

**Decision Maker:** **PLANS SUB-COMMITTEE NO. 4**

**Date:** **Thursday 15 May 2014**

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

**Title:** **138 LOCKESLEY DRIVE, ORPINGTON, BR5 2AE**

**Contact Officer:** John Stephenson, Acting Development Control Manager Planning Investigation  
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**Chief Officer:** Chief Planner

**Ward:** Cray Valley West;

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1. Reason for report

This matter has previously been reported to Plans Sub Committee in 2011 and on 21<sup>st</sup> February 2013 following complaints concerning a number of alleged breaches of planning control.

The resolution of the Sub Committee on 21 February 2013 was that a Breach of Condition Notice be Authorised, concerning the failure to provide and maintain a boundary enclosure in accordance with the details to be approved by or on behalf of the Council as required by condition 5 of planning permission reference DC/07/03049/Full 6 (and condition 2 of planning permission reference DC/06/03912/Full 6.

A Breach of Condition Notice was issued on the 15<sup>th</sup> August 2013. A substantial part of the boundary fence has now been completed, subsequent to the issuing of the notice, by the (new) owner of the land, who has indicated that he will complete the remainder.

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2. **RECOMMENDATION(S)**

That the completion of the substantial part of the boundary fence be welcomed and the full compliance with the Breach of Condition Notice not to be pursued through further legal action at this stage but to allow further time to complete the front boundary treatment.

### 3. COMMENTARY

- 3.1 Following the February 2013 committee resolutions and a Breach of Condition Notice was issued on 15<sup>th</sup> August 2013. This required that a boundary enclosure be erected. Meanwhile the new owner had taken the property on from the previous owner/developer.
- 3.2 A new fence has since been erected by the new owner in the back garden and continues to the front of the adjoining garage of No 138. This element complies with the Breach of Condition Notice in part.
- 3.3 For full compliance with the Breach of Condition Notice, a further extension of the fence (at a low height of one metre) is required into the front garden. The current owner has indicated his intentions to complete this within the next 6-8 months and has already carried out some “tidying up” works to the front garden.
- 3.4 The owner has been in contact with the Planning Investigation team and has now given a written undertaking and has stated his intentions. He has stated “that despite no real change in his personal circumstances, he is making a tremendous effort to find a viable solution which will allow us to bring closure to this matter “.
- 3.5 It is beneficial that the partial compliance has now taken place. It is proposed that full compliance not be pursued through further legal action at this stage but to allow the owner to complete the works and for planning investigation officers to monitor his progress, which will enable him to resolve all outstanding issues.
- 3.6 There are a series of previous complaints related to this site, including an Ombudsman investigation which found there was not an administrative fault by the Council (November 2012).
- 3.7 As a result of the substantially completed boundary fencing to the rear which is obviously welcomed it is concluded that the owners of 138 should be given further time in order to allow them to work towards completion and that the progress be monitored by the planning investigation team.

### 4. POLICY IMPLICATIONS

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### 5. FINANCIAL IMPLICATIONS

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### 6. LEGAL IMPLICATIONS

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### 7. PERSONNEL IMPLICATIONS

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<b>Non-Applicable Sections:</b>	POLICY, FINANCIAL, LEGAL, PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	