



THE LONDON BOROUGH
www.bromley.gov.uk

BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333

CONTACT: Lisa Thornley
lisa.thornley@bromley.gov.uk

DIRECT LINE: 020 8461 7566

FAX: 020 8290 0608

DATE: 28 January 2020

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

Councillor Richard Scoates (Chairman)
Councillor Simon Fawthrop (Vice-Chairman)
Councillors Marina Ahmad, Gareth Allatt, Aisha Cuthbert, Peter Dean, Nicky Dykes,
Kate Lymer and Michael Turner

A meeting of the Plans Sub-Committee No. 4 will be held at Bromley Civic Centre on
THURSDAY 6 FEBRUARY 2020 AT 7.00 PM

MARK BOWEN
Director of Corporate Services

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

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

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

**To register to speak please telephone Democratic Services on
020 8461 7566**

**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 or e-mail
planning@bromley.gov.uk**

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

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

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 5 DECEMBER 2019 (Pages 1 - 8)

4 PLANNING APPLICATIONS

SECTION 1

(Applications submitted by the London Borough of Bromley)

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

SECTION 2

(Applications meriting special consideration)

Report No.	Ward	Page No.	Application Number and Address
4.1	Shortlands Conservation Area	9 - 14	(19/04627/TPO) - 68 Shortlands Road, Bromley BR2 0JP

SECTION 3

(Applications recommended for permission, approval or consent)

Report No.	Ward	Page No.	Application Number and Address
4.2	Shortlands	15 - 24	(19/00699/FULL6) - 17 Rutland Gate, Bromley BR2 0TG
4.3	Kelsey and Eden Park	25 - 32	(19/04063/FULL1) - Land Opposite 211 Village Way, Beckenham
4.4	Chislehurst Conservation Area	33 - 42	(19/04719/FULL6) - Oakwood Lodge, Oakwood Close, Chislehurst BR7 5DD

4.5	Penge and Cator	43 - 52	(19/04776/FULL1) - Melvin Hall, Melvin Road, Penge SE20 8EU
4.6	Shortlands	53 - 64	(19/05103/FULL6) - 23 Bushey Way, Beckenham BR3 6TA

SECTION 4

(Applications recommended for refusal or disapproval of details)

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

5 CONTRAVENTIONS AND OTHER ISSUES

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

6 TREE PRESERVATION ORDERS

Report No.	Ward	Page No.	Application Number and Address
6.1	Penge and Cator	65 - 70	Confirmation of Tree Preservation Order (TPO) 2669, Knights Court, Kings Hall Road, Beckenham BR3 1LR
6.2	Mottingham and Chislehurst North	71 - 76	Confirmation of Tree Preservation Order (TPO) 2674 - 149-163 Beaconsfield Road, 186-194 Dunkery Road, 3-9 Framlingham Crescent, London
6.3	West Wickham	77 - 84	Confirmation of Tree Preservation Order (TPO) 2677 - Langley Park Golf Club, Barnfield Wood Road, West Wickham
6.4	Orpington	85 - 90	Confirmation of Tree Preservation Order (TPO) 2678 - St Olave's Grammar School, Goddington Lane, Orpington BR5 9SH

6.5	Clock House	91 - 98	Confirmation of Tree Preservation Order (TPO) 2680 - The Vicarage, 15 St James's Avenue, Beckenham BR3 4HF
-----	-------------	---------	--

PLANS SUB-COMMITTEE NO. 4

Minutes of the meeting held at 7.00 pm on 10 October 2019

Present:

Councillor Richard Scoates (Chairman)
Councillor Simon Fawthrop (Vice-Chairman)
Councillors Marina Ahmad, Gareth Allatt, Mark Brock,
Peter Dean, Nicky Dykes, Christine Harris and Michael Turner

10 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Aisha Cuthbert and Kate Lymer; Councillors Christine Harris and Mark Brock attended as substitutes.

An apology for lateness was received from Councillor Nicky Dykes.

11 DECLARATIONS OF INTEREST

Councillor Christine Harris declared a non-pecuniary interest in Item 4.3 – 46 Queens Road, Beckenham, as she was acquainted with the lady who spoke in objection to the application. Councillor Harris did not take part in the discussion or vote.

12 CONFIRMATION OF MINUTES OF MEETING HELD ON 15 AUGUST 2019

RESOLVED that the Minutes of the meeting held on 15 August 2019 be confirmed and signed as a true record.

13 PLANNING APPLICATIONS

SECTION 2

(Applications meriting special consideration)

13.1 CLOCK HOUSE CONSERVATION AREA

(19/01637/FULL1) - Carlton Court, Beckenham Road, Beckenham BR3 4PP

Description of application – Demolition of existing buildings and garages at 23 Beckenham Road and construction of two three storey buildings, one building with rooms in the roof to provide 24 residential units, with associated amenity space, landscaping, new vehicular access, car parking, refuse and recycling storage and cycle storage.

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

Written comments from Ward Member Councillor Ian Dunn in objection to the application had been received and circulated to Members.

The Head of Development Management gave the following updates:-

- The contribution to mitigate the shortfall of play space on site had been calculated at £9,600.
- Page 11 of the report referred to one disabled space however, two were proposed.
- Reference to 'Hayne Lane' on page 36 should read 'Hayne Road'.
- The first two paragraphs on page 45 following the reference to CIL should be deleted.

These updates did not affect the officer recommendation.

Members were also advised that should permission be granted, an additional condition was recommended to request samples of the external materials and an amendment was proposed to correct a typing error in Condition 19.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE GRANTED SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT** as recommended and subject to the conditions and informatives set out in the report of the Assistant Director (Planning) with conditions 14, 16 and 19 amended to read:-

'14 (a) Prior to the construction of first occupation of any of the units, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan should include as a minimum:-

- measures to promote and encourage the use of alternative modes of transport including zero emission vehicles;
- a timetable for the implementation of the proposed measures and details of the

mechanisms for implementation and for annual monitoring and updating.

(b) The Travel Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In Order to ensure appropriate management of transport implications of the development and to accord with Policy 31 of the Local Plan.

16 Prior to first occupation of the development, a minimum of 20% parking spaces shall be provided with active electric vehicle charging facilities, with passive provision for all remaining spaces. The details of both active and passive electric charging units including the location of the spaces shall be submitted to and approved prior to the installation and the approved details shall be permanently retained thereafter.

Reason: In order to ensure adequate parking provision and facility to meet the needs of future residents and in accordance with London Plan Policy 6.13 and Bromley Local Plan Policy 30 and Draft London Plan Policy T6.1.

19 Prior to first occupation of the development, details of the location of two disabled car parking spaces for Block A units 1 and 2 shall be submitted to and approved by the Local Planning Authority and permanently retained as dedicated disabled parking.

Reason: In order to comply with Policy 30 of the Local Plan and in the interest of pedestrian and vehicular safety.'

A further condition was also added as follows:-

26 Prior to the commencement of development above ground floor slab level, samples of the proposed external facing materials for the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of the character of the area and to comply with Policy 37 of the Local Plan.

13.2
DARWIN

(19/01864/FULL1) - Christmas Tree Farm, Cudham Road, Downe, Orpington BR6 7LF

Description of application – Continued use of temporary overflow visitors car park in field east of Christmas Tree Farm, accessed from Cudham Road.

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

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

1 This permission shall enure for the benefit of the applicant, Mr H Barritt only and shall not enure for the benefit of the land or any other persons with an interest in the land and shall be for a limited period being the period during which the site is required to be used as an overflow car park associated to Christmas Tree Farm. Should the land no longer require to be used as an overflow car park, the land shall be reverted to its previous condition and all hardstanding within the site should be removed.

Reason: In order that the justification for the visitors' car park can be reassessed on a change of ownership given the location of the land within the Green Belt.

2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), the land should be used as an overflow car park associated with Christmas Tree Farm only. No further development, other than that shown on the approved plans hereby permitted shall be carried out without the grant of a separate planning permission from the Local Planning Authority.

Reason: To safeguard the impact in Green Belt and to comply with London Plan Policy 7.16 and Bromley Local Plan Policy 49.

3 No hardstanding or any additional hard landscaping shall be installed and the surface of the car park hereby permitted shall be retained as a permeable surface unless otherwise agreed with the Local Planning Authority.

Reason: To prevent the increased risk of surface water flooding and ensure the principles of sustainable drainage are incorporated into this development and maintained for the lifetime of the development and comply with London Plan Policy 5.13 and Bromley Local Plan Policy 116.

4 Within 3 months from the date of this permission, details of a car park management plan including measures to control the use of the site gate and ensure safe entry and egress of users should be submitted and approved by the Local Planning Authority. The approved management plan shall be implemented immediately following its approval and maintained for the lifetime of the development.

Reason: In order to ensure highway safety and compliance with London Plan Policy 6.12 and Bromley Local Plan Policy 32.

13.3 CLOCK HOUSE

(19/03343/FULL6) - 46 Queens Road, Beckenham BR3 4JL

Description of application – Single storey rear extension and elevational alterations.

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

Written comments from Ward Member Councillor Ian Dunn in support of the application were received and circulated to Members.

Further correspondence from the neighbour speaking in objection to the application had been received and circulated.

Further drawings and photographs from the applicant had also been received and circulated to Members.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report of the Assistant Director (Planning).

SECTION 3

(Applications recommended for permission, approval or consent)

**13.4
PLAISTOW AND
SUNDRIDGE**

(19/01263/FULL1) - Allum House, 92 Plaistow Lane, Bromley BR1 3HU

Description of application – Demolition of existing building. Erection of building containing 10 flats, with associated new highway access, vehicle parking, cycle parking, refuse store and communal amenity space.

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

Members were informed that contrary to what was indicated on the first page of the report, no objections to the application had been received.

It was also noted that Informative 14 on page 101 of the report was a duplicate of Informative 1 and should, therefore, be deleted.

Members having considered the report and representations, **RESOLVED that PERMISSION BE GRANTED SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT** as recommended and subject to the conditions and informatives set out in the report of the Assistant Director (Planning) with condition 25 amended to read:-

‘25 Prior to first occupation of the development, a minimum of 20% parking spaces shall be provided with active electric vehicle charging facilities, with passive provision for all remaining spaces. The details of both active and passive electric charging units including the location of the spaces shall be submitted to and approved prior to the installation and the approved details shall be permanently retained thereafter.

Reason: In order to ensure adequate parking provision and facility to meet the needs of future residents and in accordance with London Plan Policy 6.13 and Bromley Local Plan Policy 30 and Draft London Plan Policy T6.1.’

**13.5
BROMLEY COMMON AND
KESTON**

**(19/03233/FULL6) - 38 Oxhath Crescent, Bromley
BR2 8BL**

Description of application – Two storey side extension and elevational alteration.

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

**13.6
SHORTLANDS**

**(19/03247/FULL6) - 68 Bushey Way, Beckenham
BR3 6TD**

Description of application – The demolition of the existing attached garage and outbuildings, the construction of a two storey side extension and a part one part two storey rear extension and roof extensions with roof lights to side elevations and juliet balcony to rear. Narrow single storey side extension.

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

Written comments from Ward Member Councillor Mary Cooke in objection to the application were received and circulated to Members.

Members having considered the report, objections and representations, **RESOLVED that the application BE DEFERRED** without prejudice to future consideration, for further negotiation to reduce the extension and in line with the deputation given at Committee.

The meeting ended at 7.50 pm

Chairman

This page is left intentionally blank

Officers visited both the application site and neighbouring 66 Shortlands Road. Access was made inside both properties to view internal damage. Both protected pine trees are within the calculated zone of influence. Historic maps indicate the dwelling was constructed after 1910 and not before. The original dwelling is believed to be Victorian with the extension being Edwardian.

Tree survey data has been submitted in support of the application, along with the following documents:

- Engineer's Original Subsidence Statement
- Engineer's Addendum Report
- Arboricultural Report
- Geotechnical Report
- Soil Analysis
- Root Identification
- Drainage Investigation Report
- Level Monitoring
- Crack Monitoring

Two trial pits were excavated as part of the subsidence investigation. The trial pits were positioned along the front extension of the applicant's dwelling. Foundation depth was revealed at 0.55m.

Pine tree roots were identified in the trial pit.

Level monitoring results indicate movement associated with seasonal soil moisture loss.

CCTV investigations carried out in respect of the drains reveal a void or soakaway is situated adjacent to the front extension.

A heave assessment has been included in the investigation and free surface heave of 7.8mm could be expected once soil rehydrates.

Costs of repair have been estimated at £41,500 if the tree is retained.

Conclusion

The damage witnessed by officers is evident of subsidence related activity. The location of cracking indicates a weakness on the front extension and separation from the remainder of the dwelling.

The foundations are shallower than what is required to withstand the influence of the subject trees within the zone of influence. The required foundation depth has been calculated to be a minimum of 1m on the basis of the actual soil plasticity index. The age of the property at 66 Shortlands Road dates back to the early 1990s. The trees are a similar age to the property and could therefore have existed at the time of construction.

A monetary value has been applied to the tree adopting the CAVAT (Capital Asset Value for Amenity Trees) system. CAVAT provides a method for managing trees as public assets rather than liabilities. It is designed not only to be a strategic tool and aid to decision-making in relation to the tree stock as a whole, but also to be applicable to individual cases, where the value of a single tree needs to be expressed in monetary terms. CAVAT is recognised in the English court system.

The subject pine tree has been valued at £67,225. T2 of the TPO was not valued, but is of similar dimensions. The overall value of both trees would be in excess of £100,000. This is relevant as both trees are within the zone of influence.

The consistency and stability of the foundation design is questioned. The foundation depths of the original dwelling have not been commented on as part of the appraisal. Damage associated with the subject trees would be limited to the front extension of the dwelling. The failure of the foundations is the ultimate reason why movement is occurring. Underpinning is considered a necessary action regardless of the influence of surrounding trees and vegetation.

The defective drainage may have caused excess swelling beneath the extension. This would need to be ruled out as a contributing factor.

Members are recommended to refuse the application for the reasons stated.

Financial Implications

Attention is drawn to section 202E of the Town and Country Planning Act 1990. This allows the applicant to make a compensation claim in respect of a refused decision.

Members are informed that no budget has been allocated to the defence of a compensation claim, should the application be refused. A claim may include and is not restricted to any further damage from the date of the decision, costs incurred in respect further repairs, costs incurred in further monitoring and legal costs.

Members are also reminded of the officer costs involved in defending against a compensation claim.

RECOMMENDATION: REFUSAL

Corsican Pine (T1 of TPO/T5 on site plan) - Fell.

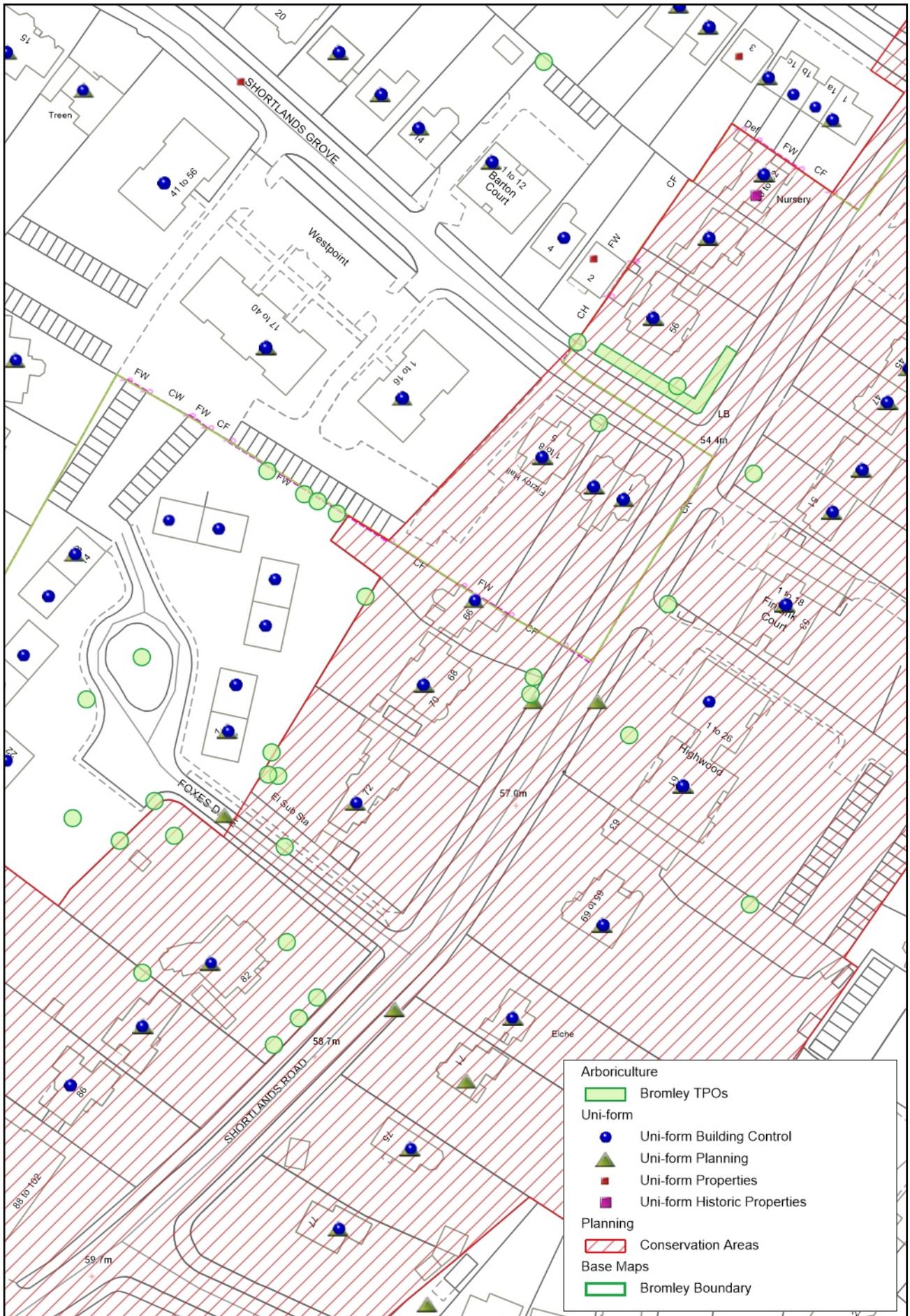
REASON:

The application has failed to acknowledge the adequacy of the dwelling's foundations and the construction design. Defective drainage has not been ruled out as a contributing factor. Underpinning is required irrespective of tree retention or removal. The proposals would negate the objectives of the TPO and therefore conflict with Policies 43, 73 of The Bromley Local Plan (adopted January 2019), Policy 7.21 of The London Plan (adopted March 2016) and The London Borough of Bromley Tree Management Strategy (2016-2020).

INFORMATIVE

1. You are advised that formal consent is not required for the removal of deadwood, dangerous branches and ivy from protected trees.

This page is left intentionally blank



Arboriculture	
	Bromley TPOs
Uni-form	
	Uni-form Building Control
	Uni-form Planning
	Uni-form Properties
	Uni-form Historic Properties
Planning	
	Conservation Areas
Base Maps	
	Bromley Boundary

Planning

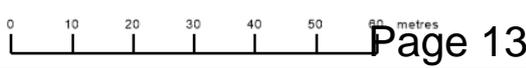
© Crown copyright and database rights 2020.
Ordnance Survey 100017661.



68 Shortlands Road, Bromley, BR2 0JP



15 January 2020



This page is left intentionally blank

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

Application No : 19/00699/FULL6

Ward:
Shortlands

Address : 17 Rutland Gate, Bromley BR2 0TG

Objections: Yes

OS Grid Ref: E: 539999 N: 168155

Applicant : Mr Patel

Description of Development:

Widening of existing driveway and increased height of boundary walls to front and side garden (RETROSPECTIVE)

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 21
Smoke Control SCA 9

Update

This application was deferred without prejudice by Members of the Plans Sub Committee 2 held on the 18th July 2019 in order to seek clarification from Highway engineers regarding the retaining wall and to seek an Engineering Layout Plan showing the soakaway and drainage details.

Highways Engineers were consulted and the following comments were provided;

- I refer to the email string below and attachment. Given this information, it is evident additional fill has been placed to the side of the property to support further parking.

There has been recent boundary wall work and it appears the original wall was 'built off' to help retain the additional fill mentioned above. There are no details of wall construction.

On the basis of increased dead load (additional fill) and the potential surcharge from a parked vehicle it is inevitable the wall is subject to increased load. An assessment of wall strength/stability would need to be undertaken to determine whether the current loading/wall arrangement is acceptable.

Subsequently, the following information was requested from the applicant / agent on the 24th July 2019.

- Details of the construction of the wall, including an assessment of wall strength / stability.
- An engineering layout plan showing the soakaway, its location, its construction materials, and the connection from the Acco Channels into the soakaway.

However, despite follow up letters to the agent no formal response with any updated information has been received by the Council. Accordingly, the application has been put to this Plans Sub-Committee to bring this matter to a conclusion.

The contents of the original report are repeated below, updated where necessary.

Proposal

The application seeks retrospective planning permission for the widening of the existing driveway and increased height of boundary walls to front and side garden.

The hardstanding to the existing driveway has been increased from 16sqm to 45sqm to provide 2 additional off-street parking spaces. The driveway also includes the addition of a soakaway to which surface water is directed to the front of the drive.

The boundary wall would have a height of 0.675m at its lowest point on Rutland Gate. The wall would wrap around the corner of the site and project along the boundary with Oakham Drive, where it would increase in height to a maximum of 2.175m.

Location and Key Constraints

The application site hosts a two storey semi-detached dwelling on the eastern side of Rutland Gate, at the junction with Oakham Drive.

Comments from Local Residents and Groups

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

Objections

- Understand the new wall could not be built more than 1m above the height of the existing wall.
- When it rains heavily the additional surface water runs onto the highway.
- The width of the soakaway should be increased.
- Does not appear to be any drainage in the new wall, resulting in large damp patches / white patches appearing on the wall.
- Some of the bricks already seemed to have worked loose.
- Concerns it will topple over / is unsafe, endangering people and property.

- No evidence retaining wall has been professionally designed to suit the specific requirements of the location or constructed in accordance with current standards.

(N.B. Concerns regarding structural stability are addressed in the structural concerns section of the main report).

Comments from Consultees

Highways Officer: I would have no objection to crossover widening or the wall as it is not obstructing the sightlines.

Tree Officer: I note the TPO from 1966 at the front of this property. The trees are no longer present. Therefore, no objection.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

Draft New London Plan

The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.

The draft new London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This is the version of the London Plan which the Mayor intends to publish, having considered the report and recommendations of the panel of Inspectors. Where recommendations have not been accepted, the Mayor has set out a statement of reasons to explain why this is.

Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan, and the London Assembly can veto the plan. These factors

affect the weight given to the draft plan. At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations

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

London Plan Policies

7.4 Local character

7.6 Architecture

Bromley Local Plan

6 Residential Extensions

30 Parking

37 General Design of Development

Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

Planning History

The relevant planning history relating to the application site is summarised as follows;

- 17/05534/FULL1 - Single storey rear extension, and conversion of existing 4 bedroom semi-detached dwelling to provide 1x 2 bedroom 4 persons flat at ground floor and 1x 2 bedroom flat for 3 persons at first floor. - Refused

Considerations

The main issues to be considered in respect of this application are:

- Design
- Highways
- Neighbouring amenity
- Structural Concerns
- CIL

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The proposed boundary wall would have a modest height of 0.675m where it adjoins the vehicular access to the driveway fronting on to Rutland Gate. It would increase in height to a maximum of 2.175m as its projects along the flank boundary with Oakham Drive, though much of the wall would be lower than this height.

The wall is not considered excessive in its overall height, particularly given the land levels of the site are already higher than that on Oakham Drive. The proposed brickwork would appear similar to the existing wall and the host dwelling and is considered in keeping with the general character of the area. It is therefore considered that it would not result in any serious harm to the character of the area and visual amenities of the street scene.

The proposed widening of the hardstanding to the front of the site is not considered to significantly impact upon the character and visual amenity of the area, and views of this would be limited somewhat by the proposed boundary wall when viewed from Oakham Drive.

Having regard to the form, scale, and proposed materials it is considered that the proposed development would complement the host property and would not appear out of character with surrounding development or the area generally.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.

The proposed wall would not result in any adverse impact to the sightlines of vehicles manoeuvring on this section of Rutland Gate and a soakaway has been added to the front of the drive to mitigate the impact of additional surface water runoff from the increased area of hardstanding. Given this, Highways Officers have raised no objection to the proposal.

Neighbouring amenity

Policy 37 of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The proposed wall is considered to be a sufficient distance away from any nearby residential properties to prevent any detrimental impact by way of loss of light or outlook.

Having regard to the scale, siting, separation distance, orientation, existing boundary treatment (delete as appropriate) of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

Structural Concerns

It is noted that concerns have been raised regarding the structural integrity of the wall and that it could be a potential safety hazard. Whilst these concerns are noted, the structural side of the wall would fall outside of the planning considerations of this application.

The issue has been referred to Building Control who are aware of this matter.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

Conclusion

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

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

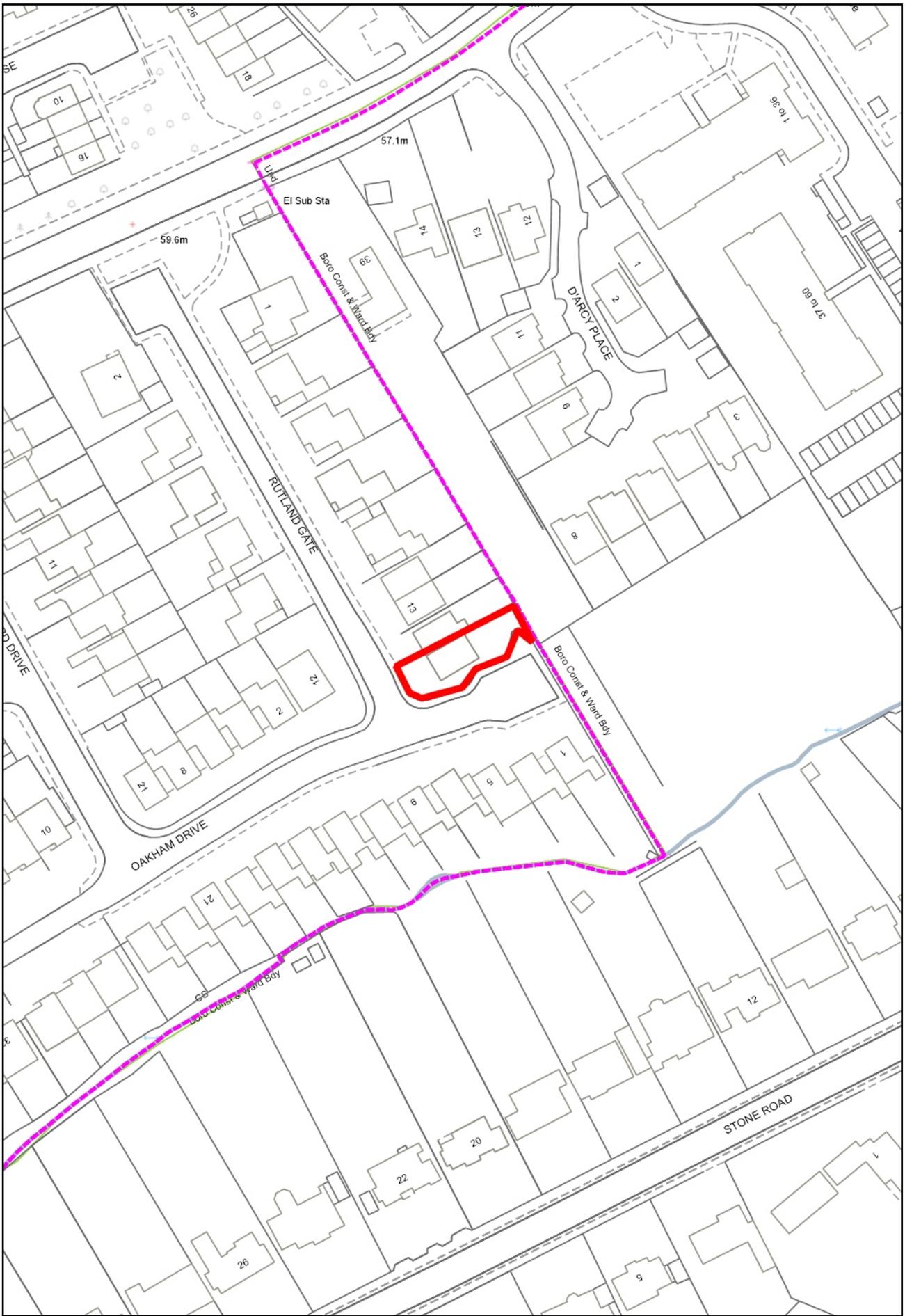
RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development shall be retained strictly in accordance with the application plans, drawings and documents hereby approved.**

Reason: To ensure that the development is retained in accordance with the approved documents, plans and drawings submitted with the application in the interest of the appearance of the building and the visual amenities of the area and in order to comply with Policy 37 of the Bromley Local Plan

This page is left intentionally blank



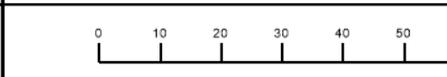
© Crown copyright and database rights 2020.
 Ordnance Survey 100017661.

 19/00699/FULL6



27 January 2020

1:1250



Page 23

This page is left intentionally blank

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

Application No : 19/04063/FULL1

Ward:
Kelsey And Eden Park

Address : Land Opposite 211 Village Way,
Beckenham

Objections: Yes

OS Grid Ref: E: 537175 N: 168348

Applicant : CTIL _ VF

Description of Development:

Proposed telecommunications upgrade to replace the existing 12.5 pole including shrouded antennas with a 12.5m pole including shrouded antennas. Install 1no. equipment cabinet and ancillary works

Key designations:

Smoke Control SCA 18

Proposal

The application seeks for a telecommunications upgrade to replace the existing 12.5m pole including shrouded antennas, with a 12.5m pole including shrouded antennas. It also proposes the installation of 1no. Equipment cabinet and ancillary works

The application was supported by the following documents

- Declaration of conformity with ICNIRP
- Supplementary Information statement
- General background information for telecommunications development,

Location and Key Constraints

The site is located on the pavement on the western side of Village Way, close to the junction with Stone Park Avenue. Immediately adjacent to the site is Crease Park, an area of large Urban Open Space. There are a number of trees situated along the pavement and within the adjacent park.

Comments from Local Residents and Groups

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

Comments from Consultees

Environmental Health Pollution Officer: No comments

Highways Officer: I do not have any objection to proposed telecommunications upgrade as it is not obstructing the footway of the sightlines of motorist driving on Village Way.

Considerations

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

Draft New London Plan

The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.

The draft new London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This is the version of the London Plan which the Mayor intends to publish, having considered the report and recommendations of the panel of Inspectors. Where recommendations have not been accepted, the Mayor has set out a statement of reasons to explain why this is.

Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan, and the London Assembly can veto the plan. These factors affect the weight given to the draft plan. At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations

The National Planning Policy Framework

Chapter 10 of the NPPF refers to "Supporting high quality communications." Para 116 states: "Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure."

London Plan 2015

Paragraphs 1.38 - 1.41 of the London Plan relate to the need to ensure the infrastructure to support growth within London, referring to the strategic importance of providing adequate infrastructure, including modern communications networks.

Chapter 4 of the London Plan includes the strategic objective in Policy 4.11 of "encouraging a connected economy." The policy itself states that the Mayor, GLA and all other strategic agencies should facilitate the delivery of an ICT network to ensure suitable and adequate network coverage across London which will include "well designed and located street-based apparatus."

Manual for the Streets (2007)

The Manual for the Streets provides guidance about the design, construction, adoption and maintenance of streets and includes advice regarding the minimum width of pavements. At paras. 6.3.22 and 6.3.23 it states: "The minimum unobstructed width for pedestrians should generally be 2m," noting that it is noted that in streets where people walk in groups, or near schools and shops, wider footways may be needed.

Bromley Local Plan

32 Road Safety
36 Safeguarding Land for Transport Improvements
37 General Design of Development
89 Telecommunications Development

Planning History

15/05649/TELCOM - Installation of 12.5m high telecommunications pole and associated development including a cabinet at ground level. Consultation by Telefonica LTD and Vodafone Ltd regarding the need for approval for siting and appearance. Refused but subsequently allowed on appeal.

18/03196/TELCOM - Proposed Hutchinson 12.5m Single Stack Elara pole on new root foundation and associated ancillary works (CONSULTATION REGARDING THE NEED FOR APPROVAL OF SITING AND APPEARANCE)

Considerations

The main issues to be considered in respect of this application are the effect it would have on the character of the area, the impact it would have on the amenities of the occupants of surrounding residential properties and the impact it would have on highways safety.

Impact on the character of the area

Policy 37 of the Bromley Local Plan relates to the general design of development. It requires that all development proposals will be expected to be of a high standard of design and layout and inter alia, should positively contribute to the existing street scene and/or landscape features.

Policy 89 relates specifically to telecommunication development and in relation to visual impact the criteria (e), (f) and (g) are of particular relevance. Regard should be had to resulting in the least visual impact. Any adverse impact on the character, appearance and amenity of an area should be minimised and the design, siting and landscaping of the development should minimise the visual impact of the development. Screening by trees or other landscaping will be required where appropriate.

Policy 4.11 of the London Plan encourages a connected economy and seeks to facilitate the provision and delivery of information and communications technology. In addition the NPPF states that 'Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology'.

It is noted that an application for prior approval was refused under ref: 15/05649/TELCOM for the existing development at this location. This also included the erection of a 12.5m high Telegraph Pole and associated cabinets. However, that application was subsequently allowed on appeal. At the time of that appeal the Inspector observed 'the pole and single equipment cabinet would be sited near to the front of a wide footway adjoining Crease Park. There is a Laurel hedge and railings bounding the boundary, which has a significant number of tall trees within in. The park slopes upwards towards Village Way but views of the pole from the park would for the most part be screened, or in winter months diffused by trees. The equipment box would be screened from the park by the dense hedge.

The current proposal is to upgrade the existing mono pole. Its height would remain the same as the existing version, at 12.5m, but this pole will be larger in diameter and this would also widen further at the top of the pole. This would allow for the inclusion of a shrouded antenna. A side cabinet will be linked to the existing cabinet. The application indicates that the pole will be painted brown, but the applicant has confirmed that they are in happy to use a green paint and that RAL6009 Fir Green is acceptable.

From the street, the pole and cabinet would continue to be viewed against the backdrop of the hedge and park trees, and in the context of street trees and street

furniture including lighting poles, telegraph poles, bus shelters and existing cabinets. The agent has confirmed that the side pod cabinet and pole can be painted green in order to blend with the trees/hedges behind the development. Whilst clearly visible from the footway, it would not appear as an unusual feature in the street scene and would be screened at times by parked vehicles.

The pole would be close to and aligned with a tall tree just within the park boundary and would be seen against this backdrop. Whilst the upgraded structure will be wider, it would be the same height as the existing arrangement. This change in circumference would be more pronounced and visible from wider vantage points. However, the appeal decision has already established the acceptability of the tall telecommunication mast in this location.

Similar to the existing development, the proposal would continue to be viewed against the backdrop of the hedges and trees, and also in the context of street trees and street furniture.

Therefore, it is not considered that it would be significantly out of character. In addition, overarching strategic policies in both the NPPF and London Plan encourage the improvement and expansions of telecommunications infrastructure, and significant weight is attributed to improvements to the network. The supporting information indicates that this specific proposal forms part of a wider program of network expansion for Telefonica O2 limited and Vodafone across Beckenham. Specifically, this proposal seeks to enhance coverage levels and network capacity within the BR3 area.

Therefore, whilst there would be some impact on the wider streetscene as a result of the wider pole, it is not considered that it would be significantly incongruous given the backdrop of trees and presence of existing mast, which was established as being acceptable at appeal. The harm to the streetscene is therefore considered to be limited and when taking into account the improvements in the telecommunications network which has wider public benefits of increased coverage, the proposal is considered to be on balance acceptable.

Impact on residential amenity

Given the siting of the pole and cabinets it is considered that is sufficient separation distance to nearby residents to prevent any significant harm to their visual amenities.

The applicant has certified that the proposed development would meet the guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) for public exposure. Government guidance is that in these circumstances it should not be necessary to consider further the health aspects and concerns about them.

Impact on Highways

The proposed mast and cabinets at sited close to the edge of a footway and a large area of paved footway would remain. No objections have been raised by the

Council's highways officer in respect of pedestrian or highway safety. Therefore, no concerns are raised regarding the impact on highway safety.

Conclusion

Having had regard to the above it was considered that the siting and design of the proposed development are acceptable in that it would not result in unacceptable harm to the amenities of the area and there would be no harm to pedestrian or vehicular safety.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 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: To comply with Section 91 of the Town and Country Planning Act 1990

- 2 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 37 of the Bromley Local Plan and in the interests of visual and residential amenity.

- 3 Before the operation of the development hereby permitted the mast shall be painted in Green-RAL6009. Thereafter the facility shall be retained in that colour and kept free of graffiti.**

Reason: In the interest of the visual amenities of the area and to accord with Policies 37 and 89 of the Bromley Local Plan.

- 4 Any telecommunications equipment hereby permitted which subsequently becomes redundant shall be removed from the site within a period of 2 months and the land shall be reinstated to its former condition.**

Reason: In the interest of the visual amenities of the area and to accord with Policy 89 of the Bromley Local Plan.



© Crown copyright and database rights 2020.
Ordnance Survey 100017661.

 19/04063/FULL1



27 January 2020

1:1250



Page 31

This page is left intentionally blank

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

Application No : 19/04719/FULL6

Ward:
Chislehurst

Address : Oakwood Lodge, Oakwood Close,
Chislehurst BR7 5DD

Objections: No

OS Grid Ref: E: 543123 N: 170538

Applicant : Mr & Mrs P. Blackman

Description of Development:

Removal of existing single storey side extension and enlargement of roof to create two storey side extension with front dormer window. Construction of side garage and two external steps

Key designations:

Conservation Area: Chislehurst
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 16

Proposal

The application seeks permission for the removal of existing single storey side extension and enlargement of roof to create a two storey side extension with front dormer window. A single storey garage would also be constructed adjoining the two storey extension, with external steps to the existing car port.

The proposed two storey side extension would have a width of approx. 5.05m and maximum depth of approx. 6m, and would replace the existing single storey element to the rear of the existing car port. The roof of the extension would feature a side gable with a height of approx. 7m and eaves of 4m from ground level.

The proposed garage would adjoin the flank wall of the two storey side extension, though would project further towards the front of the property. It would have a depth of 6.76m and width of 3.83m. It would feature a front gabled roof with a pitched element to its rear, with a maximum height of approx. 3.8m and eaves of 2.4m.

Location and Key Constraints

The application site hosts a two storey detached dwelling located on the eastern side of Oakwood Close, at the junction with Yester Road.

The site lies within the Chislehurst Conservation Area.

Comments from Local Residents and Groups

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

Comments from Consultees

APCA:

The property is highly visible from all directions in the Conservation Area. The bulk of the 2nd storey extension will "dominate and compete in visual terms with the host building" contrary to SPG 4.24.

Any alteration needs to be careful of matching materials - samples of which should be approved by Officers. (LB Policies 37,41, SPG 4.24)

Conservation Officer:

Having considered the plans and photographic evidence supplied by the case officer and with a knowledge of this site, it is clear that this historic house has been much altered.

On balance these extensions will only cause a minor level of harm as in my view they will not be widely visible and will be subservient. The current garage which will be removed has no historic significance in my view. The extensions will be to the rear of the house and will respect its proportions.

A sample panel of the brickwork should be required.

Paragraph 189 of the NPPF has been met. Paragraph 192(c) is also relevant in my view.

Highways:

Oakwood Close is a private road, therefore Bromley is not the highway authority for this road.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

Draft New London Plan

The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.

The draft new London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This is the version of the London Plan which the Mayor intends to publish, having considered the report and recommendations of the panel of Inspectors. Where recommendations have not been accepted, the Mayor has set out a statement of reasons to explain why this is.

Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan, and the London Assembly can veto the plan. These factors affect the weight given to the draft plan. At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations

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

London Plan Policies

- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage assets and archaeology

Bromley Local Plan

- 6 Residential Extensions
- 8 Side Space
- 30 Parking
- 37 General Design of Development
- 41 Conservation Areas

Supplementary Planning Guidance

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance

Planning History

The relevant planning history relating to the application site is summarised as follows;

- 83/02795/FUL - Attached double garage at side - Permitted

Considerations

The main issues to be considered in respect of this application are:

- Design
- Heritage Impact
- Highways
- Neighbouring amenity

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The proposed two storey side extension is not considered excessive in its overall scale and bulk and would be significantly set-back from the front of the property which would mitigate its impact within the wider streetscene and ensure that it would not be an over dominant addition to the host dwelling. Its design to include the gable roof is considered in keeping with the host dwelling and the materials proposed are considered acceptable in principle - though a condition is recommended for samples to be submitted to ensure that the materials would complement the existing dwelling.

The proposed attached garage would be modest in scale and its design to include a front gable would be in keeping with the host dwelling. This single storey element would project forwards of the proposed two storey extension, though it would remain set back from the main dwelling and the adjacent car port. Given its scale and siting it is not considered that the proposed garage extension would harm the appearance of the host dwelling or general character of the area.

Having regard to the above, it is considered the design of the proposed extensions are acceptable in principle and would not harm the appearance of the host dwelling or the visual amenities of the streetscene.

Side Space

Policy 8 normally requires a minimum of 1m side space to be provided for two storey developments for the full height and length of the flank wall. A more generous side space would normally be expected in areas with higher spatial standards.

The proposed extension would have a minimum separation distance of 0.97m to the flank boundary from the front of the single storey garage, though this would increase to its rear to 1.4m to its rear. The two storey side extension part of the development would be further set back from the flank boundary and provide a minimum separation distance of 5m to the flank boundary of the site adjacent to the garage. This would reduce to a 1m separation to the flank boundary towards the rear of the site given the shape of the site and its flank boundary.

The proposed extension would have a significant separation distance of approx. 11m to the nearest property and would not result in any unrelated terracing occurring. The two storey element is set significant further from the flank boundary than the single storey element, and would also be set back from the front of the property. Having regard to this, the proposed development would not appear as a cramped form of development or result in any significant harm to the spatial standards of the Chislehurst Conservation Area.

Accordingly, in this instance, it is considered that the proposal accords with Policy 8.

Heritage Assets

The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

Paragraph 196/197 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset

Within or adjacent to a Conservation Area:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

The host dwelling appears to have been much altered from its original design and the existing converted garage that would be removed is not considered to have any historic significance. The proposed extensions would be set back from the front of the house, would respect its proportions and would not be widely visible given their siting. As such it is considered the extensions would appear subservient to the existing dwelling and would therefore not cause any significant level of harm from a Heritage and Urban Design view.

A condition is recommended for a sample panel of the brickwork to be submitted in order to ensure that the external finish of the proposed extensions would be in keeping with the host dwelling.

Subject to this condition it is considered that the proposed development would preserve the character and appearance of the conservation area.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.

Oakwood Close is a private road, therefore Bromley is not the highway authority for this road. In any case, the existing car port would remain and the proposed garage would provide a further parking space within the site. As such the site would retain sufficient parking and no objections are therefore raised with regards to highways matters.

Neighbouring amenity

Policy 37 of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The proposed extension would be sited a minimum of 0.97m from the flank boundary of the site shared with Robin Hill, 37 Oakwood Close, though it would have a significantly higher separation of approx. 11m from the dwelling at No.37 given the siting of this property. Given this separation distance it is not considered that the extensions would result in any significant loss of light, outlook or visual amenity to this neighbour. Furthermore, there would be no windows in the first floor flank elevation facing this neighbour and the extension would therefore not provide any additional opportunities for overlooking or loss of privacy to this neighbour.

Given the scale and siting of the extensions and the separation distance to other nearby properties it is considered it would not result in any detrimental impact upon the amenities of other nearby residents.

Having regard to the scale, siting and separation distance of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

Conclusion

Having had regard to the above it is 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 Conservation Area.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 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: To comply with Section 91 of the Town and Country Planning Act 1990

- 2 (a) Prior to commencement of above ground works, details (including samples) of the materials to be used for the external surfaces of the building which shall include roof cladding, wall facing materials and**

cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate shall be submitted to and approved in writing by the Local Planning Authority.

(b) The development shall be carried out in accordance with the approved details.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area

3 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 37 of the Bromley Local Plan and in the interests of visual and residential amenity.

This page is left intentionally blank

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

Application No : 19/04776/FULL1

Ward:
Penge And Cator

Address : Melvin Hall Melvin Road, Penge,
London SE20 8EU

Objections: Yes

OS Grid Ref: E: 535226 N: 169787

Applicant : Melvin Hall Community Group

Description of Development:

Seasonal use of community hall to provide overnight sleeping venue in connection with the Bromley homeless shelter

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 32

Proposal

The application seeks planning permission for the seasonal use of Melvin Hall to provide overnight sleeping accommodation in connection with the Bromley Homeless shelter.

16 bed spaces would be provided with an additional two overnight volunteers.

It would operate 7 nights a week from January - March.

The hours of operation would be 8:45pm until 7am the following morning (8am on Sundays).

Location and Key Constraints

The site is located at the south-eastern end of Melvin Road close to the junction with Croydon Road. Melvin Hall is a single storey detached building, which is used as a community hall.

The site is bounded to the south-east by the rear gardens of detached properties fronting Nos. 70-76 Croydon Road. To the north-west there is a boundary fence between the flank boundary with No.22 Melvin Road and an open area of hardstanding / estate road which backs onto Capel Court along with the properties fronting Melvin Road and Padua Road.

Comments from Local Residents and Groups

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

Objections

- The hall was a very successful hub for the elderly of Penge ran by Age UK Monday - Friday before it was taken away from them.
- The hall is on a small residential road and is being hired out of various groups and family parties 7 days and evenings a week which causes noise and nuisance to near residents.
- The whole site is beginning to look run down and the car park used for fly tipping. The hall should be given back to the elderly to take the strain off local services.

Support

- Excellent idea to use the hall for such a useful, caring purpose. It was used last winter for this purpose.
- Would like to see the hall used generally for such good work, as it was for age concern, rather than let out for noisy out-of-control parties, which disturb residents and where parking is impossible.

Please note the above is a summary and the full text is available on the council's website.

Comments from Consultees

Highways Department - No objections. The proposal would not have a significant impact on the parking demand within the local area.

Environmental Health - No objections

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies.

The Bromley Local Plan was adopted in January 2019.

The development plan for Bromley comprises the Bromley Local Plan (2019) & the London Plan (March 2016).

Draft New London Plan

The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.

The draft new London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This is the version of the London Plan which the Mayor intends to publish, having considered the report and recommendations of the panel of Inspectors. Where recommendations have not been accepted, the Mayor has set out a statement of reasons to explain why this is.

Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan, and the London Assembly can veto the plan. These factors affect the weight given to the draft plan. At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations

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

London Plan Policies

3.16 Protection and enhancement of social infrastructure.
7.4 Local character

Local Plan

20 Community facilities
30 Parking
32 Road Safety
37 General Design of Development
119 Noise Pollution

Planning History

The relevant planning history relating to the application site is summarised as follows:

84/01901/LBB Extensions and adaptations for additional facilities for day centre. Permission.

91/02666/FUL Single storey rear extension. Permission.

10/01385/FULL1 Erection of metal palisade fencing across part of side boundary. Permission .

11/03035/FULL1 Replacement aluminium windows. Permission.

Considerations

The main issues to be considered in respect of this application are:

- Principle of development
- Highways
- Neighbouring amenity

Principle

Policy 20 of the BLP relates to development and community facilities. This policy states that the Council will promote the quality of life and the health and wellbeing of those living and working in Bromley and engage with providers and agencies to ensure the provision, enhancement and retention of a wide range of appropriate social infrastructure.

The applicant's supporting statement submitted with the application provides some background information about the current proposal. It explains that 'Melvin Hall Community Group (MHCG) is a registered charity run as a community resource for the people of Penge, attended and supported by the wider community. Last winter season, in response to local need, MHCG, local churches and Living Well came together with The Bromley Homeless Shelter, to create a winter night shelter provision (Bromley North-West) using Melvin Hall as an overnight sleeping venue for those currently without a home.' The ambition is that a similar type and level of provision would be provided seasonally for three months, from January to March every year and until there is no longer a need. In order to carry this out MHCG has been advised that they need landlords consent (Bromley Council), and in order to obtain this they have been advised that planning permission should first be applied for.

The existing building is used as a community hall. The proposed use as overnight sleeping accommodation would only be operational for a temporary three month period each year. The primary use as a community hall would remain, but the proposal would provide much needed support for a vulnerable part of the community overnight when the hall is not typically in use.

This type of use, which supports a wider community function, would help a number of vulnerable people during the coldest parts of the year. The provision of this type of necessary social infrastructure is considered to be consistent with Policy 20 of the BLP. It is not considered that the character of the established use would

change and the proposal would not materially prejudice the established community facility. Therefore, the principle of the use within this established community building is considered to be acceptable.

Highways

The site has a car park to the side and rear, however the proposal used would unlikely generate significant levels of vehicular trips given the nature of the intended use. It is within an established community venue and no objections have been raised by the Council's highways team. Therefore the highway impact is considered to be acceptable.

Neighbouring amenity

Melvin Hall is an established community hall set within a wider residential context.

As already noted, the proposal would be for a temporary three month period, used seasonally between January and March, until there is no longer a requirement for the use. It would be located within an existing community centre and would be carried out overnight, with the provision of up to 16 bed spaces for referrals, together with two overnight volunteers. The centre would therefore house a maximum of 18 people per night. The hours of operation would be from 8:45pm until 7am the following morning and up to 8am on Sundays. The proposal is considered to be consistent with the existing community function of the building. The number of spaces and comings and goings associated with the proposal is not considered to be out of character with the established use of the site.

The sleeping venue is one part of the support provision. Wider support is provided through a cluster of church venues around Penge Town Centre, which are the host meal venues. Each host church meal venue is within a 15 minute walk from the sleeping venue. Only referred people are able to attend the meal and sleeping venues. The supporting statement highlights that last year, 35 guests in total were supported in the Bromley North-West shelter throughout the season. It highlights that the shelter has established processes and a record of good shelter management, with set procedures in place. These include a safeguarding and referral process. The referral process historically includes the Advice Services, Thames Reach, Living Well and Bromley Council. Each person who is referred is required to sign a 'guest agreement' which sets out the shelter rules and behaviour expectations. The shelter knows who is expected on any given night. There would be two volunteers staying at the shelter each night and it would not operate on a 'turn-up' basis. Additionally, it would be a 'dry' shelter, with no alcohol or drugs.

It is considered that conditions controlling when the use takes place, hours of operation and number of users could reasonably be imposed to ensure that there is no material change in the character of the site, which could impact negatively on neighbouring residential amenities, including increased noise and disturbance resulting from additional comings and goings later into the evenings/overnight.

In light of the established use of the site, number of users and temporary seasonal nature of the use it is considered that there would not be material harm to neighbouring residential amenities as a result of the proposed use.

Conclusion

Having regard to the above, it is considered that use is acceptable in principle and would not result in an unacceptable highway impact. Furthermore, there would be no harm to neighbouring residential amenities.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 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: To comply with Section 91 of the Town and Country Planning Act 1990

- 2 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 37 of the Bromley Local Plan and in the interests of visual and residential amenity.

- 3 The use hereby permitted shall only be operational seasonally during the months of January, February and March only and at no other times of the year.**

Reason: In the interest of neighbouring residential amenities, amenities of the area in general and in order to comply with Policy 37 of the Bromley Local Plan (2019)

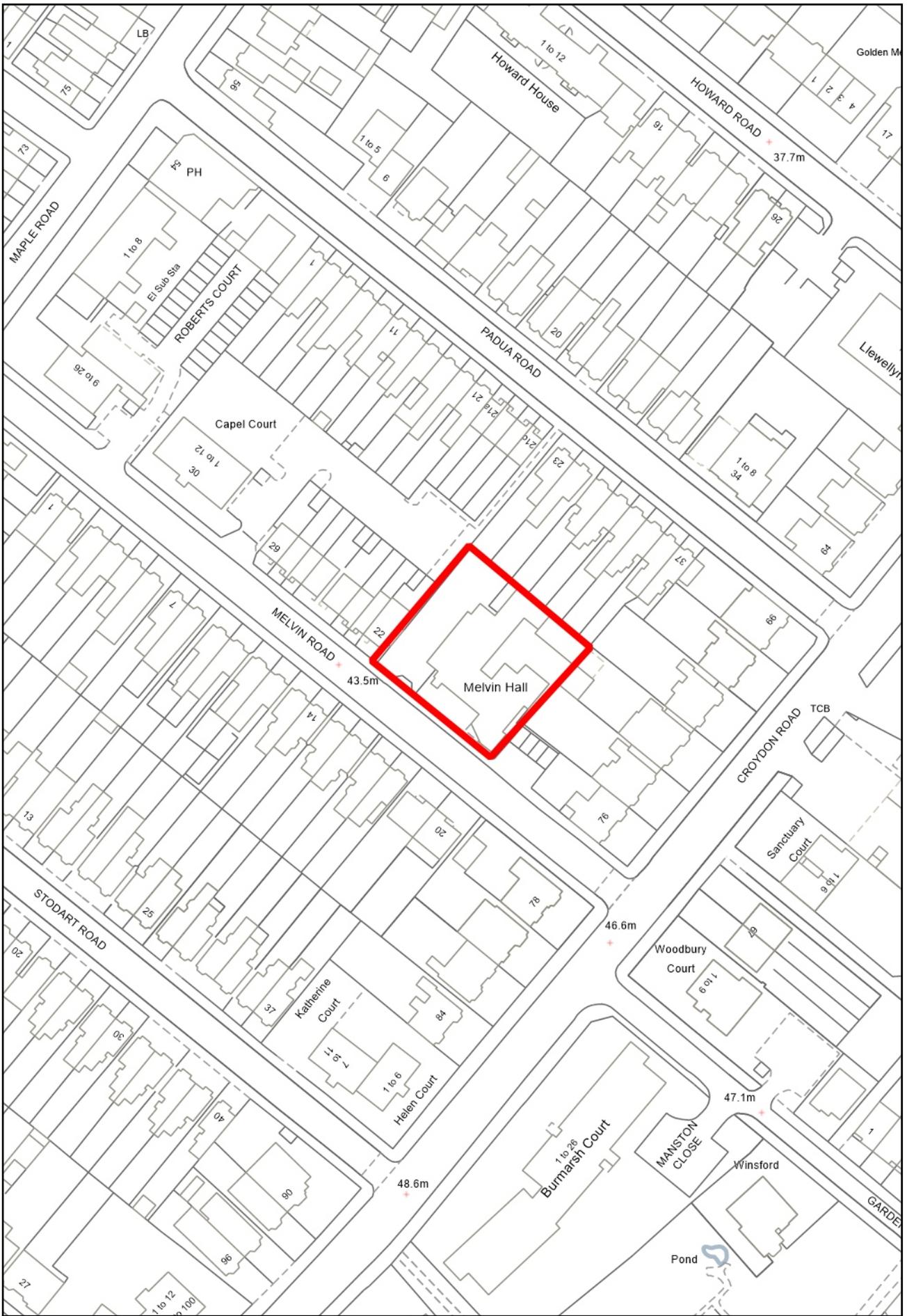
- 4 The use hereby permitted shall only be operational between the hours of 20:45pm to 7am Monday to Saturday and between the hours of 20:45pm to 8am on Sundays and Bank Holidays.**

Reason: In the interest of neighbouring residential amenities, amenities of the area in general and in order to comply with Policy 37 of the Bromley Local Plan (2019)

- 5 No more than 16 bed spaces (16 guests) shall be accommodated at any one time.**

Reason: In the interest of neighbouring residential amenities, amenities of the area in general and in order to comply with Policy 37 of the Bromley Local Plan (2019)

This page is left intentionally blank



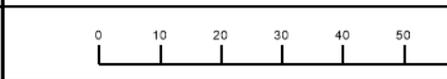
© Crown copyright and database rights 2020.
Ordnance Survey 100017661.

 19/04776/FULL1



27 January 2020

1:1250



Page 51

This page is left intentionally blank

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

Application No : 19/05103/FULL6

Ward:
Shortlands

Address : 23 Bushey Way, Beckenham BR3 6TA

Objections: Yes

OS Grid Ref: E: 538671 N: 167526

Applicant : Mr And Mrs Travis

Description of Development:

Part one/two storey side/rear extension

Key designations:

Area of Special Residential Character
Biggin Hill Safeguarding Birds
Open Space Deficiency
Smoke Control SCA 21
Smoke Control SCA 9

Proposal

The application seeks planning permission for a single storey side and part one/two storey rear extension.

A single storey structure is proposed to the side of the host dwelling and the proposed two storey rear extension. This element of the proposed will have a total depth of approximately 8.4m and width of 2.1m. The extension will measure approximately 3.6m in height at its maximum, pitching down to 2.7m.

The proposed part one/two storey rear extension will extend approximately 0.6m in depth at a width of 3.3m before increasing to a width of 9.0m for a further depth of 3.2m. The single storey element to the rear will measure approximately 2.7m in height with a roof lantern that projects 0.5m from the flat roof. The two storey element will measure approximately 6.5m in height, pitching down to 5.3m.

Location and Key Constraints

The application site comprises a two storey semi-detached dwellinghouse located on the northern side of Bushey Way, Beckenham. The property is not listed and is located within the Park Langley Area of Special Residential Character (ASRC).

Comments from Local Residents and Groups

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

- The extension is out of proportion adding a third double bedroom and increasing the ground floor by over 75%.
- Privacy has already been reduced due to previous infill development at the rear.
- Subsequent to the previously refused application the garden has been further reduced by the addition of a single storey building.
- The development will reduce the light, particularly in the mornings, to the back on my property.
- The windows will be looking directly into my garden.
- From my bedroom and ground floor I will be looking at a brick/pebbledash wall.
- Permission has not been sought for the demolition of the garage. Demolition of the garage would affect the boundary with No.25.
- Applications 19/03095/FULL6 and 18/02959/FULL6 were refused for the demolition of a garage in an ASRC.
- The rear extension abuts and extends beyond my conservatory. This was refused in November 2018 and in previous applications.
- The last appeal refusal is still relevant to the current application.
- The roof plan of the extension calls for a second storey at the back of No.12. No second storey was allowed at the back of No.21 when I put in my application.
- The design is contrary to the spatial standards of the Park Langley ASRC.
- I wish to express very grave concerns that the proposal will significantly reduce the daylight and sunlight into my ground floor rear extension.
- From 11am in the morning until sunset the proposal will significantly overshadow my rear garden private amenity, leaving areas in permanent shadow.
- The easement rights of light apply where light has been received for at least 20 years and these properties have been built circa 1930.
- I request the Authority require the applicants to commission a daylight sunlight study and report. Without which the Council cannot be in a position to determine the application in accordance with the NPPF or planning policy.
- The extension will be only 1800mm from the boundary, greatly reducing light to the ground floor rooms.
- The rear part one/two storey extension is to be increased from the previously submitted plans.
- The plans would afford a future loft conversion which has already been refused.
- The foundations would need to be sufficient to accommodate the rear extension affording sufficient foundations for a two storey rear and side in the future.
- The plans will result in us being overlooked into my dining room, kitchen and garden.
- The proximity of the side extension would result in a cramped appearance, harmful to the spatial standards and visual amenity.
- The extension is disproportionate to the existing size and dimension of the property and excessively large.

- The design will distort the overall balance of the current semi-detached building to the detriment of the streetscape in this corner of Park Langley.

Local Groups (Park Langley Residents Association)

- The current plans are still contrary to the special standards of the Park Langley ASRC due to their scale and bulk.
- We estimate that the development would increase the existing area by some 75% and as such would unbalance the pair of semi-detached houses.
- We are concerned that the development would lead to a loss of light to neighbouring properties.
- The privacy of neighbours would be substantially reduced by the positioning of the windows coupled with the tree removal and erection of a building at the rear.
- The plans include the demolition of the existing garage but not the measures to maintain the physical boundary with No.25.

Please note that the above is a summary of the representations received and that the full text can be found on the Council's website.

Comments from Consultees

Highways: No technical highways objections.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.

The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.

The draft new London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This is the version of the London Plan which the Mayor intends to publish, having considered the report and recommendations of the panel of Inspectors. Where

recommendations have not been accepted, the Mayor has set out a statement of reasons to explain why this is.

Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan, and the London Assembly can veto the plan. These factors affect the weight given to the draft plan. At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations.

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

London Plan Policies

6.13 Parking
7.4 Local Character
7.6 Architecture

Bromley Local Plan

6 Residential Extensions
8 Side Space
30 Parking
37 General Design of Development
44 Areas of Special Residential Character

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

Planning History

11/02956/FULL6 - Part one/two storey side/rear extension including front dormer and side dormer extension to existing roof slope - Application Refused/Appeal Dismissed.

12/01889/FULL6 - Part one/two storey side/rear extension - Application Permitted.

18/03625/FULL6 - Demolition of existing garage, part one/ two storey rear and two storey side extensions, roof alterations to incorporate rear dormer with Juliet balcony and elevational alterations - Application Refused.

18/04977/FULL6 - Single storey and part two storey rear extension, two storey side extension and loft conversion - Application Refused.

19/00406/FULL6 - 2.24m high garden fence - Application Permitted.

19/01753/FULL6 - Part one/two storey side/rear extension - Application Refused/Appeal Dismissed.

Reason for Refusal:

1. The proposed two storey rear and side extension by reason of its scale and bulk would unbalance the pair of semi-detached dwellings and would cause significant harm to the character of the Park Langley Area of Special Residential Character, appearance of the host dwelling and the visual amenities of the streetscene contrary to Policies 6, 8, 37 and 44 of the Bromley Local Plan.

Considerations

The main issues to be considered in respect of this application are:

- Resubmission
- Design
- Neighbouring Amenity
- Highways

Resubmission

The application is a resubmission of reference 19/01753/FULL6 which was refused for the reason set out above and subsequently dismissed at appeal. Under the current application the two storey side extension has been reduced to single storey with a greater set back from the front elevation. The part one/two storey rear extension has been reduced from approximately 4.0m to 3.3m. In addition a pitched roof is proposed to the two storey element and the Juliet balcony has been removed.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 124 of the NPPF (2019) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2019) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development

(including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Bushey Way is situated within the Park Langley ASRC and is described within the Bromley Local Plan as a coherent, continuous and easily identifiable area which has maintained its character and unity intact.

The single storey side extension will be set back approximately 4.6m from the front elevation of the host dwelling, retaining a separation distance of approximately 16m from the public highway. This element of the proposed will require the removal of the detached garage and will maintain a separation distance of approximately 1.8m to the boundary with No.25. The size, scale and bulk of the side extension would not significantly alter the appearance of the host dwelling. The depth and height of the extension would be subservient to the main dwelling and would not overdevelop the site as a whole. It is considered that the separation distance to the boundary with No.25, coupled with the height and positioning of the extension, would be respectful of the higher standards of separation that exist along Bushey Way and would not reduce the sense of openness that is a key characteristic of the ASRC. It is proposed for the extension to be rendered and while this will not match the external finish of host dwelling it is considered that it would be complementary and compatible with the application site and developments in the surrounding area.

In the appeal decision for the previous application the Inspector set out that the form of the host dwellings roof, with its long sloping detail, was a unifying characteristic of the property. The proposed additions to the roof and side were found to remove this detail which would have detracted from the appearance of the semi-detached pair. The current proposal retains the roof profile and extends the property to the side at single storey only. It is therefore considered that this element of the proposed would not have a detrimental impact on the pair of semi-detached dwellings. Taking into account the height and depth of the extension, along with the proposed materials, it is not considered that this element of the proposed would have a detrimental impact on the host dwelling, character of the ASRC or the streetscene in general.

The two storey element of the rear extension would be set down from the main ridge by approximately 0.4m and will pitch in from the sides and rear which would work to reduce its overall bulk. The part one/two storey rear extension would retain a minimum separation distance of approximately 20m from its rearmost wall to the rear boundary of the site and approximately 17m to the existing outbuilding. The size, scale and bulk of the rear extensions would not significantly alter the appearance of the host dwelling. The depth and height of the extensions would be subservient to the main dwelling and not overdevelop the site as a whole. It is proposed for the extension to be rendered and while this will not match the external

finish of host dwelling it is considered that it would be complementary and compatible with the application site and developments in the surrounding area.

The two storey element of the proposed would be visible from Overhill Way due to the positioning of the dwelling. In the appeal decision for the previous application the Inspector stated that 'the scale, mass and design of the rear flat roofed addition would be at odds with the attractive pitched roof detail of the existing and surrounding buildings and would be a discordant feature which would detract from the area's prevailing character'. This element of the development has been reduced in width and a pitched roof is now proposed. Following these amendments it is considered that the development is sympathetic in design to the host dwelling and in keeping with the character of the surrounding area. It is also noted that the design of the two storey element would be similar to the extensions at Nos. 9 and 27. Taking into account the height, depth and design of the part one/two storey rear extension, along with the proposed materials, it is not considered that this element of the proposed would have a detrimental impact on the host dwelling, character of the ASRC or the streetscene in general.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed extensions would complement the host property and would not result in a detrimental impact upon the spatial standards and visual amenity of the area.

Neighbouring Amenity

Policy 37 of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The single storey side extension will project along the shared boundary with No.25 retaining a separation distance of approximately 1.8m. As noted above the extension would result in the removal of the detached garage which would work to provide a greater sense of openness. Taking into account the height and depth of the extension, along with the separation distance to the boundary, it is considered that any impact this element of the proposed may have on the amenity of neighbouring occupiers would not be adverse enough to warrant a refusal of the application.

The proposed single storey rear extension will project along the shared boundary with No.21 and proposes a parapet wall which will measure approximately 3.0m in height. This neighbouring property currently benefits from a single storey rear conservatory which measures approximately 3.5m in depth and has a dividing wall to reduce overlooking. The proposed would extend a further 0.3m past the neighbouring extension which will help mitigate any potential impact the proposed may have on this neighbour. Taking into account the neighbouring extension, height and depth of the proposed and orientation of the properties, it is not considered that the single storey rear extension would result in overshadowing, loss of light or an overbearing impact to neighbouring occupiers.

The two storey rear extension would sit approximately 3.5m from the boundary with No.25 and 3.4m from the boundary with No.21. Concerns have been raised regarding overshadowing, overbearing impact and loss of light. Taking into account the separation distance to the boundaries either side, along with the positioning of the development, it is considered that any impact this element of the proposed may have on neighbouring properties would not be adverse enough to warrant a refusal of the application.

Concerns have also been raised regarding loss of privacy and overlooking. Taking into account the size and positioning of the ground floor windows it is not considered that there would be a loss of privacy to neighbouring properties. The addition of a window to the rear elevation of the extension would not result in any significant loss of privacy to neighbouring properties over and above that which already exists at first floor level. There would be a reduction in the number of windows to the first floor flank elevation and the existing bathroom window would continue serving a bathroom.

Having regard to the scale, siting and separation distance of the development, it is considered that a significant loss of amenity with particular regard to light, outlook, privacy and prospect would not arise.

Representations have been received raising concerns about potential future development, right to light impact and boundary issues. Each application is assessed on its own merits and consideration has been given to the proposal as submitted. The concerns regarding right to light and boundary issues, while important, fall outside the planning decision making process and would be addressed under building control regulations or as a civil matter.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.

The proposed development requires the demolition of the garage which will result in the loss of one parking space. There are spaces available within the sites curtilage which would be utilised for parking and based on the information submitted the Council's Highways Officer has raised no objection. Therefore, on balance, it is not considered that there would be any adverse impact on parking. The Council's Highways Officer has requested that prior to commencement of the use the parking shall be implemented in accordance with the permission and that no permitted development shall be carried out on the land so as to preclude vehicular access to the land. It is considered that in this instance the removal of the

permitted development rights through this condition would not meet the 6 tests required by paragraph 55 of the NPPF.

Conclusion

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

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 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: To comply with Section 91 of the Town and Country Planning Act 1990

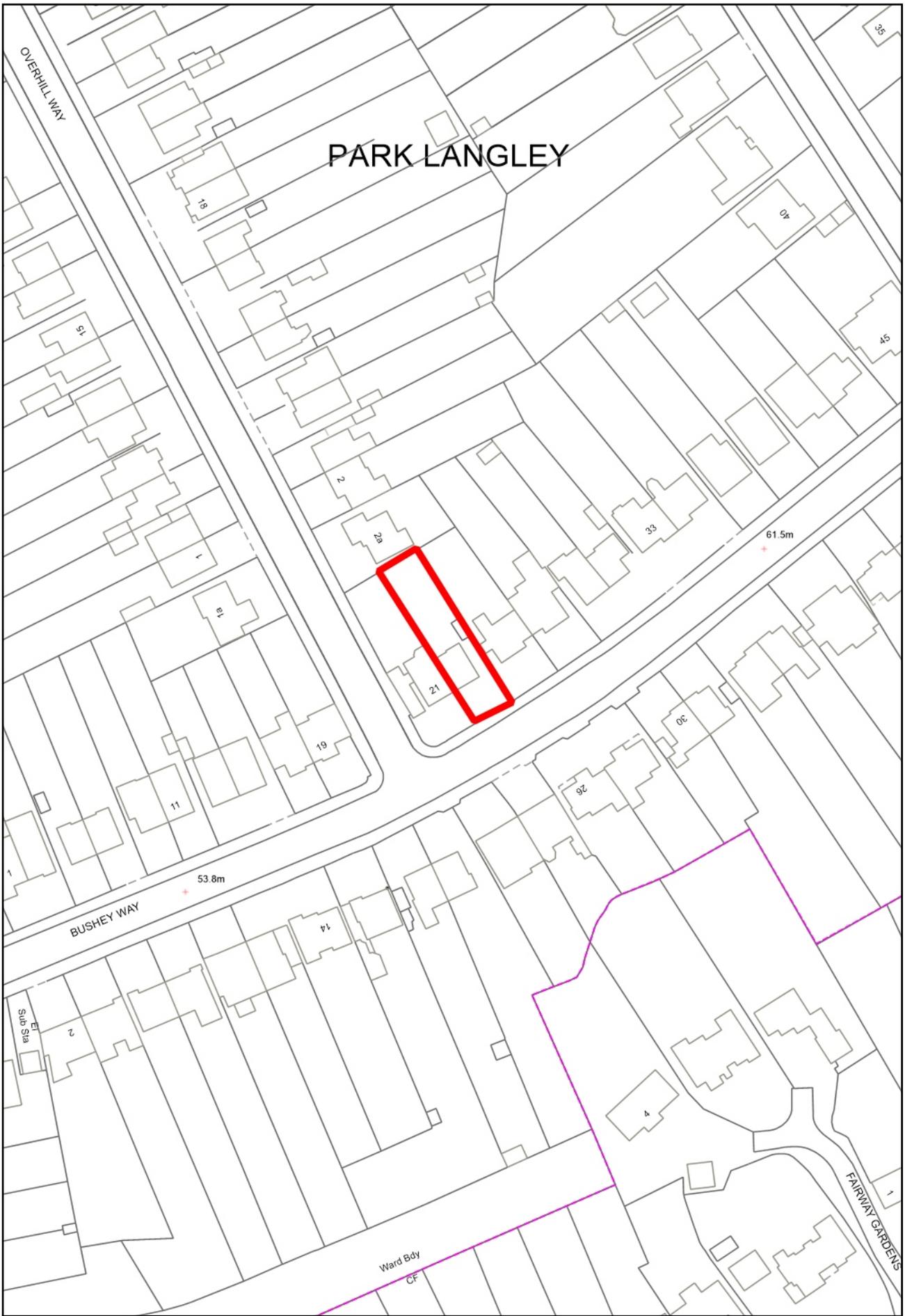
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interests of visual and residential amenity.

- 3 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area.

This page is left intentionally blank



PARK LANGLEY

© Crown copyright and database rights 2020.
Ordnance Survey 100017661.


19/05103/FULL6



27 January 2020

1:1250


Page 63

This page is left intentionally blank

Report No.
DRR20/016

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PLANS SUB-COMMITTEE NO. 4

Date: Thursday 6 February 2020

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

Title: CONFIRMATION OF TREE PRESERVATION ORDER (TPO)
2669 – KNIGHTS COURT, KINGS HALL ROAD, BECKENHAM,
BR3 1LR

Contact Officer: Chris Ryder, Principal Tree Officer
E-mail: christopher.ryder@bromley.gov.uk

Chief Officer: Assistant Director (Planning)

Ward: Penge and Cator

1. REASON FOR REPORT

To consider objections received against the making of the above referenced Tree Preservation Order (TPO).

2. RECOMMENDATION(S)

Following a request of a Tree Preservation Order (TPO) by a member of the public, this TPO was made to secure protection for two mature ash trees that border Cator Park. Upon evaluation preservation is merited.

In summary the trees are a significant feature of the locality and contribute to the greater landscape. Information was forwarded to the Council regarding proposed tree felling by the management company to address surface damage to the rear garage access.

It is recommended that the TPO is confirmed without modification.

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

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 Services Revenue Budget 2019/20 – Trees
 4. Total current budget for this head: £132,210
 5. Source of funding: Existing Budget
-

Personnel

1. Number of staff (current and additional): 3
 2. If from existing staff resources, number of staff hours: 3 FTE's
-

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Not Applicable
-

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Those impacted by the TPO.
-

Ward Councillor Views

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

3. COMMENTARY

3.1 The TPO was made on 2nd September 2019.

3.2 An objection was received on behalf of the management company. The points made in objection are summarised as follows:

- The subject trees were discussed at several meetings and concern was raised regarding potential damage they may cause.
- The imposition of the TPO will prevent pruning of branches impacting the garages. This would also prevent action necessary to address root damage to the driveway and embankment of the water course adjoining the property.
- Professional arboricultural advice was sought and has been appended to the objection. The findings comment on the tree's susceptibility of Ash Dieback (*Hymenoscyphus fraxineus*). This disease has been brought to the attention of the management company, however, no symptoms were noted on the subject trees. Advice on protecting root area during re-surfacing has been included in the advice.

3.3 A supporting representation was received and is summarised as follows:

- The management company's grounds for felling the subject trees are related to the damage to the surface around the garage access.
- The trees are noted as a feature that predates the construction of Knights Court.
- There are other trees in the area causing surface damage. It is suspected that those trees under Council management would not be removed to address the issue.
- The aforementioned professional advice is referenced and the management company still proposed to fell the trees because they are rotten.
- Contact has been made with the local MP, Cllrs, Friends of Cator Park and Copers Cope Residents' Association. Support is indicated by all.
- The trees are a haven for wildlife. Their destruction would be seen as an act of vandalism.

3.4 Responses to objections are as follows:

- The TPO is not designed to prevent necessary works. Any proposed works will be considered for consent via the application process.
- The Ash Dieback issue is not something that should prevent preservation of ash trees as a species. Affected trees should be managed as any other tree in respect of future hazards.

3.5 Further to a visual assessment adopting the TEMPO (Tree Evaluation Method for Preservation Orders) scoring system, a new TPO was considered justified as the trees merited preservation. In summary, the wooded belts and boundary trees were found to be cohesive, with a suitable retention span and a high level of public visibility. The trees are mature features of the local landscape. Tree maturity, cohesion and visibility in the public domain are primary factors in terms of assessing amenity value.

3.6 The Order does not prevent future works from being carried out, but it requires that the Council's consent be gained prior to removing the tree and prior to carrying out most forms of tree pruning. In assessing applications to remove trees or carry out pruning, the Council takes into account the reasons for the application, set alongside the effect of the proposed work on the health and amenity value of the trees.

3.7 The TPO is valid for 6 months from the date the order was made. If the TPO is not confirmed within this period, the TPO will cease to exist. Considering the perceived risk to trees under some aspects of the management strategy, confirmation with modification is recommended.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

N/A

5. POLICY IMPLICATIONS

N/A

6. FINANCIAL IMPLICATIONS

N/A

7. PERSONNEL IMPLICATIONS

N/A

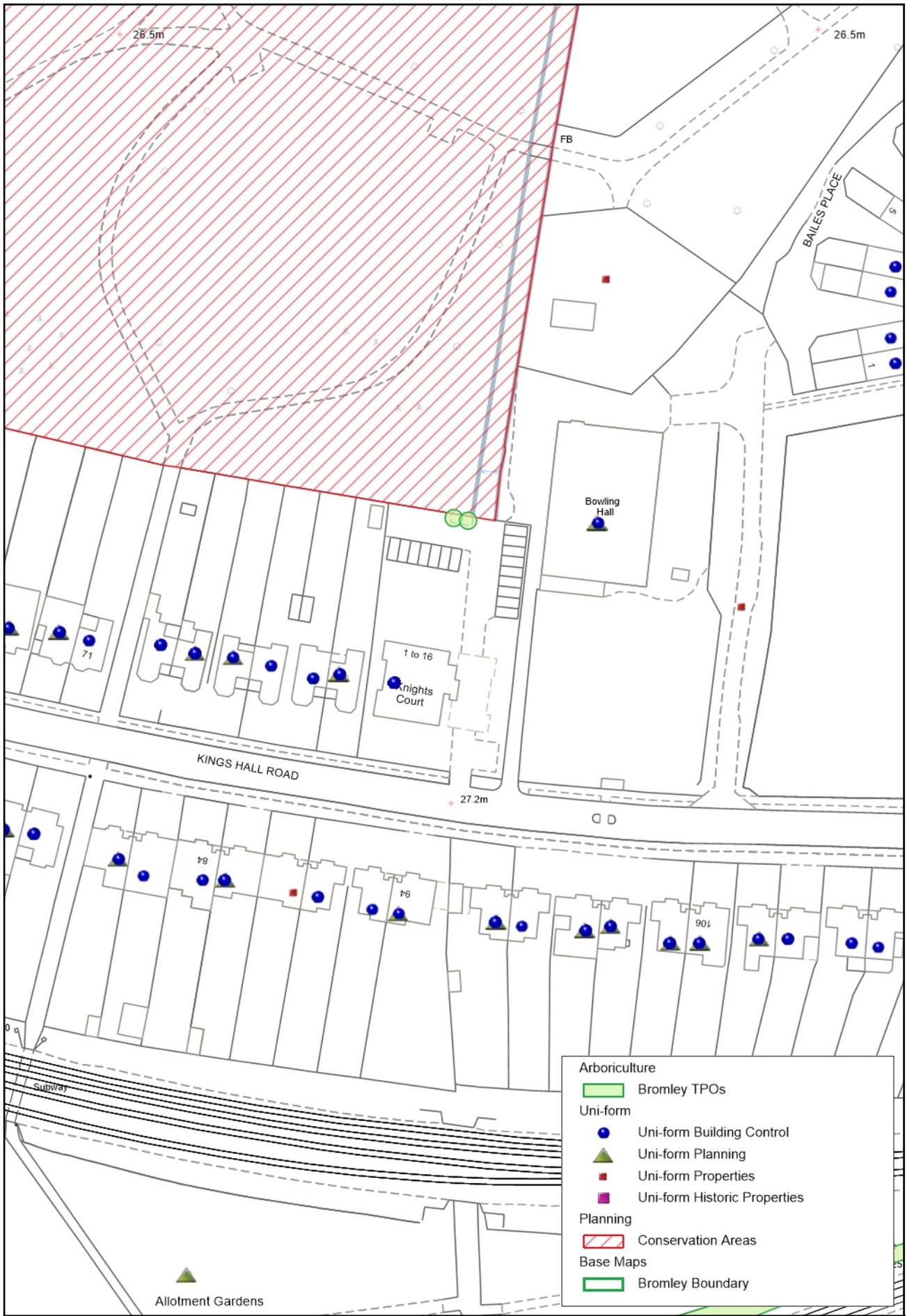
8. LEGAL IMPLICATIONS

The TPO will cease to be valid upon expiry of 6 months.

9. PROCUREMENT IMPLICATIONS

N/A

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



Planning



Knights Court, Kings Hall Road,
Beckenham, BR3 1LR



© Crown copyright and database rights 2020.
Ordnance Survey 100017661.

17 January 2020



This page is left intentionally blank

Report No.
DRR20/014

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PLANS SUB-COMMITTEE NO. 4

Date: Thursday 6 February 2020

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

Title: CONFIRMATION OF TREE PRESERVATION ORDER (TPO)
2674 - 149 -163 BEACONSFIELD ROAD, 194 -186 DUNKERY
ROAD, 3-9 FRAMLINGHAM CRESCENT, LONDON

Contact Officer: Paul Smith, Tree Officer
E-mail: paul.smith@bromley.gov.uk

Chief Officer: Assistant Director (Planning)

Ward: Mottingham and Chislehurst North

1. Reason for report

To consider an objection received against the making of the above referenced Tree Preservation Order (TPO).

2. **RECOMMENDATION(S)**

The subject area of trees (A1) makes an important contribution to the visual amenity of the surrounding local area and is awarded high amenity value. The TPO should therefore be confirmed to secure tree protection.

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

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 Services Revenue Budget 2019/20 – Trees
 4. Total current budget for this head: £ £132,210
 5. Source of funding: Existing Budget
-

Personnel

1. Number of staff (current and additional): 3
 2. If from existing staff resources, number of staff hours: 3 FTEs
-

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Not Applicable
-

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Those living at the site location.
-

Ward Councillor Views

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

3. COMMENTARY

3.1 TPO 2674 was made on 6th September 2019 and relates to an area of trees comprising several rear gardens of properties in the following roads: 149 -163 BEACONSFIELD ROAD, 194 -186 DUNKERY ROAD, 3-9 FRAMLINGHAM CRESCENT.

3.2 One objection has been received.

3.3 The objection is summarised as follows:

a) The choice of area is inappropriate for TPO because it neglected, full of waste and animals such as foxes and rats are present.

b) The tree protection would complicate trying to keep the area clean and healthy.

c) The TPO will prevent works to a tree in the objectors' garden, restricting their ability to maintain their property.

3.4

a) The presence of waste and animals does not affect the TPO of worthiness of the trees present, since it is the views of the crowns of the trees that is a key factor in their amenity value, rather than the view around the bases of the trees.

b) The TPO only protects the Ash trees. It does not prevent the clearance of any other vegetation. Therefore, weeds, garden shrubs and trees of any other species can be pruned or removed freely.

c) The Order does not prevent future works from being carried out, but it requires that the Council's consent be gained prior to removing trees and prior to carrying out most forms of tree pruning. In assessing applications to remove trees or carry out pruning, the Council takes into account the reasons for the application, set alongside the effect of the proposed work on the health and amenity value of the trees.

3.5 The TPO was made following a request for consideration to be given to the creation of a TPO by a member of the public.

3.6 Further to a visual assessment adopting the TEMPO (Tree Evaluation Method for Preservation Orders) scoring system, a new TPO was considered justified as the area of trees merited preservation. In summary, the trees were found to be of normal vitality, with a suitable retention span and a level of public visibility. The trees are a mature feature of the local landscape. The tree's visibility in the public domain and landscape value are primary factors in their amenity value.

3.7 The TPO is valid for 6 months from the date the order was made. If the TPO is not confirmed within this period, the TPO will cease to exist. Considering the foreseeable risk of tree felling, members are respectfully requested to confirm the order.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

N/A

5. POLICY IMPLICATIONS

N/A

6. FINANCIAL IMPLICATIONS

N/A

7. PERSONNEL IMPLICATIONS

N/A

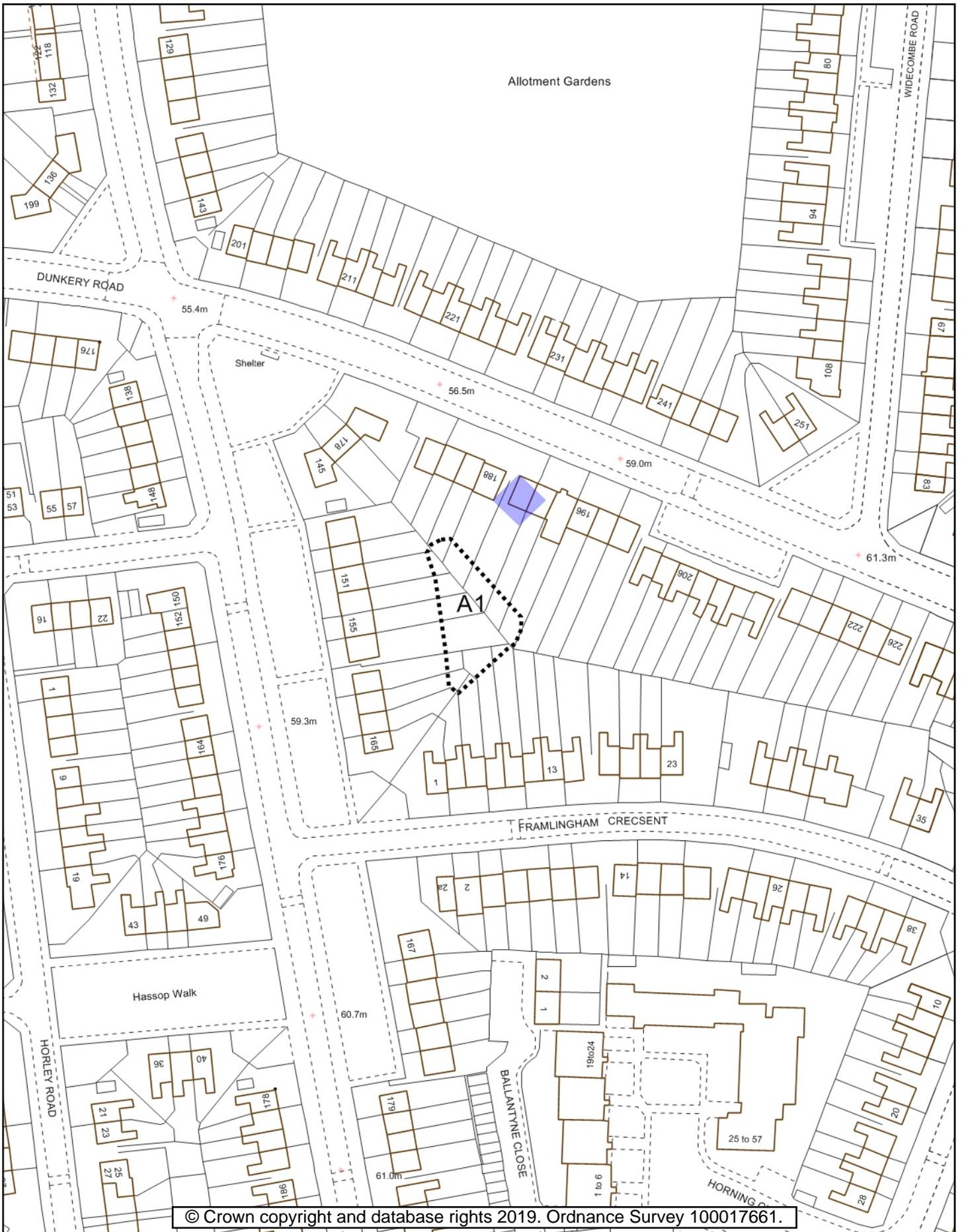
8. LEGAL IMPLICATIONS

The TPO will cease to be valid upon expiry of 6 months.

9. PROCUREMENT IMPLICATIONS

N/A

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



© Crown copyright and database rights 2019. Ordnance Survey 100017661.

TOWN PLANNING

JIM KEHOE
 CHIEF PLANNER
 CIVIC CENTRE, STOCKWELL CLOSE
 BROMLEY, KENT
 BR1 3UH



Tel: 020 8464 3333

TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990
 CONCERNING

149 -163 Beaconsfield Road, 194 -186 Dunkery Road, 3-9 Framlingham Crescent, London

Scale: 1:1250



29.8.19

T.P.O. No. 2674

This page is left intentionally blank

Report No.
DRR20/011

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PLANS SUB-COMMITTEE NO. 4

Date: Thursday 6 February 2020

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

Title: CONFIRMATION OF TREE PRESERVATION ORDER (TPO)
2677 - LANGLEY PARK GOLF CLUB, BARNFIELD WOOD
ROAD, WEST WICKHAM

Contact Officer: Chris Ryder, Principal Tree Officer
E-mail: christopher.ryder@bromley.gov.uk

Chief Officer: Assistant Director (Planning)

Ward: West Wickham;

1. REASON FOR REPORT

To consider objections received against the making of the above referenced Tree Preservation Order (TPO).

2. RECOMMENDATION(S)

Following a request of a Tree Preservation Order (TPO) by two of the arboricultural officers, this TPO was made to secure protection for a number of trees within the golf course. An assessment of the trees within wooded belts reveals preservation is merited.

In summary the trees are a significant feature of the locality and contribute to the greater landscape. There is a degree of threat under the current management strategy of the golf club.

It is recommended that the TPO is confirmed with modification. The TPO schedule will exclude species of less value and a current nuisance to the Golf Course management program.

Species to be excluded are as follows:

- Holly
- Sycamore
- Cypress
- False Acacia
- Birch
- Willow

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

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 Services Revenue Budget 2019/20 – Trees
 4. Total current budget for this head: £132,210
 5. Source of funding: Existing Budget
-

Personnel

1. Number of staff (current and additional): 3
 2. If from existing staff resources, number of staff hours: 3 FTE's
-

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Not Applicable
-

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Those impacted by the TPO.
-

Ward Councillor Views

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

3. COMMENTARY

3.1 The TPO was made on 24th September 2019 and includes 10 area designations.

3.2 9 representations were received. 3 of the representations were in objection to the TPO. The points made in objection are summarised as follows:

- The decision to make the TPO without consultation is extreme. The Langley Park Golf Club (LPGC) have a woodland management plan and take their responsibilities very seriously.
- The LPGC manage and present the course well. No reason for the Council to change this now.
- Assurance is sought from the Council with regard to ensuring regular inspection of the boundary trees.
- The TPO is not necessary on the basis that the trees are under the management of the LPGC.
- Concern over application process in respect of urgent works.
- The woodland management plan has been communicated with Bromley Tree Team to agree and develop changes.
- It appears a number of staff changes have taken place both in the Council Tree Team and the LPGC. Contact has been actively sought on behalf of the LPGC. No reply has been received from the new Arboricultural Manager.
- Urgent management of trees along Red Lodge Road was prioritised under Council's request.
- It is disappointing that the TPO has been served following the past positive communication.
- The TPO should be lifted to allow continued management.
- An extract of the management plan and photos from the 1940's show how trees have developed.

3.3 Neutral representations are summarised as follows:

- The LPGC have duties to manage trees along the boundaries. It is important that maintenance is allowed. Clearance issues should be addressed regularly.
- The LPGC need to be allowed to maintain boundary trees are the request of neighbouring residents
- The Council should take over the maintenance of the boundary trees and charge the LPGC.
- The Council should lift the TPO and allow residents to resolve boundary tree issues.
- Future damage caused by trees would have to be paid for by LPGC or the Council.
- The Council have failed to maintain the grounds and trees since 1971. Some trees require urgent attention.
- Is the making of the TPO part of a longer term plan?
- What are the benefits of putting the TPO in place?

- How will the TPO affect tree management and who remains responsible?
- Reassurance is sought with regard to pruning to prevent subsidence damage.
- Who is liable for any future incidents involving life or property?
- Who do we approach when we require pre-emptive or emergency works?
- Permission is sought to address encroachment.
- Boundary tree management is requested to address light loss, falling debris and reduce resident management costs.
- Permission is sought to prune overhanging trees indefinitely.

3.4 Responses to objections are as follows:

- The Council seek to maintain an oversight of the tree management on the golf course. The TPO is not meant as a restrictive measure. The management plan may be permitted as currently being considered under application reference 20/00024/TPO. If permitted, works may continue under Council consent.
 - The scale of management was raised as a concern by the Tree Team and is now under review by the team.
 - LPGC will remain responsible for duty of care maintenance and inspections.
 - Planning permission for works may be sought by third parties by application form or via the website. Access to the land will require the agreement of LPGC.
 - The Tree Team have since arranged a site meeting and are working with the LPGC to agree management strategies. Application 20/00024/TPO may be referred to for further information.
 - Management may continue under planning permission, subject to Council approval. Justified management will not be opposed. The TPO will ensure unnecessary management does not take place by the occupier or third parties.
 - Liability remains the responsibility of LPGC as the long term leaseholder.
- 3.5** Further to a visual assessment adopting the TEMPO (Tree Evaluation Method for Preservation Orders) scoring system, a new TPO was considered justified as the trees merited preservation. In summary, the wooded belts and boundary trees were found to be cohesive, with a suitable retention span and a high level of public visibility. The trees are mature features of the local landscape. Tree maturity, cohesion and visibility in the public domain are primary factors in terms of assessing amenity value.
- 3.6** The Order does not prevent future works from being carried out, but it requires that the Council's consent be gained prior to removing the tree and prior to carrying out most forms of tree pruning. In assessing applications to remove trees or carry out pruning, the Council takes into account the reasons for the application, set alongside the effect of the proposed work on the health and amenity value of the trees.

3.7 The TPO is valid for 6 months from the date the order was made. If the TPO is not confirmed within this period, the TPO will cease to exist. Considering the perceived risk to trees under some aspects of the management strategy, confirmation with modification is recommended.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

N/A

5. POLICY IMPLICATIONS

N/A

6. FINANCIAL IMPLICATIONS

N/A

7. PERSONNEL IMPLICATIONS

N/A

8. LEGAL IMPLICATIONS

The TPO will cease to be valid upon expiry of 6 months.

9. PROCUREMENT IMPLICATIONS

N/A

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

This page is left intentionally blank



Planning Division



20/0024/TPO - Langley Park Golf Club, Barnfield Wood Road



© Crown copyright and database rights 2020. Ordnance Survey 100017661.

13 January 2020



This page is left intentionally blank

Report No.
DRR20/012

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PLANS SUB-COMMITTEE NO. 4

Date: Thursday 6 February 2020

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

Title: CONFIRMATION OF TREE PRESERVATION ORDER (TPO)
2678 - ST OLAVES SCHOOL GODDINGTON LANE,
ORPINGTON

Contact Officer: Paul Smith, Tree Officer
E-mail: paul.smith@bromley.gov.uk

Chief Officer: Assistant Director (Planning)

Ward: Orpington

1. Reason for report

To consider an objection received against the making of the above referenced Tree Preservation Order (TPO).

2. **RECOMMENDATION(S)**

The subject woodland (W1) makes an important contribution to the visual amenity of the surrounding local area and is awarded high amenity value. The TPO should therefore be confirmed to secure tree protection.

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

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 Services Revenue Budget 2019/20 – Trees
 4. Total current budget for this head: £ £132,210z
 5. Source of funding: Existing Budget
-

Personnel

1. Number of staff (current and additional): 3
 2. If from existing staff resources, number of staff hours: 3 FTEs
-

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Not Applicable
-

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Those living at the site location.
-

Ward Councillor Views

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

3. COMMENTARY

3.1 TPO 2678 was made on 7th October 2019 and relates to a boundary woodland within the grounds of St Olave's Grammar School, Goddington Lane, Orpington.

3.2 One objection and one comment of support have been received.

3.3 The supportive comment is summarised as follows:

The woodland contains many mature and veteran trees.

It provides a valuable wildlife habitat.

It links to the existing green corridor along court road.

It is under threat from proposed development on the school grounds.

3.4 The objection is summarised as follows:

a) The objection is only to a small section alongside Goddington Lane. There is no objection to the rest of the TPO.

b) Trees in this section cannot be accessed or viewed by the public.

c) There are more deserving trees elsewhere.

d) Overhanging branches reduce the usable width of the road and impede safe travel for pedestrians.

e) The trees are not routinely trimmed and the council do not respond to ad-hoc requests for remedial action.

f) If the trees were regularly maintained there would be no objection to the TPO.

3.5 The responses to the objections are as follows:

a) (No response required.)

b) The section of woodland bordering Goddington Lane is prominent in the street scene along this section of the road.

c) The TPO is intended to protect the woodland as a whole. Trees within a woodland are not expected nor required to achieve TPO worthiness on an individual basis.

d) Works to maintain adequate highway clearance are exempt from requiring written permission under Part 3 Regulation 14 (1) (ii) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

e) There is no reason for the TPO to affect the undertaking of scheduled or responsive works (see 3.8.)

f) See e).

3.6 The TPO was made following the consultation of the Council Tree Officers on planning application 18/04454/FULL1.

3.7 Further to a visual assessment adopting the TEMPO (Tree Evaluation Method for Preservation Orders) scoring system, a new TPO was considered justified as the woodland merited

preservation. In summary, the trees were found to be of normal vitality, with a suitable retention span and a level of public visibility. The trees are a mature feature of the local landscape. The woodland's visibility in the public domain and contribution to biodiversity are primary factors in its amenity value.

- 3.8 The Order does not prevent future works from being carried out, but it requires that the Council's consent be gained prior to removing trees and prior to carrying out most forms of tree pruning. In assessing applications to remove trees or carry out pruning, the Council takes into account the reasons for the application, set alongside the effect of the proposed work on the health and amenity value of the trees.
- 3.9 The TPO is valid for 6 months from the date the order was made. If the TPO is not confirmed within this period, the TPO will cease to exist. Considering the foreseeable risk of tree felling, members are respectfully requested to confirm the order.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

N/A

5. POLICY IMPLICATIONS

N/A

6. FINANCIAL IMPLICATIONS

N/A

7. PERSONNEL IMPLICATIONS

N/A

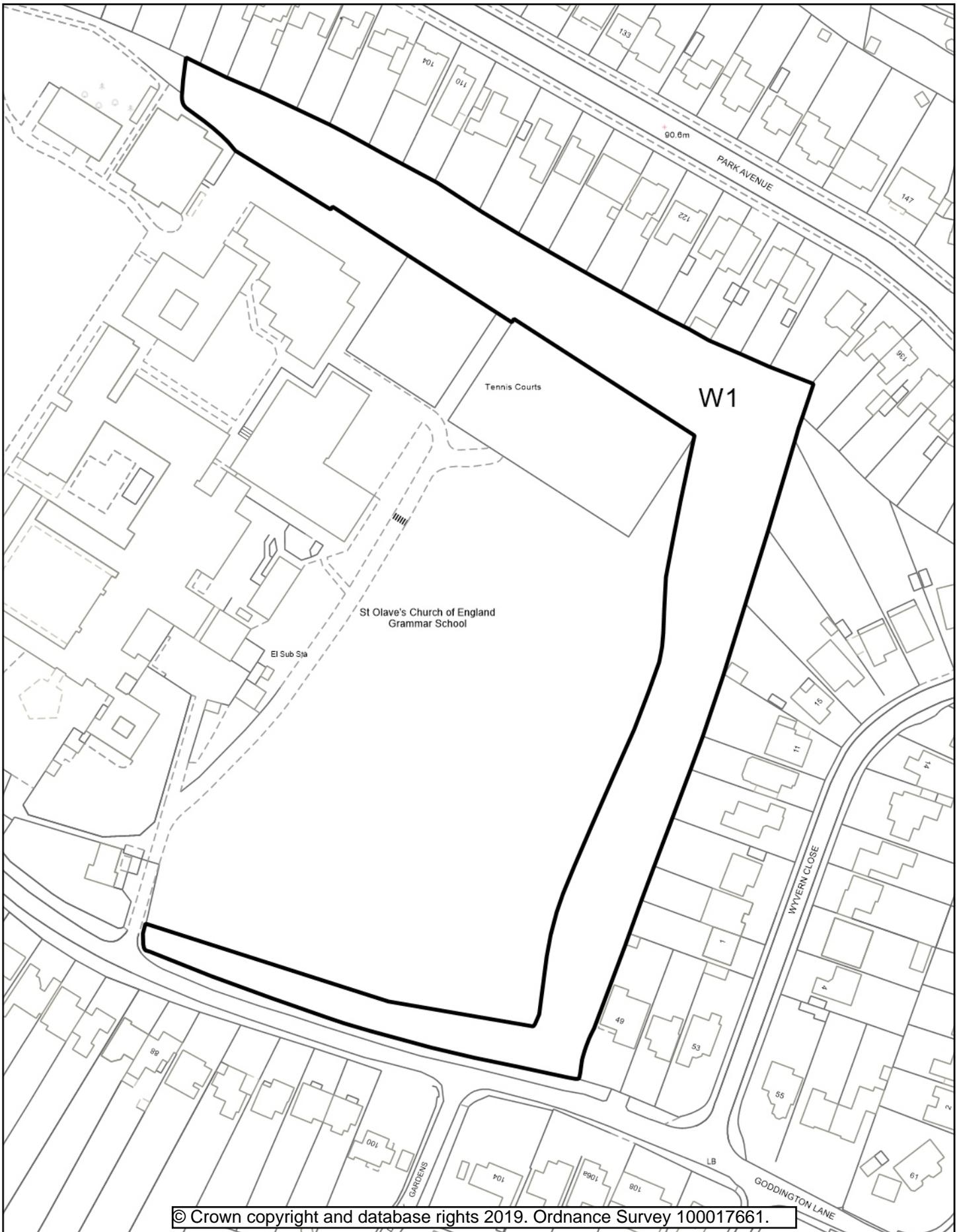
8. LEGAL IMPLICATIONS

The TPO will cease to be valid upon expiry of 6 months.

9. PROCUREMENT IMPLICATIONS

N/A

Non-Applicable Sections:	Financial and Personnel Implications
Background Documents: (Access via Contact Officer)	18/04454/FULL1



© Crown copyright and database rights 2019. Ordnance Survey 100017661.

TOWN PLANNING



Tim Horsman
 Assistant Director (Planning)
 Planning Division
 London Borough of Bromley
 Stockwell Close, Bromley BR1 3UH
 Tel: 020 8464 3333

TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990
 CONCERNING

ST OLAVE'S GRAMMAR SCHOOL, GODDINGTON LANE, ORPINGTON, BR5 9SH

Scale: 1:1500



04.10.2019

T.P.O. No. 2678

This page is left intentionally blank

Report No.
DRR20/013

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PLANS SUB-COMMITTEE NO. 4

Date: Thursday 6 February 2020

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

Title: CONFIRMATION OF TREE PRESERVATION ORDER (TPO)
2680 - THE VICARAGE 15 ST JAMES'S AVENUE, BECKENHAM

Contact Officer: Paul Smith, Tree Officer
E-mail: paul.smith@bromley.gov.uk

Chief Officer: Assistant Director (Planning)

Ward: Clock House

1. REASON FOR REPORT

To consider an objection received against the making of the above referenced Tree Preservation Order (TPO).

2. RECOMMENDATION(S)

The subject trees (T1-6) make an important contribution to the visual amenity of the surrounding local area and are awarded high amenity value. The TPO should therefore be confirmed to secure tree protection.

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

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 Services Revenue Budget 2019/20 – Trees
 4. Total current budget for this head: £ £132,210
 5. Source of funding: Existing budget
-

Personnel

1. Number of staff (current and additional): 3
 2. If from existing staff resources, number of staff hours: 3 FTEs
-

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Not Applicable
-

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Those living at the site location.
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1** TPO 2680 was made on 24th October 2019 and relates to 6 individual trees located within the grounds of 15 St James's Avenue, Beckenham, Kent, BR3 4HF.
- 3.2** 3 sets of objections have been received from the residents of 15 St James's Avenue, 17A St James Avenue and Savills UK (Ltd) on behalf of the Diocese of Rochester.
- 3.3** The representation from Savills UK (Ltd) on behalf of the Diocese of Rochester concurs with creation of a TPO and the inclusion of T1, T3 and T6 in the Order but objects to the inclusion of T2, T4 and T5.

3.3 The objections are listed as follows:

- a) The trees affect the amount of sunlight reaching 17A St James's Avenue.
- b) Saplings growing between the vicarage and the brook block light to 17A St James's Avenue.
- c) The trees do not constitute a public amenity because there is only private access to the land.
- d) The TPO would create an unfair financial burden for the Diocese of Rochester.
- e) The TPO was made in response to objections from local residents to a planning application for the development of the site.
- f) There is no specific reasoning or referencing in the formal notice for the TPO being served on any particular trees, thereby resulting in ambiguity to the decision to create the Order.
- g) T1 and T3 (Lime trees) require regular maintenance and are causing or have caused damage to built structures.
- h) T2 Yew is not worthy of TPO protection because it has below average form, it is small, it lacks impact, it has limited future potential due to more vigorous neighbouring trees, it is not a rare species and it is neither culturally nor historically significant.
- i) T4 London Plane is not worthy of TPO protection because it is undersized for the species, has poor crown form, is not a rare species, is neither culturally nor historically significant and is not publically visible.
- j) T5 Beech is not worthy of TPO protection because it is not publically visible from St James's Avenue, it is not a rare species, it is not culturally nor historically significant and it is causing problems with regard to a brick out building.

3.4 The responses to the objections are as follows:

- a) The creation of the TPO does not increase any impact the trees may have on the neighbouring property. The Order does not prevent future works from being carried out, but it requires that the Council's consent be gained prior to removing trees and prior to carrying out most forms of tree pruning. In assessing applications to remove trees or carry out pruning, the Council takes into account the reasons for the application, set alongside the effect of the proposed work on the health and amenity value of the trees.

- b) The saplings are not included in the order.
- c) The trees constitute a public amenity by virtue of being clearly publically visible from a wide angle and considerable distance on St James's Avenue as well as from surrounding dwellings.
- d) There will be no increase in the financial burden of tree ownership with the creation of the TPO. There is no fee associated with applications for works to protected trees.
- e) The TPO was not made in response to public comments. It was made following the consultation of the tree team on planning application 19/03068/FULL1. A site visit was carried out to assess the TPO worthiness of any trees present. Further to a visual assessment adopting the TEMPO (Tree Evaluation Method for Preservation Orders) scoring system, a new TPO was considered justified as the certain individual trees merited preservation. In summary, the trees were found to be of normal vitality, with a suitable retention span and a level of public visibility. Overall the trees are a mature feature of the local landscape. The trees' maturity and visibility in the public domain are primary factors in their amenity value.
- f) There is no requirement to provide reasoning or referencing in the formal notice for the TPO being served on any particular trees. Members of the public and interested parties alike are free to raise questions for the Tree Team to answer once the provisional Order is made and prior to a decision on Confirmation. Therefore any uncertainty experienced in understanding the decision to create the Order is not in itself a valid reason for an objection.
- g) The assertions of an impact on built structures by T1 and T3 have not been supported by evidence and cannot therefore overcome the justification for creating a TPO at this time. With regard to the requirement for pruning works see a).
- h) T2 scored sufficiently highly on a TEMPO assessment to merit inclusion. Its size was accounted for in this assessment; it is a small tree that is clearly publically visible. The fact this native species is not "rare" in this part of the country does not detract from its TEMPO score. The historic association of Yew with places of Christian worship lends a degree of cultural significance for T2. With regard to the suggested limited retention span, Yews have the potential to live for over a thousand years. Furthermore, being partially shaded by deciduous trees will not significantly affect T2's ability to thrive, since evergreen Yews are often found surviving underneath the main canopy of deciduous woodlands.
- i) T4 scored sufficiently highly on a TEMPO assessment to merit inclusion. Its size was accounted for in this assessment; it is considered a medium tree clearly visible to the public from St James's Road, contrary to the assertion within the objection. The asymmetrical form of the crown was also accounted for in the assessment; the tree's "condition and suitability for TPO" was considered fair/satisfactory. The fact this species is not "rare" and the tree's lack of any particular cultural or historical importance was accounted for in the assessment.
- j) T5 scored sufficiently highly on a TEMPO assessment to merit inclusion. Its relative public visibility was considered within this assessment; it was considered a medium tree with a limited view. The fact this species is not "rare" and the tree's lack of any particular cultural or historical importance was accounted for in the assessment. The assertions of an impact on a built structure have not been supported by evidence and cannot therefore overcome the justification for creating a TPO at this time. Furthermore the structure in question here has been proposed for demolition under planning application 19/03068/FULL1, suggesting its value as an associated structure contemporary to the Vicarage building is not significant.

3.5 The TPO is valid for 6 months from the date the order was made. If the TPO is not confirmed within this period, the TPO will cease to exist. Considering the foreseeable risk of tree felling, members are respectfully requested to confirm the order.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

N/A

5. POLICY IMPLICATIONS

N/A

6. FINANCIAL IMPLICATIONS

N/A

7. PERSONNEL IMPLICATIONS

N/A

8. LEGAL IMPLICATIONS

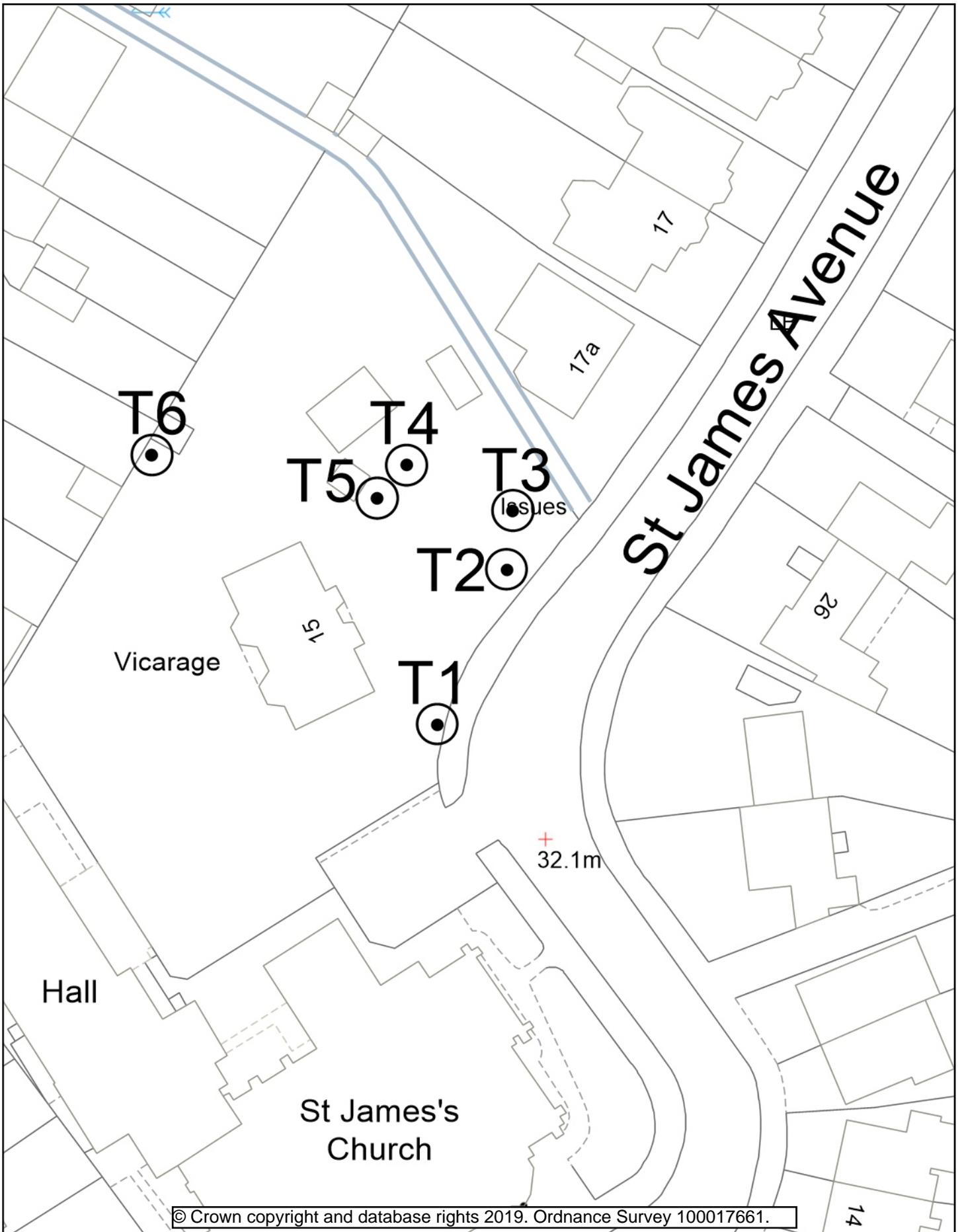
The TPO will cease to be valid upon expiry of 6 months.

9. PROCUREMENT IMPLICATIONS

N/A

Non-Applicable Sections:	Financial and Personnel Implications
Background Documents: (Access via Contact Officer)	19/03068/FULL1

This page is left intentionally blank



TOWN PLANNING



Tim Horsman
 Assistant Director (Planning)
 Planning Division
 London Borough of Bromley
 Stockwell Close, Bromley BR1 3UH
 Tel: 020 8464 3333

TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990
 CONCERNING
 The Vicarage, 15 St James Avenue, Beckenham, BR3 4HF

Scale: 1:500



14.10.2019

T.P.O. No. 2680

This page is left intentionally blank