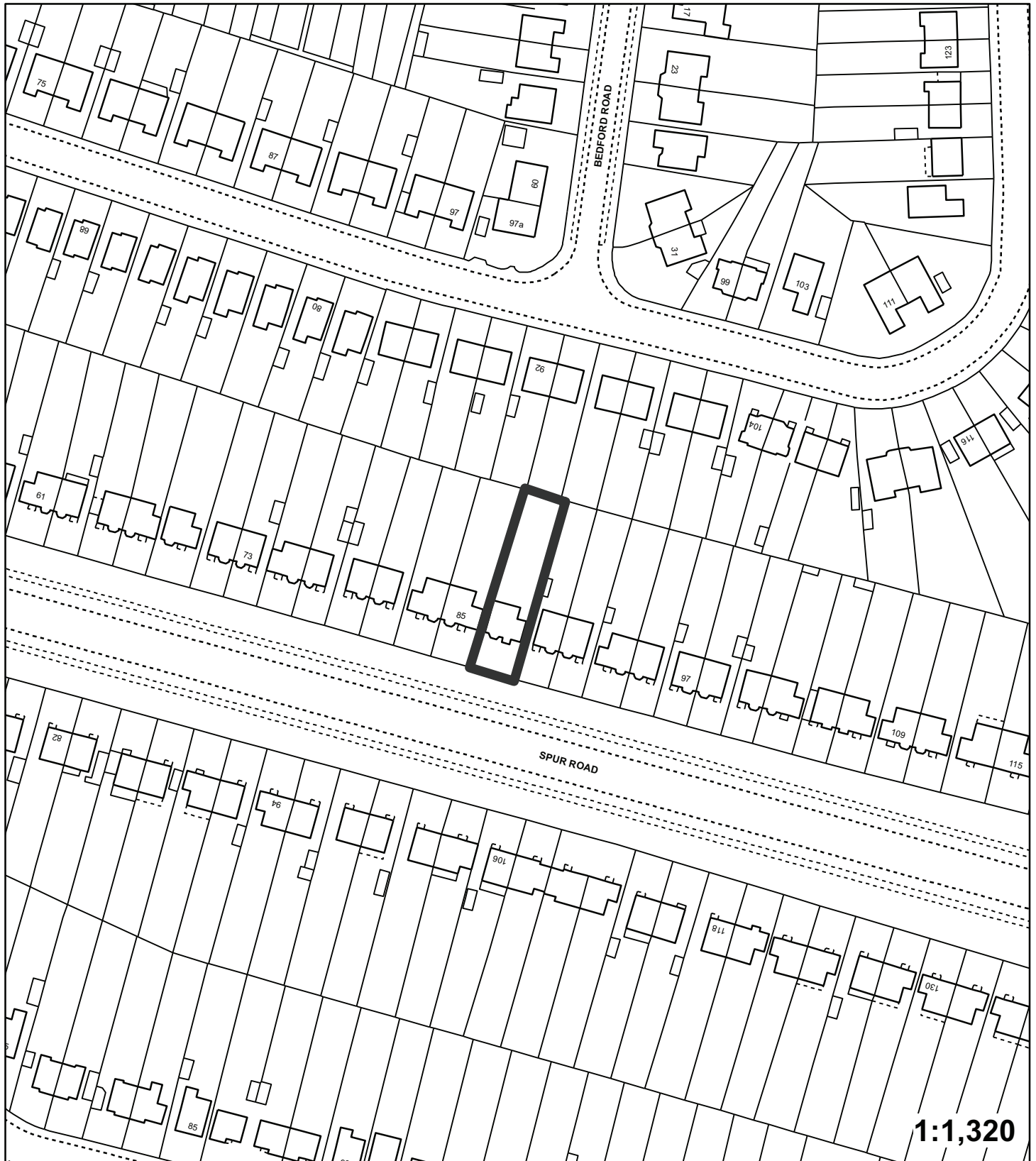
INFORMATIVE(S)

- 1 The applicant is informed that the first floor flank windows indicated within the original dwelling on the permitted plans do not form part of the planning permission hereby granted and the applicant should refer to the General Permitted Development Order for details of permitted development allowances for these alterations.

Application:12/01545/FULL6

Address: 87 Spur Road Orpington BR6 0QP

Proposal: First floor rear extension and extension to room in roof space



SECTION '2' – Applications meriting special consideration

Application No : 12/01598/FULL6

Ward:
Chelsfield And Pratts
Bottom

Address : 72 Cloonmore Avenue Orpington BR6
9LQ

OS Grid Ref: E: 545977 N: 164455

Applicant : Mrs Sonia Jassi

Objections : YES

Description of Development:

Two storey side and rear extension

Key designations:

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

Proposal

- The proposal comprises a rear extension that will have a rear projection of 3.6m and will extend 1.1m to the side of the house, sited behind the existing side garage.
- The extension will retain a 1m side space at ground and first floor level. The first floor rear extension will be separated from No. 70 by 2.8m.
- The roof will be hipped and subservient to the main roof of the house, with a height of 5.9m.
- Rooflights are proposed in the rear elevation of the house.

Location

The application site is on the southern side of Spur Road. The site comprises a semi-detached two storey dwelling in an area characterised by similar development and a spacious character. The wider area is residential in character, with ample plot sizes and rear garden areas.

Comments from Local Residents

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

- loss of outlook

- visual impact and loss of privacy

Comments from Consultees

None.

Planning Considerations

Policies relevant to the consideration of this application are BE1 (Design of New Development), H8 (Residential Extensions) and H9 (Side Space) of the adopted Unitary Development Plan.

The Council's adopted SPG guidance is also a consideration.

Planning History

Planning permission was refused under ref. 12/00707 for a part one/two storey side and rear extension. The refusal grounds were as follows:

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

The proposed rear extension, by reason of its depth and proximity to the boundary with No. 70 Cloonmore Avenue, would be detrimental to the amenities enjoyed by the occupants of that property by way of a tunnelling impact, loss of light and loss of outlook, contrary to Policy BE1 of the Unitary Development Plan.

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 extension will be constructed with a 1m side space. This is considered to comply with side space policy and therefore the proposal is not considered to result in a detrimental impact on the street scene or a cramped form of development.

The proposed two storey rear extension will be separated from No. 70 by 2.8m and although this has been reduced from 3.0m as previously proposed, this is considered suitable to reduce the visual impact from this neighbouring property. No. 72 is set further back than No. 74 and therefore the first floor side/rear extension will result in a visual impact to No. 74. Having said this, No. 74 possesses a first floor rear extension which results in the rear wall of No. 74 being

further back in its plot and this will result in a relationship which would not be seriously harmful to the outlook and light to No. 74. The first floor windows at No. 74 serve a bathroom and therefore no bedrooms would be affected. At ground floor level, the single storey rear extension will impact on No. 74 however the impact will be on a rear facing door near to the boundary and the living room window will be separated from the extension.

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 detrimental impact on the character of the area and would not harm the amenities currently enjoyed by neighbouring residential properties. It is therefore recommended that Members grant planning permission.

Amended plans have been received dated 10/07/12 indicating a reprinted set of proposed floor plans. The originally submitted proposed ground and first floor plans were not printed to the same scale as each other.

Background papers referred to during production of this report comprise all correspondence on files refs. 12/00707 and 12/01598, excluding exempt information.

as amended by documents received on 10.07.2012

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 | ACI09 | Side space (1 metre) (1 insert) | eastern |
| | ACI09R | Reason I09 | |
| 4 | ACI12 | Obscure glazing (1 insert) | in the first floor flank elevation |
| | ACI12R | I12 reason (1 insert) | BE1 |
| 5 | ACI17 | No additional windows (2 inserts) | flank extensions |
| | ACI17R | I17 reason (1 insert) | BE1 |
| 6 | ACK01 | Compliance with submitted plan | |

Reason: In order to comply with Policies BE1, H8 and H9 of the Unitary Development Plan and in the interest of the visual amenities of the area and the amenities of the nearby residential properties.

Reasons for granting permission:

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan along with the adopted supplementary planning guidance:

- BE1 Design of New Development
- H8 Residential Extensions

H9 Side Space

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

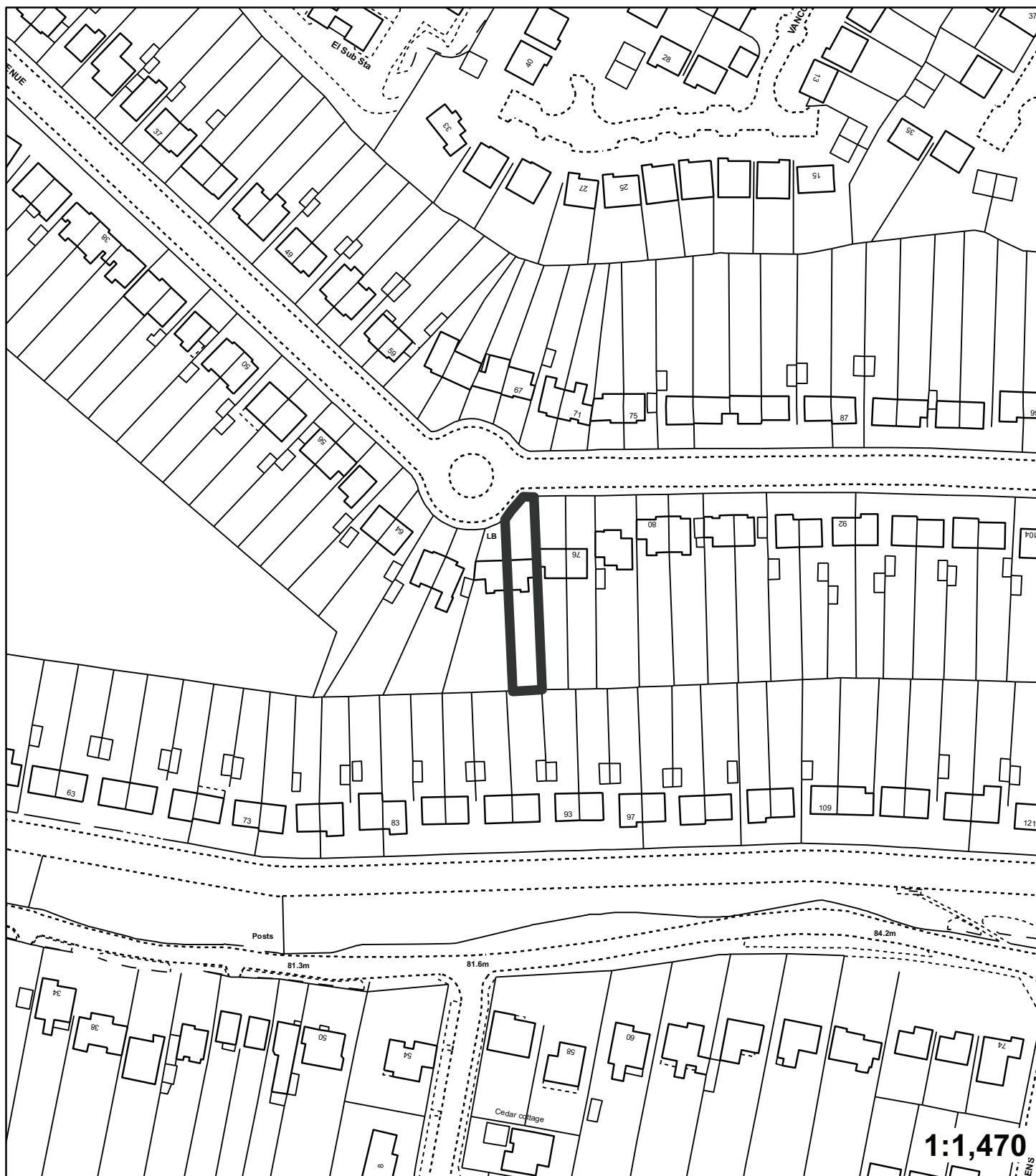
- (a) the impact on the character of the surrounding area
- (b) the impact on the amenities of the occupiers of adjacent and nearby properties, including light, prospect and privacy
- (c) the spatial standards to which the area is at present developed

and having regard to all other matters raised.

Application:12/01598/FULL6

Address: 72 Cloonmore Avenue Orpington BR6 9LQ

Proposal: Two storey side and rear extension



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

Application No : 12/01075/FULL6

Ward:
Hayes And Coney Hall

Address : 9 Redgate Drive Hayes Bromley BR2
7BT

OS Grid Ref: E: 540664 N: 165616

Applicant : Mr And Mrs A Royall

Objections : YES

Description of Development:

Part one/two storey side/rear extension with juliet balcony, single storey rear extension and roof and elevational alterations

Key designations:

Conservation Area: Bromley Hayes And Keston Commons

Biggin Hill Safeguarding Birds

Biggin Hill Safeguarding Area

London City Airport Safeguarding

Proposal

Members will recall that this application was presented to the Plans Sub Committee held on the 5th July 2012. It was deferred in order to seek that the side space of the extension could be increased to the eastern flank and a reduction in the depth of the rear extension.

Revised plans have been provided showing a reduction in the width and depth of the two storey extension to the east of the proposal. The full text of this latest correspondence is available on file.

The previous report is suitably updated.

Planning permission is sought for a part one/two storey side and rear extension with Juliet balcony that would provide and enlarged lounge on the ground floor and a new master bedroom at first floor. The two storey extension would have a pitched roof and would project a total of 6.6m from the rear of the existing building. A single storey extension is also proposed to provide an enlarged kitchen/dining room which would project a maximum of 3.5m to the rear. Elevational alterations include a new windows/doors on the front elevation, including the enclosing of the front porch.

Amended plans received 28th May 2012 show a flank window in the two storey extension removed.

Location

The application site comprises a two storey detached property with two storey extension to the rear. The house is situated within the Bromley, Hayes and Keston Common Conservation Area and is sited on the northern side of the road.

Comments from Local Residents

Nearby neighbours were notified of the proposal and the responses received are summarised as follows:

- property in conservation area
- concerned about depth of proposed bedroom
- length of side elevation- would extend beyond adjacent rear wall by a substantial amount
- proposed extension would be more than double the side elevation
- impact on light and sunlight to house and seating area
- would present dominating and unattractive new elevation
- suggest that extension does not project beyond existing extensions
- smaller 2 storey extension might be acceptable
- full length 'patio' style window to rear seems inappropriate for a bedroom
- applications allowed on appeal at adjacent properties should not be taken into account
- disagree that 'proposal reduces impact on no.8' and the 'rear extension are of a minor nature
- objection to flank window (window now removed on revised plans dated 28/05/12)

It is noted that a full copy of these letters can be found on file ref. 12/01075.

Comments from Consultees

The Advisory Panel for Conservation Areas (APCA) do not raise objections in principle, although it is stated that the unrelieved side elevation could be improved.

Planning Considerations

The main policies relevant to this case are Policies H8 (Residential Extensions), BE1 (Design of new development) and BE11 (Conservation Areas) of the Unitary Development Plan, which relate to the design of residential extensions and development in general.

Planning History

Planning permission was granted in 1991 for a first floor rear extension (ref. 90/03022) and a single storey rear extension in 1994 (ref. 93/03010).

Conclusions

The main issues to be considered in this case is the impact of the proposal on the amenities of adjoining neighbours, the impact of the extensions on the host building and wider street scene.

In respect of amenities, the proposed extension would project a maximum of 6.6m from the rear of the dwelling at first floor level, with a rearward projection of 5.4m adjacent to the boundary with No.8. However, Members will note that the extension is set in at first floor from the boundary with No. 8 by 0.9m, and there is also further separation to the property at No. 8 which has a single storey extension up to the boundary. It is noted that there have been concerns raised from adjoining residents and careful consideration must be given to the impact upon residential amenities. Members may consider on balance that given the scale of the proposal, their siting and orientation, it is not considered that there will be undue harm to neighbouring residents.

In terms of design, the two storey element of the extension would have a pitched roof and a 'Juliet' style balcony at the rear. The proposed extension would be sited to the rear of the house and would not be highly visible from the conservation area streetscene although may be viewed from of the surrounding neighbours. The front elevational changes are minimal and involve the re-siting an addition of windows and the introduction of an enclosed porch area. It is not considered that these changes would impact detrimentally on the appearance of the host dwelling or conservation area.

In conclusion, the proposals will have an impact on the adjacent properties and as indicated a judgment needs to be made as to whether the impact is unduly harmful. Consideration will also need to be made on the impact of the proposal on conservation area.

Accordingly, Members will need to take account of the plans which have been submitted at this site and the comments made by residents during the consultation period.

Background papers referred to during production of this report comprise all correspondence on file ref. 12/01075, excluding exempt information.

as amended by documents received on 28.05.2012 18.07.2012

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | |
|---|--------|--|
| 1 | ACA01 | Commencement of development within 3 yrs |
| | ACA01R | A01 Reason 3 years |
| 2 | ACC03 | Details of windows |
| | ACC03R | Reason C03 |
| 3 | ACC04 | Matching materials |
| | ACC04R | Reason C04 |

4 ACK01 Compliance with submitted plan

Reason: In the interest of the visual and residential amenities of the area.

5 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:

BE1 Design of New Development

BE11 Conservation Areas

H8 Residential Extensions

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

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

Application:12/01075/FULL6

Address: 9 Redgate Drive Hayes Bromley BR2 7BT

Proposal: Part one/two storey side/rear extension with juliet balcony, single storey rear extension and roof and elevational alterations



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

Application No : 12/01235/FULL6

Ward:
Kelsey And Eden Park

Address : 21 Monks Orchard Road Beckenham
BR3 3BH

OS Grid Ref: E: 537535 N: 166968

Applicant : Mr V Shukla

Objections : NO

Description of Development:

Single storey rear and first floor side extensions, conversion of garage to habitable room and roof alterations to incorporate rear dormer extension

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Flood Zone 2
Historic Flooding
London City Airport Safeguarding
Local Distributor Roads
Ravensbourne FZ2

Proposal

Planning permission is sought for a single storey rear extension, a first floor side extension and roof alterations to incorporate a rear dormer extension. It is also proposed to convert the garage to form a habitable room. The full details of the proposal are as follows:

- single storey rear extension to measure 3.5m in depth, have a height of 4.2m and extend the entire width of the house
- first floor side extension to be located behind first floor element (which is an original feature of the property)
- existing subservient roof section to be enlarged to form half-hip, incorporating rear dormer with juliet balconies
- existing garage door to be removed and partially infilled, with new window inserted.

Amended plans have been received, showing an increase in the height of the proposed roof from a full hip to a half-hip, and an enlargement of the width of the rear dormer.

Part of the site falls within Flood Zone 2. Annotation on the plans confirms that the new floor level in the extension will be set level with the existing floor, and a minimum of 300mm above the flood line.

Location

The application property is a semi-detached dwelling, which is located on the eastern side of Monks Orchard Road. This part of Monks Orchard Road is mainly characterised by semi-detached dwellings, many of which appear to have been previously extended.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and the receipt of amended plans. At the time of writing no representations had been received.

Comments from Consultees

Highways raise no objection to the proposed garage conversion. A standard condition is recommended.

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

5.12 Development and Flood Risk

Planning History

There is no recent planning history of relevance.

Similar roof extensions to those proposed in this case were permitted at No. 17 Monks Orchard Road, under ref. 11/00311/FULL6.

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. A further consideration will be the impact of the development on flood risk.

The proposed roof alterations will enlarge the existing fully hipped roof to form a half-hip type roof. The enlarged roof will however continue to be subservient from the main roof of the property, and in view of the existence of similar extensions to properties in the vicinity (including at No. 17 Monks Orchard Road) it is not

considered that the roof alterations would give rise to a negative impact on the character of the area. The proposed rear dormer appears to be of an acceptable scale, being set in from the sides of the roof and up from the eaves, and will not give rise to an unacceptable impact to the character of the area or the amenities of neighbouring residential properties.

The proposed first floor rear extension will be located behind the existing first floor side element over the garage, which is an original feature of the property. As constructed, the existing dwelling is positioned around 0.9m from the flank boundary. The proposed first floor side extension would follow the line of the existing dwelling, and as a result would not comply with the Council's minimum side space requirement, as defined in Policy H9. However, as the first floor side extension will be positioned behind an existing first floor element of the property and will not be readily visible in the street scene, it is not considered that any harm to the character or spatial standards of the area will arise, nor any retrograde terracing effect. As the first floor side extension will project no further beyond the existing flank or rear walls of the property, it is not considered that any undue impact would arise to the amenities of the neighbouring property at No. 19 Monks Orchard Road.

The proposed garage conversion raises no technical Highways concerns, whilst the proposed elevational alteration involved in partially closing the existing garage door opening and inserting a new window is small scale and will not harm the character and appearance of the host property or the area. The proposed rear extension is of an acceptable scale for the host property, and given its depth, it is not considered that an unacceptable loss of amenity would arise to local residents.

Finally with regard to flood risk, it is noted that the majority of the rear garden is located within Flood Zone 2, but the house itself is not. The plans confirm that the floor level in the rear extension will be no lower than the existing floor level, and on this basis it may be considered that there would be no significant increase in the risk of flooding at the property as a result of the development.

Background papers referred to during production of this report comprise all correspondence on files refs. 11/00311 and 12/01235, excluding exempt information.

as amended by documents received on 29.06.2012

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 | ACH03 | Satisfactory parking - full application |
| | ACH03R | Reason H03 |

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
- H8 Residential Extensions
- H9 Side Space

5.12 Development and Flood Risk

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

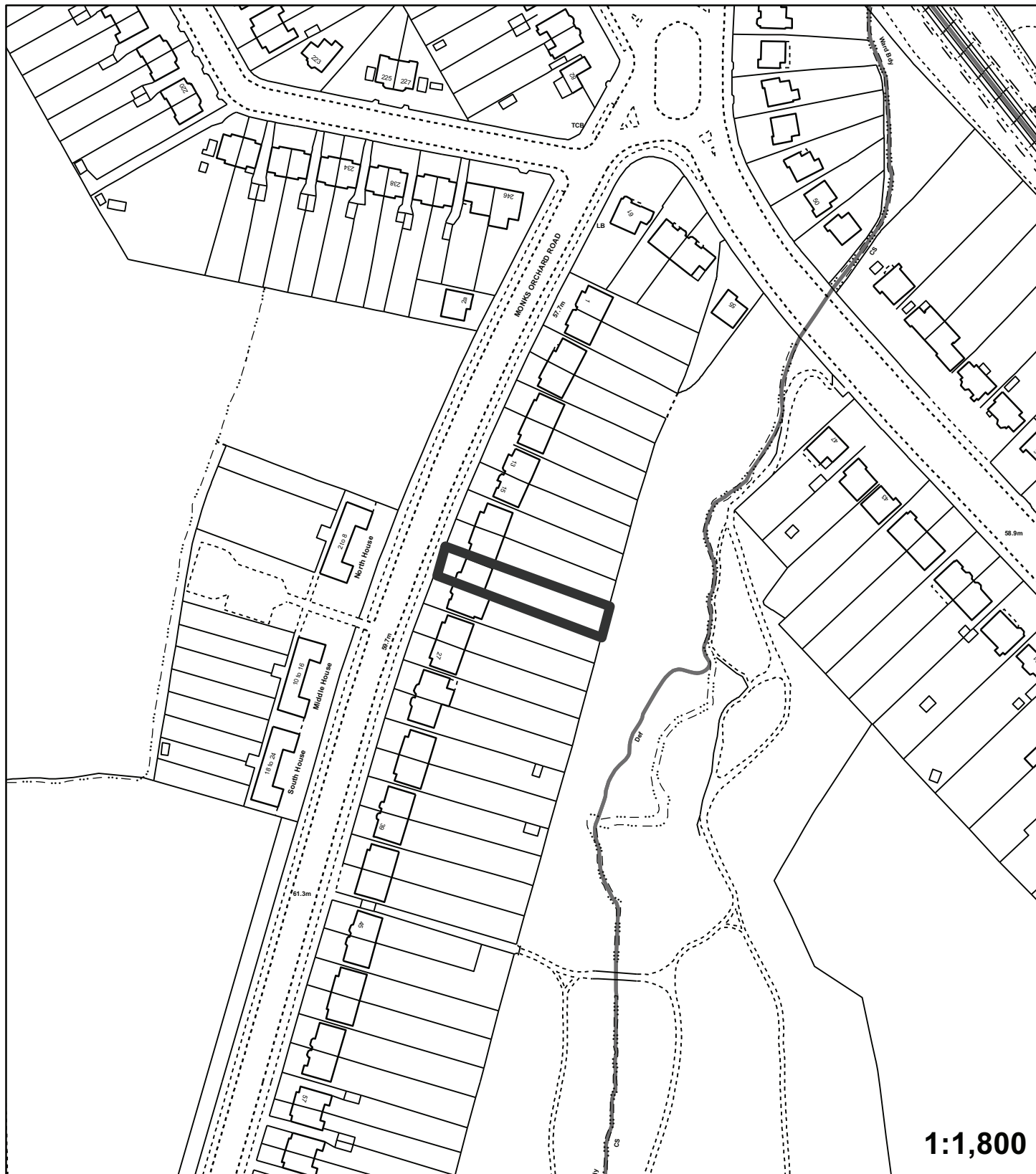
- (a) the character of the development in the surrounding area
- (b) the impact on the amenities of the occupiers of adjacent and nearby properties
- (c) the design and conservation policies of the Unitary Development Plan

and having regard to all other matters raised.

Application:12/01235/FULL6

Address: 21 Monks Orchard Road Beckenham BR3 3BH

Proposal: Single storey rear and first floor side extensions, conversion of garage to habitable room and roof alterations to incorporate rear dormer extension



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

Application No : 12/01298/FULL6

Ward:
Shortlands

Address : 40 South Hill Road Shortlands Bromley
BR2 0RL

OS Grid Ref: E: 539344 N: 168240

Applicant : Mr Tony Folan

Objections : YES

Description of Development:

Single storey side/rear extension, first floor rear extension, bay windows to front, roof alterations to incorporate rear dormer extension and elevational alterations.

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 part one/two storey side and rear extensions to the host property, replacement bay windows to front, roof alterations to incorporate rear dormer extension and elevational alterations.

The proposed one/two storey side extension will comprise a single storey wrap around extension, replacing the existing garage to the side linking to a single storey rear extension measuring approx. 4m in depth. The first floor element will be positioned to the rear of the existing dwelling, projecting with a depth of approx. 2.2m. It is also proposed to replace the existing roof structure, to incorporate alterations to the existing front and side elevations which are currently tile hung in part, and provide a rear dormer extension. The existing bay windows to the front would be replaced with a slightly enlarged square bay.

Amended plans were submitted to the Council (received 29th May 2012) to delete the proposed first floor side extension and reduce the depth of the single storey rear extension by 0.3m.

Location

The application property is a detached dwelling, which is located on the northern side of South Hill Road. The site is adjacent to Highfield Junior School (to the west).

Comments from Local Residents

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

- loss of daylight and sunlight arising from single storey extension, increased height of roof and first floor rear extension
- loss of outlook and visual impact
- proposal excessive in bulk and height
- proposal out of keeping with street scene
- road safety concerns
- trees and shrubs were removed from the site before the application was made

Neighbours were re-consulted following the submission of amended plans, and further concerns were raised as follows:

- changes do not make substantive difference to concerns previously raised, that proposal will result in reduction in and removal of established daylight and sunlight and loss of amenity
- proposal will result in loss of light to kitchen and downstairs toilet windows
- health and safety concerns due to proximity of extension to boundary
- property may contain asbestos

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. 05/00039, planning permission was refused for a two storey block and a three storey block comprising 12 two bedroom and 2 three bedroom flats, with 22 semi-basement car parking spaces.

Under ref. 05/03088, planning permission was refused for 6 three storey five bedroom semi-detached houses with integral garages.

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 development will involve alterations to the external appearance of the dwelling, including a replacement bay window and the replacement of the roof, resulting in the removal of the tile hung element at first floor level to the front and western flank elevations. Subject to the use of appropriate materials, it is not considered that these alterations would result in harm to the character and appearance of the area or the visual amenities of the street scene. Whilst the replacement roof will have a slightly greater height overall than the existing roof, the application property is detached and it is not considered that this would impact negatively on the street scene or the character of the area. Nor is it considered in this case that the alterations to the roof would result in a loss of amenity to local residents.

The proposed single storey side extension would involve the replacement of the existing garage to the side (between the host property and No. 38), and would wrap around to adjoin the proposed rear extension. At the rear, the extension would project with a depth of 4m, however as the property is detached it is not considered that this would give rise to a significant loss of amenity to the adjacent property at No. 38 with particular regard to outlook and visual impact.

Various concerns have been raised by the occupier of No. 38 in relation to the proposal, including the possibility of a loss of light arising from the proposal. With particular regard to this matter, the single storey side/rear extension would be likely to affect several windows within the ground floor flank wall of the adjacent property, primarily those located towards the rear. Whilst this impact is noted, the windows in question appear to be obscurely glazed and serve non-habitable rooms, and as a consequence it is not considered that the loss of amenity would be so harmful as to warrant the refusal of planning permission on amenity grounds.

A small first floor rear extension is also proposed, to 'square off' the north-eastern corner. Given the depth and the separation to the boundary, which is around 3m, it is not considered that this element would give rise to a significant loss of amenity to the adjacent property at No. 38.

With regard to the rear dormer extension, this is of relatively modest dimensions and given its siting, would not impact detrimentally upon the character of the area.

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

Background papers referred to during production of this report comprise all correspondence on files refs. 05/00039, 05/03088 and 12/01298, excluding exempt information.

as amended by documents received on 29.05.2012

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:

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:

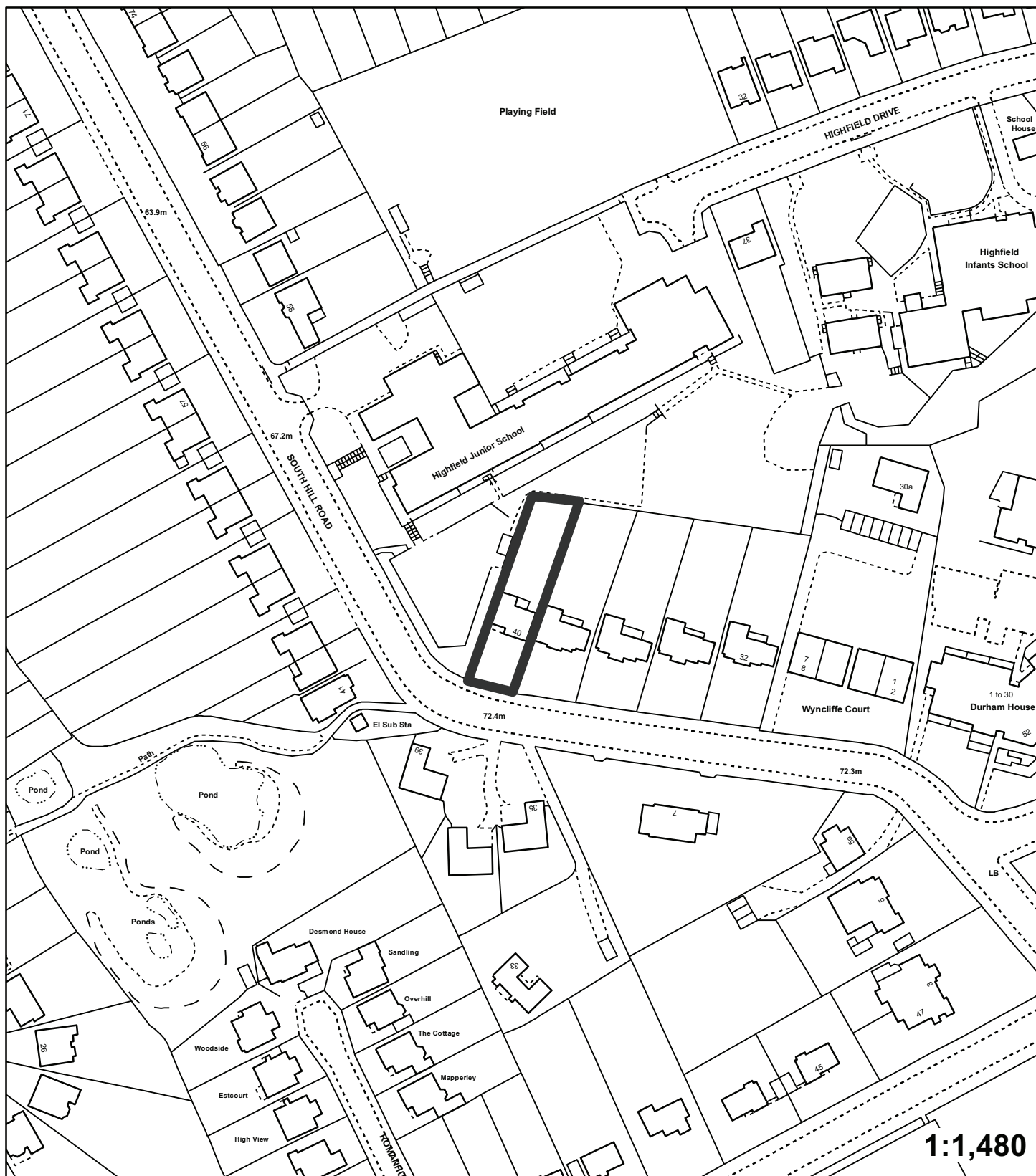
- (a) the character of the development in the surrounding area
- (b) the impact on the amenities of the occupiers of adjacent and nearby properties
- (c) the design and conservation policies of the Unitary Development Plan

and having regard to all other matters raised.

Application:12/01298/FULL6

Address: 40 South Hill Road Shortlands Bromley BR2 0RL

Proposal: Single storey side/rear extension, first floor rear extension, bay windows to front, roof alterations to incorporate rear dormer extension and elevational alterations.



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

Application No : 12/01425/FULL6

Ward:
Penge And Cator

Address : 5 Wiverton Road Sydenham London
SE26 5JA

OS Grid Ref: E: 535384 N: 170880

Applicant : Mrs S Starkin

Objections : YES

Description of Development:

Roof alterations to incorporate rear dormer extension with Juliet balcony and velux windows to front and single storey side extension.

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 a rear dormer extension with juliet balcony, rooflights at the front and a single storey side extension.

The rear dormer extension will span the entire width of the house, including an increase in the height of the parapet wall between the property and its neighbour at No. 3, and would also extend above the existing two storey rear projection. The proposed single storey side extension will be positioned at the rear of the dwelling, and have a depth of 5.85m and a width of 2.2m.

Amended plans were submitted to the Council (18th July 2012) showing a reduction in the depth of the dormer element over the existing two storey rear projection of 0.5m.

Location

The application property is a semi-detached dwelling which is located on the western side of Wiverton Road.

Comments from Local Residents

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

- dormer would not be subservient to main roof
- proposed extension to party wall would result in visual impact and be visible from the street
- overlooking
- chimney stack forms part of character of property and should be retained

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:

BE1 Design of New Development
H8 Residential Extensions

Planning History

There is no recent planning history in relation to the application site, however a similar I-shaped rear dormer to that proposed in this case was granted at No. 11 Wiverton Road under ref. 08/04505.

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 single storey side extension would project no further to the side or rear of the existing dwelling and in view of its height would not result in a significantly greater impact to the neighbouring property at No. 7 than would already arise from the existing two storey rear projection to which the extension would be added.

Regarding the proposed rear dormer, this would extend beyond the main roofslope and onto the roof of the existing 2 storey rear projection. Given the existence of a similar roof extension in the vicinity, it is not considered that the development would appear out of character with the area. Whilst the proposal would involve an increase in the height of the parapet wall shared with No. 3, this is modest at 1.5m and considering the reduction in the depth of this element (as per the amended plans submitted 18th July 2012) would not be likely to result in a significant loss of amenity, whilst in view of the separation to No. 7 it is unlikely that any detrimental impact would arise to this property as a result of the bulk of the built development.

However in order to avoid any undue overlooking from the proposed side facing window in the dormer, a condition should be imposed requiring this window to be obscurely glazed.

Having regard to the above Members may agree that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area, and that on balance planning permission ought to be granted.

Background papers referred to during production of this report comprise all correspondence on files refs. 08/04505 and 12/01425, excluding exempt information.

as amended by documents received on 18.07.2012

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 | ACI12 | Obscure glazing (1 insert) | in the flank wall of the dormer |
| | 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

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

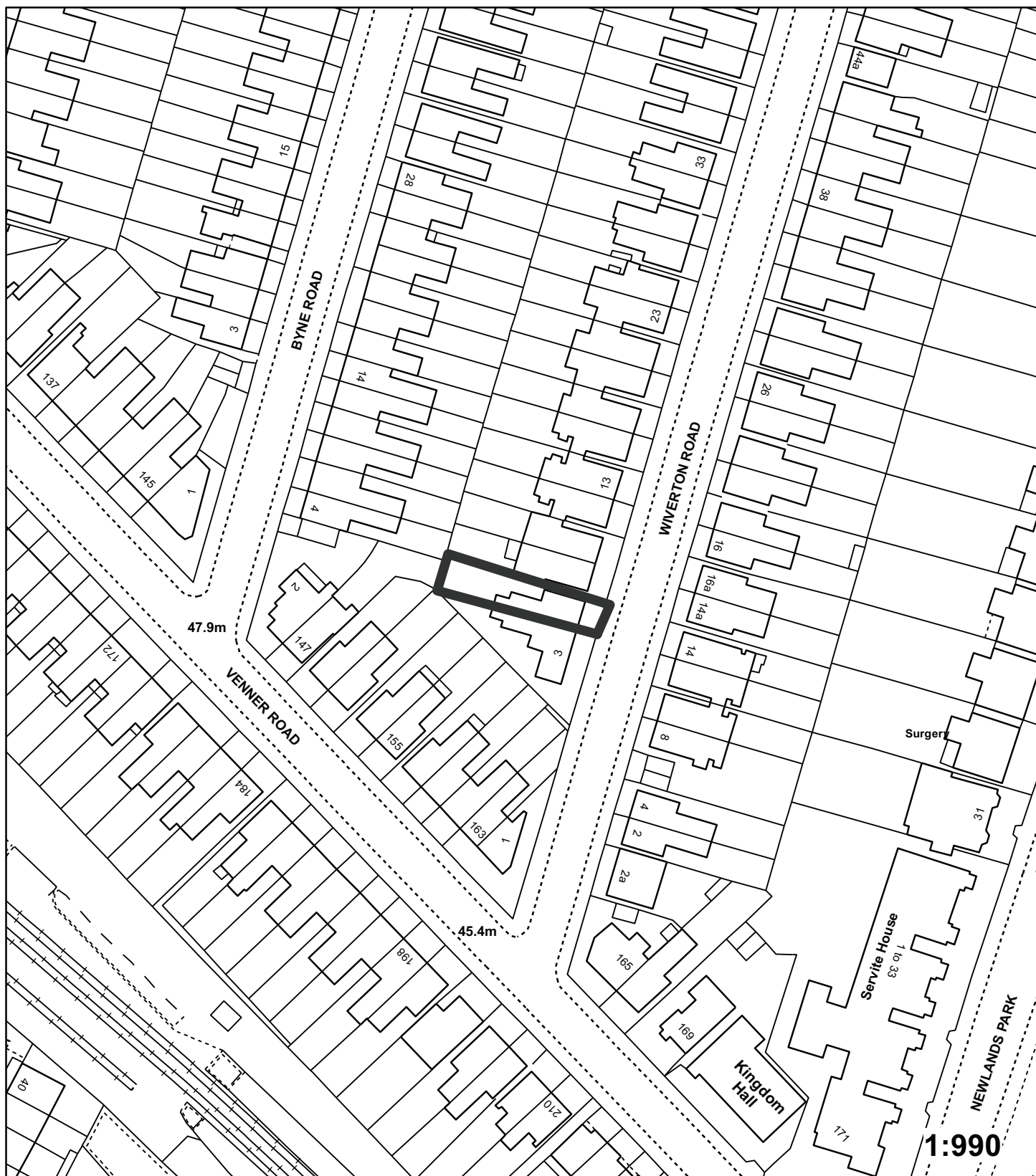
- (a) the character of the development in the surrounding area
- (b) the impact on the amenities of the occupiers of adjacent and nearby properties
- (c) the design and conservation policies of the Unitary Development Plan

and having regard to all other matters raised.

Application:12/01425/FULL6

Address: 5 Wiverton Road Sydenham London SE26 5JA

Proposal: Roof alterations to incorporate rear dormer extension with Juliet balcony and velux windows to front and single storey side extension.



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

Application No : 12/01607/FULL6

Ward:
Hayes And Coney Hall

Address : 10 Pickhurst Lane Hayes Bromley BR2
7LJ

OS Grid Ref: E: 540462 N: 166224

Applicant : Mr Darren Shellford

Objections : NO

Description of Development:

Two storey side extension

Key designations:

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

Proposal

The site is a two storey semi-detached dwelling and the application proposes a two storey side and first floor side extension. The side space between the proposed two storey development and the site boundary will be 700mm.

Location

The site is located on the north side of Pickhurst Lane and is adjacent to Hayes Village Conservation Area.

Consultations

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
BE13 Development Adjacent to a Conservation Area

H8 Residential Extensions
H9 Side Space

Conclusions

The proposed two storey/first floor development will allow 700mm to the eastern boundary and must be assessed against Policy H9 relating to side space. The site to the east, number 8 Pickhurst Lane is located within the Hayes Village Conservation Area. The proposed extension maintains the original ridge line and hip roof design and sits to the existing front building line of the host dwelling.

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

Members may consider given the hip roof design, the relationship of the proposal to the adjacent dwelling and that a 700mm side-space is 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. 12/01607, 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 ACI12 Obscure glazing (1 insert) to the eastern elevation
ACI12R I12 reason (1 insert) BE1
- 4 AJ02B Justification UNIQUE reason OTHER apps

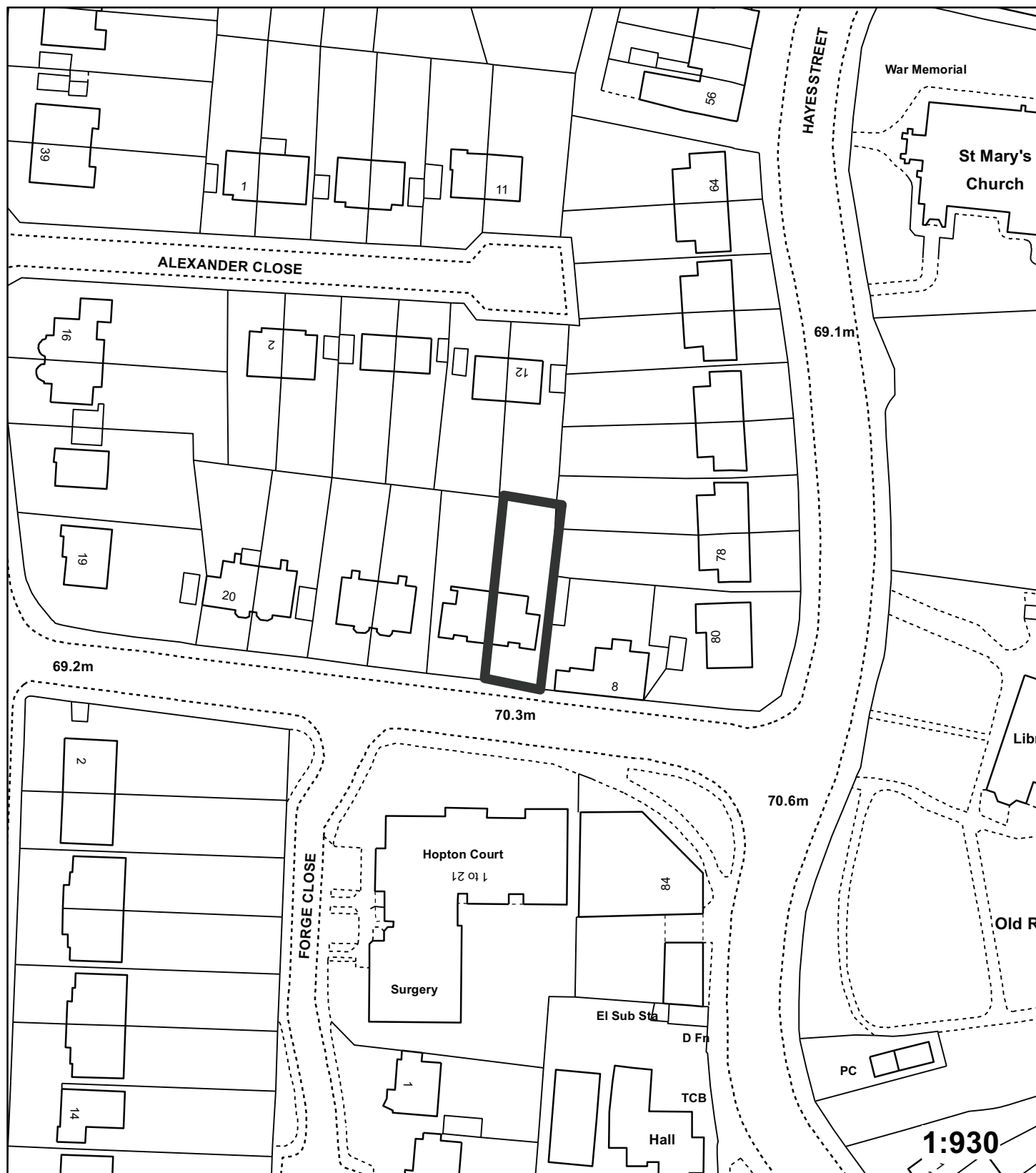
Policies (UDP)

BE1 Design of New Development
BE13 Development Adjacent to a Conservation Area
H8 Residential Extensions
H9 Side Space

Application:12/01607/FULL6

Address: 10 Pickhurst Lane Hayes Bromley BR2 7LJ

Proposal: Two storey side extension



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

Application No : 11/00482/FULL1

Ward:
Penge And Cator

Address : Site Formerly Burnham Signs Ltd
Burnham Way Lower Sydenham
London SE26 5AG

OS Grid Ref: E: 536682 N: 171283

Applicant : Sydenham Scrap Metals

Objections : YES

Description of Development:

Detached building to house Vehicle Depollution Unit and new 5m walls within the site, adjacent to revised iron storage area. Variation of conditions 10 and 20 of permission ref. 10/00289 granted for reception, sorting and transfer of scrap metal, for alterations to the Working Operational Statement to permit the provision of a scrap metal compaction press/baler and amend operational site layout. Details pursuant to Condition 11 relating to permission 10/00289 for the vehicle depollution unit

Key designations:

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

Proposal

See report for 12/00259 which also relates to this site.

Planning permission was granted on October 26th 2010 for the change of use from sign manufacturers premises including stove enamelling (use classes B2 and B6) to use of the site for the reception sorting and transfer of scrap metals, including depollution of motor vehicles by means of draining of fluids and removal of tyres together with the erection of two acoustic screens, installation of weigh bridge and boundary wall RETROSPECTIVE APPLICATION (ref 10/00482). This permission was granted subject to numerous conditions relating to the operational management of the site.

Permission is sought relating to 4 aspects of above development on this site, namely

1. Variation of conditions 10 and 20 to allow the provision of a scrap metal compaction press/baler on the site.

Condition 10 states that 'No processes and activities associated with the cropping and baling of metals shall be undertaken other than within the existing building located on the site and shall not be carried out in uncovered area of the premises.'

Condition 20 states that 'The use shall be operated strictly in accordance with the submitted plan LRC/08/138/01C, the Working Method Statement received on June 28th 2010 and the Operational Method Statement dated June 4th 2010 unless otherwise agreed with the Local Planning Authority'

The proposed press/baler will be located in the north eastern corner of the site adjacent to the northern boundary. The electrically operated machine will measure 12.5m long by 2.6 wide by 3.5m high. The machine can be used for 2 different operations – shearing metal or baling metal.

From the details submitted with the application and from viewing a similar machine in action, baling up metal will involve loading a central 'box' in the machine with metal, using a mechanical grab (the box will measure 5mx 0.8m x 0.6m). To bale the material two lids on either side of the box will then close over the material and the metal will be compressed into a rectangular cube of metal. The metal 'cube' is pushed out of the machine at the rear via a vertical 'flap.' To shear the material it is loaded into the machine in the same way as described above. The metal is then pushed forward and 'cut', using a hydraulic blade, and the resultant pieces of metal fall out of the 'flap'.

The applicant has submitted noise assessment reports dated 31st January 2011 and 20th March 2012 to support the application. The January 2011 report provided noise assessment for a diesel driven machine, which concluded that the electric driven machine would be quieter than the diesel machine and based on the readings from the diesel machine 'it will not make a significant noise source on the site provided it is located in the same part of the site as the grabber'

The March 2012 report was produced following a visit to a site in Hertfordshire where an electric machine is located. Council officers from Planning and Environmental Health accompanied the applicants Noise Consultant and readings were taken by both parties.

The applicants consultant concludes that 'the installation of the electric shear/baler will achieve a significant improvement in noise emissions from the site reducing or eliminating some of the noisier existing activities (i.e. crushing loads in the back of bulk lorries and using the grab to tidy the scrap pile) whilst introducing a comparatively quiet and efficient means of compressing the scrap material.'

The agent also advised by email dated July 6th 2011 that this piece of equipment will allow metal to be processed at a greater level of speed and efficiency because the compaction of scrap into bales reduces transport costs and substantially increase the speed and throughput of the metal. In addition it provides, in part, a remedy to many of the complaints reviewed and will assist the operator in complying with relevant conditions and the breach of condition notice.

2. Details pursuant to Condition 11 to approve the details of the vehicle depollution unit.

Condition 11 of the permission granted in October 2010 (ref 10/00289) states that 'Details of the depollution unit to be operated on the site shall be submitted to and approved by the Local Planning Authority and shall be permanently retained thereafter'

A technical specification has been submitted to support the application.

3. The retention of a structure to house the vehicle depollution unit.

The supporting documentation with the application states that 3 sides of this structure will be enclosed with blockwork with a pitched corrugated iron sheet roof. However the structure that is in place in the north western corner of the site has side supports comprising scaffolding poles which support a corrugated iron roof. The structure is open sided and open ended and measures approximately 6m x 6m x 4m. The depollution unit is located within this structure. During a site visit on March 20th 2012 the applicant advised that the structure would remain as described above and would not be altered to match the description in the application documents.

4. Erection of a new 5m wall within the site.

This wall would be located adjacent to the iron storage area, projecting into the site from the northern boundary. The wall will be a maximum of 5m tall and would enclose an area described on the submitted plans as a 'processed metal enclosure.' This appears to be the area in which baled or sheared metal from the press/baler would be discharged from the proposed machine.

It should be noted that this is not the 5m high 'sleeper' wall that is already on the site that sits adjacent to the depollution unit.

In addition Members should be aware that there are aspects of the development on the site which do not accord with the original permission and, despite requests to the agent, the submitted plan has not been updated to include these unauthorised works. This matter is addressed later in the report.

Location

The site is 0.24 ha in size and is located close to the northern boundary of the Borough with the London Borough of Lewisham. It is situated within the Lower Sydenham (Kangley Bridge Road) Industrial Estate and is close to the northern boundary of the estate.

To the north of the application site, separated by an access road, are a ready mix cement operator, a scaffolding yard and a building divided into small business units, known as The Bronze Works.

To the west are 2 light industrial units operating respectively, as janitorial and plumbing distribution use, with trade counters. To the east are 3 light industrial units, two of which are distribution uses with one unit vacant. To the immediate south is a small office/storage unit and further south is the Orchard Business Centre comprising 11 small business uses.

Comments from Local Residents

Nearby properties were notified. Representations were received from Unit 1, Kangley Bridge Road and Units 1 and 2 Burnham Way which can be summarised as follows:

- contrary to the agents assertions the site has not been operating satisfactorily in terms of noise, dragging of containers, cropping and baling, using the grab for compressing. This results in noise and vibration in excess of permitted limits that clearly do not comply with the original permission.
- there have been numerous objections directly to the Environment Agency setting out complaints by neighbouring businesses.
- there has been no commitment from the operator to comply with any granted permission and no regard shown to neighbouring businesses or the local environment.
- disturbance is sometimes intolerable with buildings shaking when they are crushing vehicles.
- loading and handling of materials, increased use of the grabber and increased throughput of metals resulting from the press/baler will increase noise and nuisance.
- breaches and nuisance have been witnessed by Council officers and officers from the Environment Agency (EA).

A further detailed objection has been submitted by the occupant of Unit 2 which provides more detail of the nature and frequency of noise and vibration from the operation of the existing use and the impact that this has had on his employees.

In addition 300 complaints from one nearby occupant have been lodged with the EA, copied to Council officers, setting out details of when disturbances occurred from June 2011 mid July 2012. Similarly the EA have received over 100 complaints from the occupant of another neighbouring property.

Comments from Consultees

The Council's Environmental Health Officer raises objections to the introduction of the press/baler machine to the site and their reasons are summarised below in the Conclusions section of the report.

The Environment Agency states that 'it is our view that the principle source of current noise complaints relates to the operation of the large grab at the site. It is considered, therefore that the provision of a compactor will not reduce the noise levels associated with the overall activity. Environment Agency monitoring of the site leads us to consider that the noise from operations was excessive such as to create a nuisance. We have commissioned a noise report to monitor noise levels

that is in draft format at the moment, which we can provide once it has been signed off. We observe that the use of the compactor will require a change to the management system of the permitted activities on the site.'

Planning Considerations

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

BE1 Design of New Development
EMP4 Business Areas

In strategic terms the most relevant London Plan policies are:

Policy 7.15 – Reducing Noise and enhancing soundscapes

Mayor's Ambient Noise Strategy

In national terms National Planning Policy Framework policies apply, including paragraphs 17, 57, 109 and 123

Planning History

The site has been the subject of numerous previous relevant applications

1. Permission was refused for the use of site for reception/ sorting/ transfer of scrap metals including vehicle breaking on May 6th 2009 and a subsequent appeal dismissed (ref 08/03542).
2. Planning permission was granted for Change of use from sign manufacturers premises including stove enamelling (use classes B2 and B6) to use of the site for the reception sorting and transfer of scrap metals, including depollution of motor vehicles by means of draining of fluids and removal of tyres together with the erection of two acoustic screens, installation of weigh bridge and boundary wall RETROSPECTIVE APPLICATION on October 26th 2010. (ref 10/00289).
3. Planning permission is currently sought for a Variation of Condition 23 of permission ref. 10/00289 granted for reception, sorting and transfer of scrap metal to increase noise limit for activities at the site from 60 to 65 db Laeq (60 min) |(ref 12/00259). The application is pending and appears elsewhere on this agenda.

For information it should be noted that the Council has instigated proceedings against the failure of the applicant to comply with a breach of condition notice relating to

- 1) Condition 14: "The open storage of any materials and skips on the site shall not exceed 5 metres in height from ground level at any time."
- 2) Condition 21: "The containers used for storage of materials recycled on site shall not be moved around the site by means of dragging at any time"

- 3) Condition 22: "The mobile 'grab' machine shown on the approved plan shall not be used for compressing material on the site at any time in a way that exceeds the noise limits set in Condition 23 below"
- 4) Condition 23: "Noise levels resulting from activities on the site shall not exceed 60dB Laeq (60 min) at any time when measured one metre from the façade at sill height of the first floor windows in the eastern elevation of Unit 2 Burnham Way"

In addition formal action has been instigated under environmental health legislation for statutory nuisance. Both actions are held in abeyance pending the outcome of this application and application 12/00259 which appears elsewhere on this agenda

Conclusions

The main issues to be considered are the impact of the introduction of the press/baler on the amenities of adjoining neighbours, the acceptability of the proposed depollution shed and the depollution unit and the proposed additional internal wall.

1. Impact of press/baler machine

In summary the applicant advises that the proposed machine will have the effect of reducing noise levels on site by:

- reducing the need to use the mobile grab to crush metals that have been loaded on to vehicles for despatch, and
- that the operation of the crusher does not breach conditions relating to noise emissions from operations on the site.

It should be noted that condition 22 of the original planning permission (ref 10/00289) states that ' The mobile 'grab' machine shown on the approved plan shall not be used for compressing material on the site at any time in a way that exceeds the noise limits set out in Condition 23.'

The Councils Environmental Health Officer has assessed the application and his comments are summarised below.

- The noise data collected by the agent is broadly consistent with that collected by the Council during a site visit to a similar machine in Hertfordshire. However there are concerns about the conclusions resulting from the data.
- The use of sound power levels to predict sound pressure levels is flawed due to the limited timespan of data collection, the limited collection of data from different locations around the machine and the limited distance of data collection provides limited information about the impact of the machine at greater distances.

- The clang from the 'flap' closing is not assessed in the applicants report and could lead to frequent loud disturbances even with noise prevention measures.
- The baler introduces additional handling steps over and above the current processes which are likely to have a significant detrimental effect on measured noise levels.
- The noise report focuses on the narrow area of the operation of the baler itself.
- Possible increased volumes of material throughput will extend the time of operation of the material handling processes and the impact of this has not been addressed by the noise report.
- Assumptions that the baler will be operating 25% of the time have not been substantiated.
- Assumptions that the unauthorised barriers will attenuate noise by 10dB have not been substantiated.
- Noise collection was very limited due to site constraints, limited time for data collection and lack of material available to demonstrate the operation of the machine.

Policy 7.15 of the London Plan and the Mayors Ambient Noise Strategy 2004 sets out guidance for reducing noise and enhancing soundscapes. These policies consider how to reduce industrial noise at source through the use of mitigating measures such as quieter processes and equipment, plant enclosure and screening, operation and management and spatial planning and design of the site.

This is supported by Policy BE1 of the UDP which seeks to secure proposals that do not have a detrimental impact on neighbouring properties in terms of noise and disturbance.

It is recognised that the applicant has tried to reduce the impact of his operations on neighbouring properties through the erection of physical structures on the site. However it should be noted that none of these measures have been approved either in accordance with conditions relating to the original permission nor has the applicant included them in this current application for assessment.

In summary it is considered that the proposed machine is not acceptable because:

- without an acceptable assessment of the impact that the operation of the machine will improve the amenities of nearby properties it is not desirable to introduce the machine on to the site for the reasons set out above, and
- the considerable volume of objections from neighbours and the concerns of the Environment Agency indicate that operation of the site continues to have an adverse impact on nearby premises which may either continue or be exacerbated by the proposed machine.

2. Acceptability of current depollution shed and depollution unit.

The proposed depollution shed shown on the submitted drawings and described in the application is considered to be an appropriate design for housing the depollution unit. However the structure that is in place at the time this report is

written is unsightly and detracts significantly from the appearance of the site. The applicant has indicated that the current structure will be retained on the site and for the reasons given above, it is considered unacceptable.

It should be noted that Condition 11 of permission 10/00289 requires 'The unit approved for depollution of motor vehicles shall be located within a building on the site and permanently retained within the building at all times. It is considered that the structure on the site does not constitute a building due to the nature of its construction. Therefore, the current use of the depollution unit constitutes a breach of this condition.

At the time of writing this report confirmation that the depollution unit that is currently operating on site is the same as that shown in the application details and Members will be verbally updated at Committee. It should be noted that Condition 13 of permission 10/00289 requires that 'There shall be no use of air compression tools, other than a suction pump associated with the depollution unit, prior to the approval of the Local Planning Authority' and this condition continues to apply.

3. Acceptability of proposed internal wall

The proposed wall will enclose the metal material that will be discharged from the proposed press/baler. It may be considered, in principle, that a wall of this nature for this purpose is not unacceptable. However there are no details of the attenuation qualities of the proposed wall and therefore the need for it. In addition, in view of the concerns regarding the acceptability of this machine it is not considered appropriate to support this element of the application.

Members should note that the following works have been carried out on the site but are not authorised. The agent has been asked to include these in the application for consideration but this has not been carried out to date.

- extensions to the boundary wall around the shed for non ferrous metals,
- the boundary wall adjacent to Unit 2 Burnham Way exceeds the permitted height of 4-5 metres, I note that plan LRC/08/0138 Rev G that was submitted with application 11/00482 shows the western boundary wall as 6m high but permission was not granted for this height. This boundary structure also has an overhang on both sides which is not shown on the plans either for this application or the application to discharge condition 2 of 10/00289.
- changes to the way that the site is laid out do not match the submitted drawing – for example the lorry parking area on the western boundary is used for storing vehicles prior to depollution and the lorry loading bay is used for storing metal and vehicles after depollution.
- the sleeper wall next to the depollution shed does not extend all the way back to the boundary,
- the gas bottle storage area is not shown on any submitted or approved plans,
- a new quietstone cladding is being erected on the boundary south of the portacabin and is not shown on any approved plans.

If Members are minded to refuse the application a separate report relating to relevant enforcement action will be submitted for consideration.

Having regard to the above it is considered that the proposed press/baler, the additional wall and the depollution shed are all considered to be unacceptable and, as such it is recommended that each of the elements is refused.

Background papers referred to during the production of this report comprise all correspondence on file ref. 11/00482, excluding exempt information.

as amended by documents received on 18.06.2012 07.07.2012

RECOMMENDATION: PERMISSION BE REFUSED

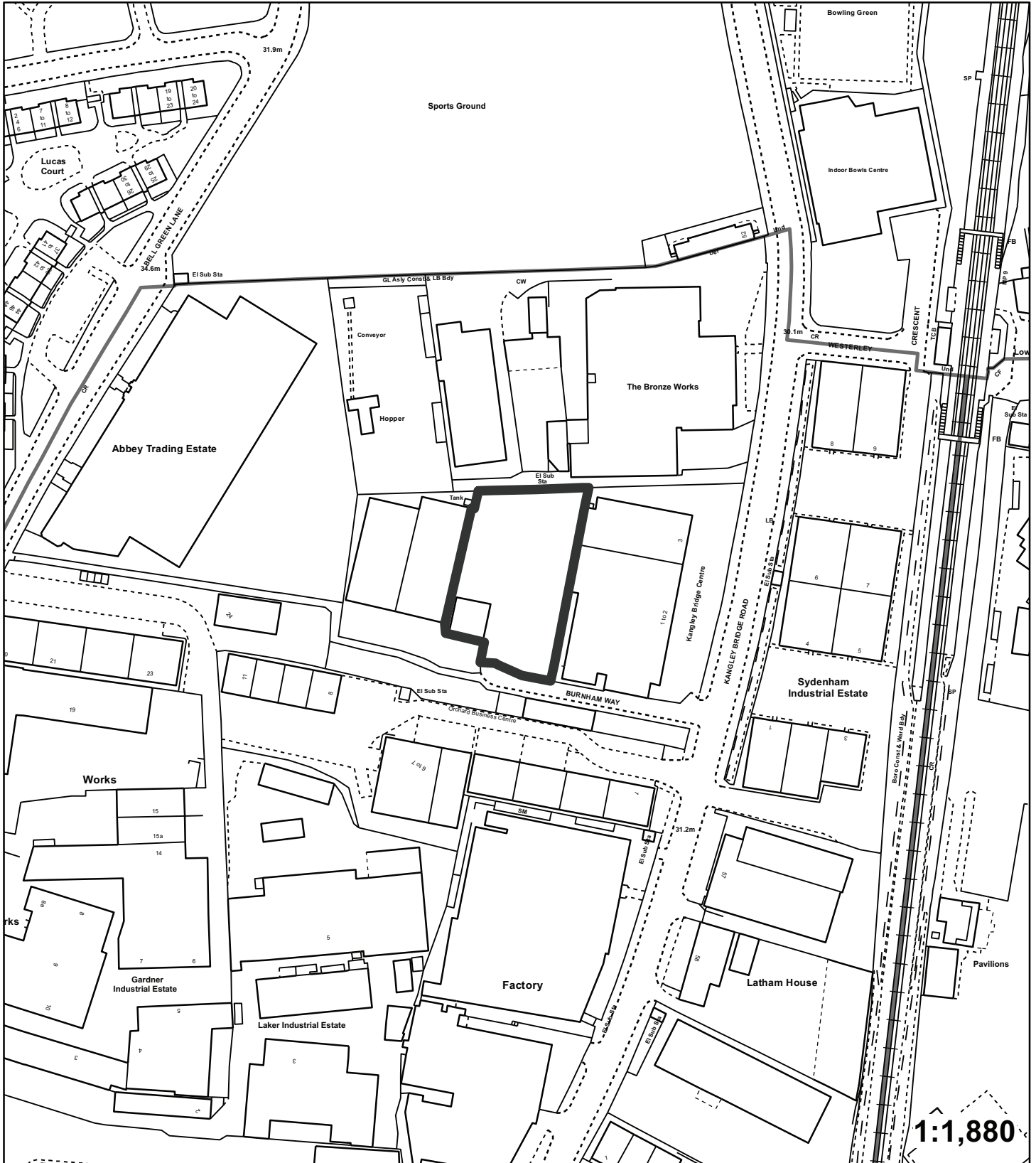
The reasons for refusal are:

- 1 In the absence of an acceptable assessment of the impact of the proposed press/ baler machine on the amenities of the users of nearby properties, the proposed machine is considered unacceptable and contrary to Policy BE1 of the Unitary Development Plan and Policy 7.15 of the London Plan 2011.
- 2 The retention of the depollution shed is unacceptable, by reason of its poor design and appearance and lack of compliance with Condition 12 of permission 10/00289, contrary to Policy BE1 of the Unitary Development Plan and Policy 7.15 of the London Plan 2011.
- 3 The proposed additional wall is associated with the operation of the proposed press/baler and in light of the recommendation refusal 01 it is considered that the proposed wall is unnecessary and would add additional unnecessary development to the site, contrary to Policy BE1 of the Unitary Development Plan.

Application:11/00482/FULL1

Address: Site Formerly Burnham Signs Ltd Burnham Way Lower Sydenham London SE26 5AG

Proposal: Detached building to house Vehicle Depollution Unit and new 5m walls within the site, adjacent to revised iron storage area. Variation of conditions 10 and 20 of permission ref. 10/00289 granted for reception, sorting and transfer of scrap metal, for alterations to the Working



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

Application No : 12/00259/VAR

Ward:
Penge And Cator

Address : Site Formerly Burnham Signs Ltd
Burnham Way Lower Sydenham
London SE26 5AG

OS Grid Ref: E: 536682 N: 171283

Applicant : Sydenham Scrap Metal LTD

Objections : YES

Description of Development:

Variation of Condition 23 of permission ref. 10/00289 granted for reception, sorting and transfer of scrap metal to increase noise limit for activities at the site from 60 to 65 db Laeq (60 min)

Key designations:

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

Proposal

See report for 11/00482 which also relates to this site

Planning permission was granted on October 26th 2010 for the change of use from sign manufacturers premises including stove enamelling (use classes B2 and B6) to use of the site for the reception sorting and transfer of scrap metals, including depollution of motor vehicles by means of draining of fluids and removal of tyres together with the erection of two acoustic screens, installation of weigh bridge and boundary wall RETROSPECTIVE APPLICATION' (ref 10/00482).

This permission was granted subject to numerous conditions relating to the operational management of the site, including Condition 23 which states that 'Noise levels resulting from activities on the site shall not exceed 60dB Laeq(60 minutes) at any time when measured one metre from the facade at cill height of the first floor windows in the eastern elevation of Unit 2, Burnham Way'

The current application seeks to vary this condition to increase the noise limit for activities from 60dB to 65 db Laeq(60 minutes).

In support of the application the applicant has submitted a noise survey which is summarised as follows:

- it is accepted that noise is valid under the requirements of Circular 11/95 Use of Conditions in Planning Permission
- the condition is unreasonable in terms of this circular.
- it is unclear how the Council arrived at 60 dB for condition 23
- the measurement of noise over 1 hr does not comply with the requirements of guidance to test levels of 16 hours in PPS24: Noise, making the condition too stringent
- the noise level for a showroom (which is the sensitive room in Unit 2, Burnham Way) is 50-55 dB Laeq according to BS:8233.
- the showroom is air conditioned so not likely to have windows open. This provides an acoustic barrier and gives 25dB extra protection. If the window is open the extra protection is likely to be 15 dB.
- if the noise limit at the window is 60dB (according to the condition) the noise limit inside the room is 35-45dB which is lower than the BS:8233 target.
- therefore the 60db condition is unreasonable and can be increased to 65dB without breaching the British Standard target for a showroom. Even if the room was used for an office, with windows closed, the 'reasonable' noise limit target would not be breached.

Location

The site is 0.24 ha in size and is located close to the northern boundary of the Borough with the London Borough of Lewisham. It is situated within the Lower Sydenham (Kangley Bridge Road) Industrial Estate and is close to the northern boundary of the estate.

To the north of the application site, separated by an access road, are a ready mix cement operator, a scaffolding yard and a building divided into small business units, known as The Bronze Works.

To the west are 2 light industrial units operating respectively, as janitorial and plumbing distribution use, with trade counters. To the east are 3 light industrial units, two of which are distribution uses with one unit vacant. To the immediate south is a small office/storage unit and further south is the Orchard Business Centre comprising 11 small business uses.

Comments from Local Residents

Nearby properties were notified and representations were received which can be summarised as follows

- loud bangs and crashes are heard daily and interrupt work in our office.
- vibrations can make the whole building shake
- current noise level is unacceptable so an increase will make the situation more detrimental to running a business
- the applicant has never adhered to the original condition

- consistent complaints have been made to the Council and the Environment Agency (EA), who have witnessed and recorded the impact of noise on the premises (Unit 2, Burnham Way)
- Over 300 instances of excessive noise and vibration have been sent to the Environment Agency by one neighbouring business and over 100 have been sent by a second neighbouring business between June 2011 to date.

Comments from Consultees

The Council's Environmental Health Officer raises objections to the application. He advises that the applicants Noise Consultant assured the Planning Inspector that the business could operate within the lower noise limit. It is considered that the use could operate within the terms of the condition with better management of the site and the use of appropriate machinery.

Further comments are provided relating to the acoustic report from the applicant and these are summarised in the Conclusions section of this report.

The Environment Agency states that 'Environmental Agency monitoring of the site leads us to consider that the noise from the operations was excessive such as to create a nuisance. We have received many complaints from receptors on both sides of the site. Environment Agency officers have attended these receptors on numerous occasions and witnessed noise issues emanating from the site. We have commissioned a noise report to monitor noise levels that is in draft format at the moment, which can be provided once it has been signed off.'

Planning Considerations

With regard to this application the relevant local policies are contained within the London Plan 2011 and these are:

BE1 Design of New Development

The relevant London Plan 2011 policies are:
Policy 7.15 – Reducing Noise and enhancing soundscapes

Mayor's Ambient Noise Strategy

In national terms National Planning Policy Framework policies apply, including paragraphs 17, 57, 109 and 123

Planning History

The site has been the subject of numerous previous relevant applications

1. Permission was refused for the use of site for reception/ sorting/ transfer of scrap metals including vehicle breaking on May 6th 2009 and a subsequent appeal dismissed (ref 08/03542).

2. Planning permission was granted for Change of use from sign manufacturers premises including stove enamelling (use classes B2 and B6) to use of the site for the reception sorting and transfer of scrap metals, including depollution of motor vehicles by means of draining of fluids and removal of tyres together with the erection of two acoustic screens, installation of weigh bridge and boundary wall RETROSPECTIVE APPLICATION on October 26th 2010. (ref 10/00289).
3. Planning permission is currently sought for detached building to house Vehicle Depollution Unit and new 5m walls within the site, adjacent to revised iron storage area. Variation of conditions 10 and 20 of permission ref. 10/00289 granted for reception, sorting and transfer of scrap metal, for alterations to the Working Operational Statement to permit the provision of a scrap metal compaction press/baler and amend operational site layout. Details pursuant to Condition 11 relating to permission 10/00289 for the vehicle depollution unit (ref 11/00482). This application is pending decision and appears elsewhere on this agenda.

Conclusions

The main issues are whether the increase in the noise limit level from 60 to 65 dB Laeq is acceptable in terms of the impact on the amenities of the occupants of nearby properties.

The applicant has submitted an acoustic report to support the application. The report queries the justification for the original 60dB limit contained in Condition 23 and sets out reasons why this limit should be adjusted which have been summarised above.

The Council's Environmental Health Officer has assessed the acoustic report submitted with the application and has the following comments:

- The designation of the display/design office as a 'department store' for the purposes of calculating the acceptable noise levels is unacceptable given the current and potential uses to which this room can be put.
- The Council considers designation as a 'staff room' represents a closer description of the current and proposed uses, a designation that has previously been agreed with the Acoustic Consultant. Taking into account that the window may be open this provides a reasonable target noise level of 60 dB.
- The use of a longer time limit for measuring noise that is then averaged out is flawed as it does not fully reflect the impact of intervals of intense activity with quieter periods in between. This pattern of activity is reflected in the complaint reports that are sent to the Environment Agency (EA) by neighbouring properties.

For information it should be noted that the Council has instigated proceedings against the failure of the applicant to comply with a breach of condition notice relating to:

- 1) Condition 14: The open storage of any materials and skips on the site shall not exceed 5 metres in height from ground level at any time.”
- 2) Condition 21: The containers used for storage of materials recycled on site shall not be moved around the site by means of dragging at any time”
- 3) Condition 22: The mobile ‘grab’ machine shown on the approved plan shall not be used for compressing material on the site at any time in a way that exceeds the noise limits set in Condition 23 below”
- 4) Condition 23: Noise levels resulting from activities on the site shall not exceed 60dB Laeq (60 min) at any time when measured one metre from the façade at sill height of the first floor windows in the eastern elevation of Unit 2 Burnham Way”

In addition formal action has been instigated under environmental health legislation for statutory nuisance. Actions are held in abeyance pending the outcome of this application and application 11/00482 which appears elsewhere on this agenda

In summary:

- Policy BE1 states that ‘ the development should respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure their environments are not harmed by noise...’. It is considered that the working environment of the neighbouring businesses is sensitive in that they have numerous offices as well as a trade counters and showrooms on these premises.
- For the reasons given above it is considered that the noise level specified in Condition 23 meets the test for conditions as set out in Circular 11/95.
- The noise limit set in the condition was applied with effect from the granting of planning permission for the current use in order to protect the amenities of the neighbouring businesses. From records made by the Council, the EA and the applicant it appears that the use has not been operated at the approved level.
- Complaints about the operation of the current use on the site have been frequent and consistent. The complaints relate to noise and vibration. Operations generating high levels of noise and vibration have also been witnessed by the Council’s Environmental Health Officers and officers from the Environment Agency during monitoring operations.
- Therefore it is considered that planning permission should be refused for this application.

Background papers referred to during the production of this report comprise all correspondence on file ref. 12/00259, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

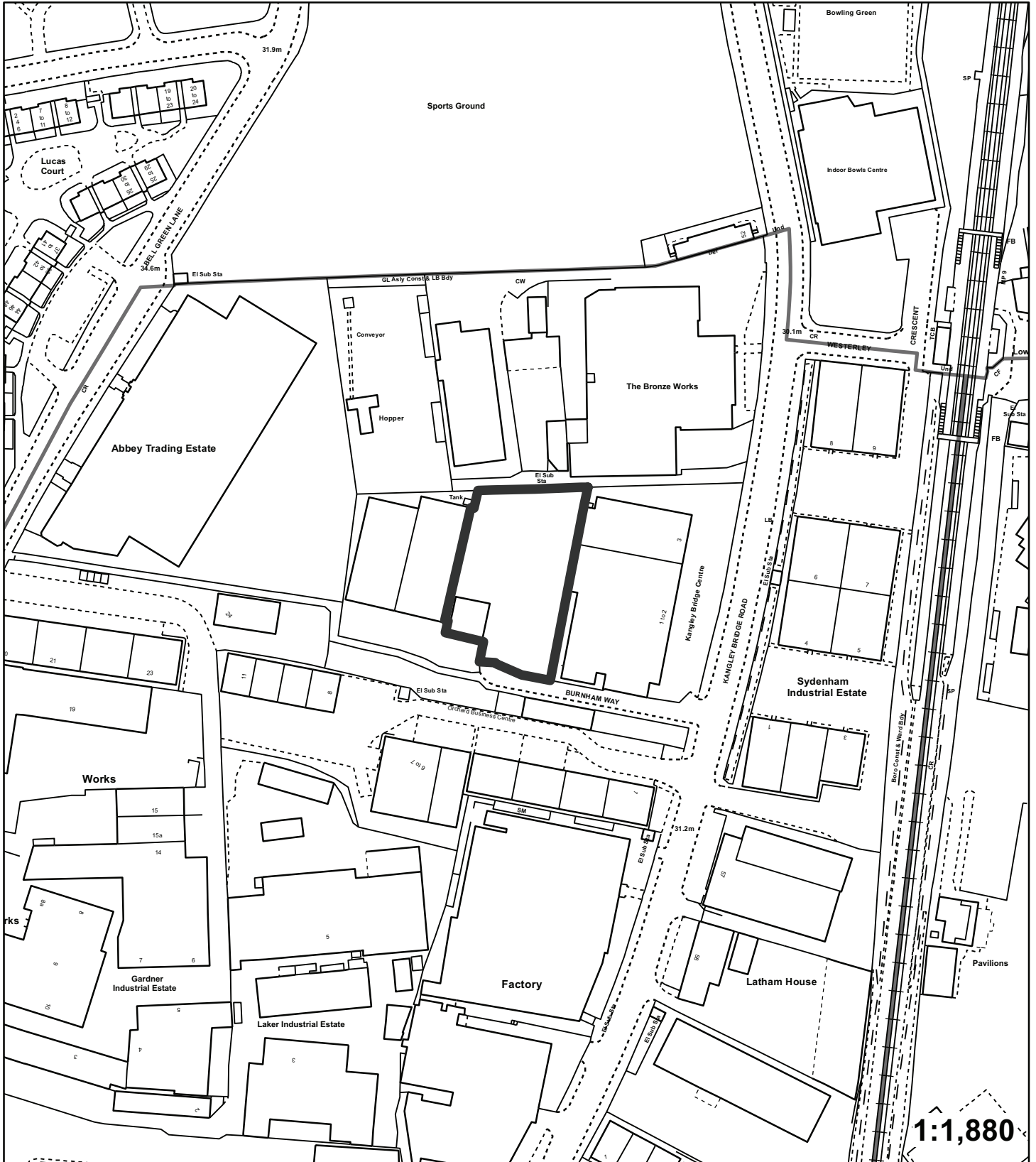
The reasons for refusal are:

- 1 The proposed increase in the threshold for Condition 23 is unacceptable, by reason of the unacceptable impact that this would have on the amenities of the occupants of nearby properties, contrary to Policy BE1 of the Council's Unitary Development Plan and Policy 7.15 of the London Plan 2011.

Application:12/00259/VAR

Address: Site Formerly Burnham Signs Ltd Burnham Way Lower Sydenham London SE26 5AG

Proposal: Variation of Condition 23 of permission ref. 10/00289 granted for reception, sorting and transfer of scrap metal to increase noise limit for activities at the site from 60 to 65 db Laeq (60 min)



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

Application No : 12/01422/FULL2

Ward:
Penge And Cator

Address : 1 The Parade Croydon Road Penge
London SE20 7AA

OS Grid Ref: E: 535080 N: 169568

Applicant : Mr Sopuruchi Nwankwo

Objections : NO

Description of Development:

Change of use of part of ground floor from internet cafe to mini cab office

Key designations:

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

Proposal

The application proposes to convert a small area at the front of the shop into a taxi office. This office would be partitioned off with plasterboard from the rest of the shop and would be accessed through an internal door. Inside this small area would be a desk terminal. The applicant has stated in additional correspondence by email dated 9th July 2012 that the taxi drivers would work from remote locations using a hand held device and would not necessarily need to park around the cab office.

A speaker phone would be installed in the shopfront, however no details or elevations of this have been provided. The taxi office would operate from 9am – 10pm Mondays to Fridays, 9am -230am Saturdays and 9am – 1130pm on Sundays.

Location

The application site is located towards the western end of Croydon Road close to the junction with Anerley Road and Elmers End Road. The application site is a single storey commercial property located at the end of a small commercial parade fronting Croydon Road currently in use as an internet café.

Comments from Local Residents

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

Comments from Consultees

From a highways planning perspective, further to the information received by the applicant on 9th July it is suggested that a temporary one year permission is considered during which time a greater understanding of the proposals impact could be determined. After this period, if there is no significant impact either on parking capacity or traffic generation then a more permanent consent could be considered.

From an environmental health perspective, there are no technical objections in principle as long as adequate sound insulation is provided and the hours of operation are appropriately restricted to ensure minimal impact on existing residential amenity.

Planning Considerations

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

- T1 Transport Demand
- T3 Parking
- BE1 Design of New Development
- S5 Local Neighbourhood Centres, Parades and Individual Shops
- S10 Non Retail Uses in Shopping Areas
- S13 Mini Cab and Taxi Offices

Supplementary Planning Guidance 1 and 2

National Planning Policy Framework 2012.

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.

With regards to the character of the area and the vitality and viability of this small parade of shops, the existing internet café would still remain with only a small area of the premises being converted into a mini cab office. The proposal would therefore not result in the loss of the existing retail frontage and would not significantly harm the vitality and viability of this parade and is therefore considered on balance to be compliant to Policy S5 and S10.

The proposal would retain the majority of the existing use as the mini cab premises would only occupy a small proportion of the floor area. The existing shopfront and internet café is to remain. There is an existing roller shutter and window at the front

of the property and the applicant has stated on the application forms that a speaker phone is to be installed into the front for customers who visit after 7pm.

With regards to the potential impact to highway and pedestrian safety as a result of the application, the proposal may have an impact on highway safety and parking demand within the locality. To assess this in further detail a temporary permission for one year would be appropriate.

The proposal would result in an increase in noise and disturbance to the surrounding residential properties. The premises is single storey only and does not have a floor above it, however there are residential properties above the adjacent commercial premises within the parade and immediately adjacent to the western boundary of the site there are two storey residential houses. The proposal would result in a significant increase in late night noise and disturbance and would therefore be contrary to Policy BE1 of the Unitary Development Plan. The proposal would not accord with the objectives of the National Planning Policy Framework as it is harmful to existing residential amenity.

Accordingly, on balance, the proposal when taking into account the above would appear to be unacceptable resulting in detriment to the local residential amenities of the area due to the increase in late night noise and disturbance associated with its proposed use.

Background papers referred to during production of this report comprise all correspondence on file ref. 12/01422, excluding exempt information.

as amended by documents received on 09.07.2012

RECOMMENDATION: PERMISSION BE REFUSED

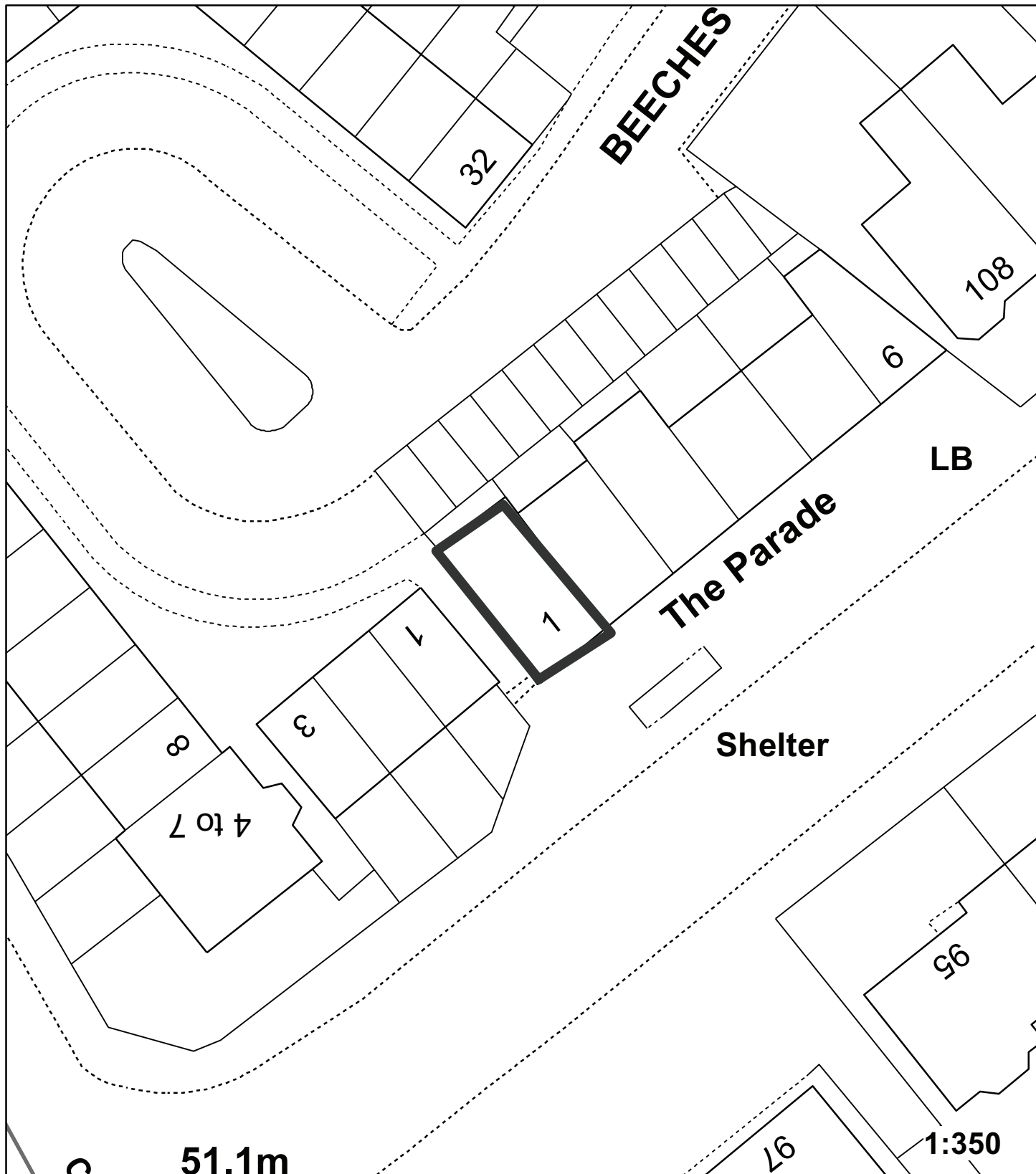
The reasons for refusal are:

- 1 The proposal would be likely to attract undesirable parking within the area and would be harmful to the amenities of the occupiers of the surrounding residential property by reason of increased noise and disturbance associated with its use thereby contrary to Policies BE1, T3 and T18 of the Unitary Development Plan.

Application:12/01422/FULL2

Address: 1 The Parade Croydon Road Penge London SE20 7AA

Proposal: Change of use of part of ground floor from internet cafe to mini cab office



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

Application No : 12/01921/FULL1

Ward:
Chelsfield And Pratts
Bottom

Address : 62 Windsor Drive Orpington BR6 6HD

OS Grid Ref: E: 546551 N: 163978

Applicant : Chelsfield Surgery

Objections : NO

Description of Development:

2 single storey modular buildings with attached walkway.

Key designations:

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

Proposal

- The proposal is for two cabins connected by a corridor to the rear of 62 Windsor Drive.
- The cabins are to provide additional health care facilities to the doctor's surgery at the property.
- The smaller cabin (labelled no.1) is located on the existing two storey rear projection and measures 2.6m deep, 2.9m wide and 3.9m high.
- The larger cabin (labelled no.2) is located adjacent to the boundary shared with no. 64 Windsor Drive and measures 9.9m deep, 3m wide and ...high. This is positioned 1.2m from the rear elevation of the building.
- The cabins are linked by a corridor which runs the full length - a total of 11 metres from the rear of the property.
- There are steps and a platform both immediately to the rear of the property and to the rear of the cabins

Location

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

Comments from Local Residents

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

- The additional services which can be provided with the use of the extension will benefit not only existing patients but also relieve pressure on the Princess Royal Hospital.

Planning Considerations

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

BE1 Design of New Development
C4 Health Facilities
T18 Road Safety

Planning History

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

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

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

Planning permission has been refused under ref. 11/02841 for the retention of a cabins and connecting corridor to the rear to provide additional facilities.

The reasons for refusal were:

1. By reason of its excessive depth and close proximity to residential properties, the development results in a severe impact on the privacy and outlook of neighbouring properties, contrary to Policy BE1 of the Unitary Development Plan.
2. By reason of its overall size and visibility from the public realm, the development is out of character with the residential character of the area and is detrimental to the amenities of surrounding residential properties and the streetscene in general, contrary to Policies BE1 and C4 of the Unitary Development Plan.
3. The concrete-surfacing laid out to provide car parking as part of the works to provide the modular buildings is unacceptable by reason of its visual impact and lack of information regarding disposal of surface water, contrary to Policy BE1 of the Unitary Development Plan and Policy 5.13 of the London Plan.

Conclusions

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

In terms of background, a previous planning application was granted for a single storey extension (ref. 09/02823) which remains extant until 22/01/2013. This was relatively modest and had an acceptable impact on the amenities of neighbouring properties. The current application seeks to address the refusal of ref. 11/02841 which refused permission for two cabins with covered walkway.

The current application proposes to relocate the smaller cabin and reduce the covered walkway and reduce the height of the platform on which the large cabin is situated.

The large cabin has now been reduced from a maximum height of 3.5m to 2.7m. The flank windows however, would remain visible from the neighbouring rear garden of no. 64 Windsor Drive.

The second, smaller cabin would be relocated from the rear of the large cabin to the rear elevation of the original building, now partially obscuring a window. The total rear projection has as such been reduced from a total of 14.4m to 11m. The width of the development however, has increased from 4.8m to 7.5m.

Although the depth and height has been reduced, it would remain considerable and continue to appear ungainly when viewed as part of the rear garden environment, by reason of the alien materials and continue to be of an intrusive nature on the occupiers of No. 64 Windsor Gardens.

The cabins remain visible from the highway, and with the relocation of the smaller cabin is now located closer to the highway than before. This would appear dominant, obscuring architectural features on the existing property. The cabins and walkway are the same as previously refused and remain unattractive in design which appears completely incongruous in their residential setting.

Members may consider that the cabins, due to their depth close to the boundary, height and flank windows would have a harmful impact on the amenities of neighbouring occupiers, particularly No. 64 Windsor Drive and No. 1 Woodside. The larger cabin would continue to be located on the boundary and appear obtrusive and dominant when viewed from the rear garden scene of no. 64 Windsor Drive.

The development utilises the refused structures, which are unattractive and have a commercial appearance, contrary to the buildings residential setting. The relocation of the smaller cabin now means that it is located closer to the highway than previously proposed and would appear highly prominent. Together with the larger

cabin and covered corridor the development as a whole would be highly visible from surrounding public view points, and be harmful in the streetscene.

The large areas of concrete laid to the rear of the site remains in situ. The Design and Access statement states that an improved parking area will be provided. It does not provide detail as to the improvements; neither do the plans suggest any alteration from the unacceptable layout and material. This would continue to be detrimental with regard to surface water drainage.

As a whole the development does not address the reasons for refusal and whilst it is appreciated that the development may create an improved surgery for local residents, the harmful impact on the amenities of local residents, road safety and the character of the residential area are considered to outweigh the benefits of this proposal and Members may be minded to refuse planning permission for this development for these reasons.

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

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 By reason of its excessive depth and close proximity to residential properties, the development results in a severe impact on the privacy and outlook of neighbouring properties, contrary to Policy BE1 of the Unitary Development Plan.
- 2 By reason of its overall size and visibility from the public realm, the development is out of character with the residential character of the area and is detrimental to the amenities of surrounding residential properties and the streetscene in general, contrary to Policies BE1 and C4 of the Unitary Development Plan.
- 3 The concrete-surfacing laid out to provide car parking as part of the works to provide the modular buildings is unacceptable by reason of its visual impact and lack of information regarding disposal of surface water, contrary to Policy BE1 of the Unitary Development Plan and Policy 5.13 of the London Plan.

Further recommendation: Enforcement action to be authorised to seek removal of the development.

Application:12/01921/FULL1

Address: 62 Windsor Drive Orpington BR6 6HD

Proposal: 2 single storey modular buildings with attached walkway.



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Report No.
DRR/12/094

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Plans Sub Committee No.3

Date: 2/8/2012

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

Title: Details of condition No 3 of application 12/00587 relating to obscure glazing at 16 Oakley Drive, Bromley

Contact Officer: Andrew Lambert - Planner
Tel: 020 8313 4596 E-mail: andy.lambert@bromley.gov.uk

Chief Officer: Chief Planner

Ward: Bromley Common and Keston

1. Reason for report

The applicant has submitted details in relation to condition 03 relating to obscure glazing of a window and a door to the flank of a garage permitted under application 12/00587.

These details appear to indicate that the window having obscure film over the window and obscure glazing to the door.

Members will need to consider whether these details are acceptable.

2. **RECOMMENDATION(S)**

Whilst condition No 3 of application 12/00587 must remain undischarged as the obscure film does not comply wholly with the condition. However, no further action is considered to be appropriate.

3. COMMENTARY

3.1 An application for a detached garage measuring maximum height 3.5m x 7.5m long x 3.5m wide was granted permission at Plans Sub Committee 3 on 26th April 2012.

3.2 The garage had a dual-pitched roof and with a window and door to the western side elevation. Permission was granted subject to a condition in relation to the window and door as follows:

“Before the development hereby permitted is first occupied, the proposed window(s) and door on the side (west) elevation 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”.

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

3.3 The applicant has submitted details in relation to condition 03 relating to obscure glazing of a window and a door to the flank of a garage permitted under application 12/00587. There are photographs on file that indicate the situation.

3.4 These details appear to indicate that the window having obscure film over the window and obscure glazing to the door. The obscure film does not specifically comply with the condition in that a film could be regarded as a temporary solution and normally fully obscure glazing would be more appropriate. The obscure film can be removed whereas conventional obscure glazing offers a more permanent solution.

3.5 It is necessary to consider whether the form of obscure glazing which has been used by the applicant is acceptable in this location. Given that the windows are in a garage rather than a habitable room Members may consider that no further action is appropriate in this case.

ENF/ADL/12/00587

Report No.
DRR12/090

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Plans Sub Committee No.3

Date: 2 August 2012

Decision Type: Non-Urgent Non-Executive Key

Title: 358 Southborough Lane, Bromley, BR2 8AA

Contact Officer: Zoe Raggett, Planner
Tel: 020 8313 4956 E-mail: zoe.raggett@bromley.gov.uk

Chief Officer: Chief Planner

Ward: Bromley Common and Keston

1. Reason for report

Following a planning application being granted at Plans Sub Committee under reference DC/10/01114/FULL6 for a first floor side/rear extension and replacement detached garage at rear, the resident of the adjoining property complained to the Planning Department. The complaint raised concerns that the ridge tile and roof window are not in accordance with the approved plans.

2. **RECOMMENDATION**

No further action

3. COMMENTARY

- 3.1 The site is located on the southern side of Southborough Lane and comprises a two storey semi-detached dwellinghouse. Permission was granted under ref DC/10/01114 for a first floor side/rear extension and replacement detached garage at rear.
- 3.2 The planning application was validated on the 15th April 2010 for a first floor side/rear extension and replacement detached garage at rear. Letters were sent to adjoining owners on the 4th May 2010 with a suggested response date of 21 days after the date of the letter.
- 3.3 The proposed first floor side extension is located above the existing footprint of the ground floor element of the host dwelling where previously there was a loft void. The first floor side extension also projects further rearward than the first floor rear elevation of the original dwellinghouse. However the approved plans indicate that the flank wall of this element is located approximately 2.65 metres away from the property boundary shared with the adjoining property, No. 360 Southborough Lane. The roof of the side extension is pitched away from the front elevation of the host dwellinghouse and the ridge on the approved plans is shown as being 0.2 metres lower than the ridge of the main roof of the original dwellinghouse. The ridge of the rear element of the first floor extension was shown on the approved plans as being 1.1 metres lower than the highest point of the original roof.
- 3.4 The Local Planning Authority has a target date of 8 weeks to determine an application after the date of validation, and the target date for the determination of this application was the 10th June 2010. However planning applications can be determined once a number of timeframes have passed, including the neighbour notification period (21 days).
- 3.5 It is stated within initial correspondence sent out to adjoining owners relating to planning applications that should no comments be received within the 21 day timeframe, it will be assumed that no objections or comments will be made, at which point the application may be determined.. In addition, the initial letter notifying adjoining owners of applications also states that due to the volume of correspondence received at the Council, it is not possible to inform residents, objectors, applicants or agents of meeting or decision dates.
- 3.6 In the case of this application, one letter was received from a local resident, and the Committee report was prepared making reference to this. A summary of the objections received were as follows:
- The proposed extension is too large and out of keeping with the area;
 - The rear extension will block light to the rear bedroom of the adjoining property;
 - The extension could have a detrimental impact on the value of the adjoining property.
- 3.7 The report recommended that permission be granted with a determination date of 15th July 2010. This date was after the overall 8-week target date.
- 3.8 Full consideration was given to the main planning issues which included the potential impact that the proposed development would have not only on the character of the host dwellinghouse, but also the impact it may have upon the amenities of the adjoining properties. Consideration was also given in relation to the previously refused scheme, which was also dismissed at Appeal.
- 3.9 Following the receipt of a complaint the matter has been investigated and a site visit was carried out on 29th November 2011. It was confirmed that whilst a roof lantern had been installed, it was barely visible from the complainant's property. The ridge of the roof appeared to be approximately 100mm above the approved height.

- 3.10 It was considered that the ridge height was correct at the front of the property, and the discrepancy at the rear is only noticeable due to the end ridge tile being at an angle. Only the top of the roof lantern is visible, and does not detract from the streetscene.
- 3.11 On balance it is considered that the impact of the ridge tile and roof lantern has no material impact upon the overall development and it is likely that the decision on the planning application would have been the same.
- 3.12 The decision to grant planning permission was taken by Members at Plans Sub Committee having consideration to all material planning considerations including the impact not only upon the host dwellinghouse but also the amenities of the residents of the adjacent properties.
- 3.13 Members may therefore consider that given the overall size of the approved development has not altered, the ridge tile is not visible from the front of the property and only the top of the roof lantern is visible and does not materially detract from the streetscene, that this amendment is acceptable. Accordingly it is concluded that it would not be expedient to take any further action.

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Report No.
DRR12/087

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Plans Sub Committee No. 3

Date: 02.08.2012

Decision Type: Non-Urgent Non-Executive Key

Title: 12 Kemerton Road breach of condition

Contact Officer: Simon Greenwood, Planner
Tel: 020 8461 7696 E-mail: simon.greenwood@bromley.gov.uk

Chief Officer: Bob McQuillan

Ward: Kelsey and Eden Park

1. Reason for report

- 1.1 Retrospective planning permission was granted for the three storey block currently occupying the site in December 2011. Condition 7 of the permission required that the approved 'mellowing' treatment for the roof tiles shall be carried out on or before 29.02.12. The developer has advised that initial delays in applying the treatment occurred due to problems in finding a suitable contractor whilst persistent wet weather has caused the further delay as a guaranteed dry period of several days is required.
-

2. **RECOMMENDATION(S)**

- 2.2 Members authorise a breach of condition notice to be issued on 31 August 2012 if the works have not been carried out by this date.

Corporate Policy

1. Policy Status: Not Applicable:
 2. BBB Priority: Not Applicable:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
-

Staff

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

Legal

1. Legal Requirement: None:
 2. Call-in: Not Applicable:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 0
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1 The site is located on the southern side of Kemerton Road, Beckenham, which is a residential cul-de-sac linking to Wickham Road. The site is irregular in shape with a frontage to Kemerton Road .
- 3.2 Planning permission was granted under application ref. 09/01141 for a three storey block with accommodation in roof comprising 12 two bedroom and 2 three bedroom flats and basement car parking. Details of materials to comply with condition 4 of this planning permission were submitted retrospectively in June 2011 and were referred to Plans Sub Committee 2 on 18 August 2011 following complaints from local residents regarding the colour of the roof tiles. Members resolved that the details of materials be disapproved and a breach of condition notice be served.
- 3.3 A retrospective full planning application for the development was submitted in October 2011 (ref.11/03103). The application primarily sought to regularise the siting of the block which differed from that previously permitted, as well as addressing design revisions and the appearance of the roof tiles. A commercial 'mellowing' treatment was proposed to give a weathering and aging effect to the roof tiles and darken their appearance.
- 3.4 Members granted planning permission for the re-sited building in December 2011. Condition 7 of the permission required that the approved 'mellowing' treatment for the roof tiles shall be carried out on or before 29.02.12.
- 3.5 A complaint has been received from a local resident regarding the delay in the application of the treatment. The developer has advised that initial delays in applying the treatment occurred due to problems in finding a suitable contractor whilst persistent wet weather has caused the further delay as a guaranteed dry period of several days is required.
- 3.6 It can be acknowledged that there have been persistent spells of wet weather in recent months and it is accepted that this will have presented difficulties in applying the treatment. Members may consider it appropriate to authorise a breach of condition notice but to delay issuing it in order to allow the developer the opportunity of a dry period to satisfy the requirements of the condition.
- 3.7 Members are recommended to authorise a breach of condition notice to be issued on 31 August 2012 if the works have not been carried out by this date.

4. POLICY IMPLICATIONS

N/A

5. FINANCIAL IMPLICATIONS

N/A

6. LEGAL IMPLICATIONS

N/A

7. PERSONNEL IMPLICATIONS

N/A

Non-Applicable Sections:	Financial, legal and personnel implication
Background Documents: (Access via Contact Officer)	Details of planning conditions file containing exempt information as defined by Schedule 12a of the Local Government (Access to Information) Act 1985 are not available for public inspection

Report No.
DRR12/092

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Plans Sub Committee No. 2

Date: 02.08.2012

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

Title: APPLICATION TO HIGH COURT FOR INJUNCTION ORDER TO ENFORCE SECTION 106 LEGAL AGREEMENT RELATING TO FORMER HAYES COUNTRY CLUB, WEST COMMON ROAD, BROMLEY BR2 7BY

Contact Officer: Simon Greenwood, Planner
Tel: 020 8461 7696 E-mail: simon.greenwood@bromley.gov.uk

Chief Officer: Bob McQuillan

Ward: Hayes and Coney Hall

1. Reason for report

- 1.1 Direct Build Services Ltd (DBS) have failed to satisfy the requirement of the Section 106 legal agreement attached to planning permission ref. 05/02596 to lease the cricket facility adjacent to Burton Pynsent House (the block of flats built on the site) to a suitable organisation for a term of 25 years.
-

2. **RECOMMENDATION(S)**

- 2.1. Members authorise an application to the High Court for an injunction order to enforce the requirement of the Section 106 legal agreement.

Corporate Policy

1. Policy Status: Not Applicable:
 2. BBB Priority: Not Applicable:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
-

Staff

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

Legal

1. Legal Requirement: None:
 2. Call-in: Not Applicable:
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

- 3.1 Planning permission was granted to DBS in November 2005 for demolition of existing buildings at Hayes Country Club and erection of two/three storey block comprising 10 two/three bedroom flats with 20 basement and 5 surface level car parking spaces, 2 single storey pavilion buildings (for bowls and cricket) with 26 car parking spaces and cycle parking, tennis court, formation of croquet lawn and alteration of existing access from West Common Road (ref. 05/02596).
- 3.2 Clause 5.2 of the Section 106 legal agreement attached to the planning permission reads:
- ‘That the applicant shall lay out a cricket ground and construct a pavilion on the land edged green on the plan and shall grant to a suitable organisation for a term of 25 years a Lease of the land edged green such Lease to be a business tenancy within the provisions of the Landlord and Tenant Act 1954 Part II with the security of tenure provisions provided by that act not being excluded.
- a. Construction of the block of flats was completed in April 2008. The cricket ground has been laid and construction of the pavilion was completed in September 2010.
- b. DBS have previously advised that a business lease as required by the legal agreement is inappropriate for the type of use envisaged for the cricket ground and that they have been unable to attract a cricket club willing or able to meet the requirements of a 25 year business lease. Local clubs have sought subsidies for operating the ground and an intensity of use greater than could reasonably be accommodated. DBS have stated that they could not support an intensification of use that might cause disturbance through noise, car parking, littering and disruption of visual amenity for the flat owners
- 3.5 An application to vary the terms of the Section 106 agreement was submitted in June 2011. It was proposed that the cricket ground and pavilion be used on 8 days each year during the cricket season as an alternative to a business lease. The applicants were advised that the application was to be recommended for refusal and it was subsequently withdrawn.
- 3.6 There may be an acceptable alternative to the business lease required by the Section 106 legal agreement. However, in the absence of a suitable alternative proposal and given the length of time that has elapsed since the requirement of the legal agreement was triggered it is considered appropriate to seek compliance with the Section 106 through an injunction.
- 3.7 Members are recommended to approve an injunction order to enforce the terms of the S106 legal agreement.

4. POLICY IMPLICATIONS

N/A

5. FINANCIAL IMPLICATIONS

N/A

6. LEGAL IMPLICATIONS

Covered in report

7. PERSONNEL IMPLICATIONS

N/A

Non-Applicable Sections:	Financial, policy and Personnel implications
Background Documents: (Access via Contact Officer)	Details of planning conditions file containing exempt information as defined by Schedule 12a of the Local Government (Access to Information) Act 1985 are not available for public inspection.

Report No.
DRR 12/078

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Plans Sub Committee No.3

Date: 2nd August 2012

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

Title: **OBJECTIONS TO TREE PRESERVATION ORDER 2474 AT 29
ROLLESTON AVE, PETTS WOOD**

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

Chief Officer: Bob McQuillan

Ward: Petts Wood and Knoll

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 Rolleston Avenue 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: £3.3m
 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 16th March 2012 and relates to 1 ash tree in the back garden of 29 Rolleston Avenue, Petts Wood. Objections have been received on behalf of the owner of 29 and also from the owners 27 and 31.

3.2. The main concerns of the owner of 27 Rolleston Avenue are the shading of her garden, proximity of the tree to her property, risks of the tree falling in a high wind, the amount of leaves that need to be cleared from the garden in the autumn and the possibility of subsidence damage to her property:

- In respect of loss of light to the garden – the tree is to the south east of the back garden but it is a reasonable distance from the back of the house. It is accepted that there will be some shading during the summer months but the problem is not considered to be so extensive as to warrant the removal of the tree. The removal of some of the lowest branches of the tree would allow more light into the property from below the canopy. However such work would need to be discussed with the tree owner who remains responsible for the maintenance of the tree.
- In respect of the distance of the tree from the property and risks of the tree falling in a high wind – the tree is approximately 18 metres from the rear of the house and this is considered to be a reasonable separation. Whilst there is never a guarantee that a tree will not fall in a high wind, provided it is in reasonable condition, it is not usually considered to be a high risk.
- The amount of leaves that have to be cleared from the garden in the autumn – it is appreciated that this can be an inconvenience for a short time each year, by increasing workload. However the limited nature of this problem would not normally be sufficient to preclude the confirmation of a Preservation Order.
- Turning to the possibility of future damage to the property, the TPO does not prevent tree surgery, but it does mean that the consent of the Council is required for almost any works. If it is demonstrated in the future that property foundations are being damaged, and the only means of solving the problem is by tree surgery or even tree removal, then it would be unusual for the Council to withhold consent. However, the possibility of future damage is not normally sufficient to prevent the confirmation of Tree Preservation Orders.
- In considering the confirmation of the Order, Councillors will have to weigh up the severity of the inconvenience experienced with the public amenity value of the trees.

3.3. The main concern of the owner of **31 Rolleston Avenue** is the risks of subsidence damage to the property. She has been advised that the TPO does not prevent tree surgery, but it does mean that the consent of the Council is required for almost any works. If it is demonstrated in the future that property foundations are being damaged, and the only means of solving the problem is by tree surgery or even tree removal, then it would be unusual for the Council to withhold consent. However, the possibility of future damage is not normally sufficient to prevent the confirmation of Tree Preservation Orders. To enable the Council to consider any application to fell or prune trees which are implicated in subsidence an applicant is required to provide sufficient evidence to support their case. If there are concerns that a tree is implicated in subsidence this would need to be reported to insurers. When an application is made to the Council for tree work it will require a report from a structural engineer or a chartered surveyor and also be supported by technical analysis from other experts e.g. for root and soil analysis. The reports must include the following information: a description of the property, including a description of the damage and crack pattern, the date that the damage first occurred, details of any previous underpinning or building work, the geological strata for the site, details of vegetation in the vicinity and its management since discovery of the damage, measurement of the extent and distribution of vertical movement using level monitoring. Where level monitoring is not possible, state why and provide crack monitoring data. This data must be sufficient to show a

pattern of movement consistent with the presence of the implicated tree, a profile of a trial/borehole dug to identify foundation type and depth and soil characteristics, sub soil characteristics including soil type on which the foundations rest, liquid limit, plastic limit and plasticity index, location and identification of roots found. Where identification is inconclusive, DNA testing should be carried out and finally proposals and estimated costs of options to repair the damage.

3.4. The concerns raised on behalf of the owner of 29 Rolleston Avenue are cracking and movement of numbers 27, 29 and 31 Rolleston Avenue, she has stated that extensive repairs have been carried out and that at various times of the year the owner is not able to lock her back door. The owner has lived at the property for 42 years and is a keen gardener and she is concerned about the impact of such a large tree on her garden. She is also concerned about loss of light to her garden and neighbouring properties. The soil is clay and cracks when dry. The ash tree in the garden of 29 and the oak in the back garden of 31 will be contributing to movement of the properties.

3.5. In response to these concerns:

- Risks of the tree contributing to subsidence – as set out in paragraph 3.2 above.
- Impact of the tree on the garden - Matters such as leaf drop and honeydew are seasonal problems, with honeydew production being dependent on the fluctuations in aphid populations during the summer months, so in some years the effect will be more noticeable than other. It is appreciated that this is an inconvenience, which is exacerbated by the fact that the garden is less than 20 metres deep. However these problems are limited in severity, and are unlikely to be sufficient reason to prevent the confirmation of the Order.
- Loss of light to the garden – the tree is to the east of the back garden but it is a reasonable distance from the back of the house. It is accepted that there will be some shading during the mornings in the summer months but the problem is not considered to be so extensive as to warrant the removal of the tree. The removal of some of the lowest branches of the tree would allow more light into the property from below the canopy.
- Events prior to the making of this Order were explained - the Council receives thousands of queries about the status of trees each year and it is not possible to inspect each tree prior to letting people know the status of their trees. 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 ash tree has not been singled out in any way. The primary criterion for making TPOs is one of public amenity, and the ash tree together with the oak tree in the adjoining garden are an attractive feature when seen from Rolleston Avenue.

3.5. Additional comments have been made on behalf of the owner of 29 Rolleston Avenue - the felling of the tree was proposed as a preventative measure, rather than having the continuing potential risks that the tree could contribute to subsidence. This has been covered above. She has also commented that the owner has limited finances and is worried about additional costs of insurance. Her final comment was that ash is a common species and grows abundantly. It is growing very close to the oak and the removal of the ash would allow the oak to grow unhindered. It was pointed out that the oak and ash are a similar size and have grown up a pair of trees which together form one canopy. The loss of one or the other would make the remaining tree more vulnerable to wind damage.

4.POLICY IMPLICATIONS

This report is in accordance with policy NE6 of the adopted Unitary Development Plan.

5.FINANCIAL IMPLICATIONS

None

6.LEGAL IMPLICATIONS

If not confirmed this order will expire on 16th September 2012.

7. PERSONNEL IMPLICATIONS

None

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