



North Cray Residents Association

www.northcrayresidents.org.uk

TO: Mrs Susan Clark, Head of Development Control

FROM: Jean Gammons, Secretary

Copied to: Mrs Helen Acton and Ms Sue King

DATE: April 2016

Ref 16/00348/FUL Development of garden land behind 22-28 St James Way & demolition of 20 James Way in order to create a cul-de-sac and a new access road

Dear Mrs Clark

This is to ask you to register our very strong Objection to the above planning application, which is the fourth attempt to develop garden land at the rear of 22 St James Way for houses.

Precedents for refusal The previous three attempts were in 1967, 1973 and 1984. We copy below the strong views of previous Chief Planning Officers in defence of this garden land:-

“The formation of a new cul de sac and the erection of seven dwellings, if permitted, on the...area of backland...would deprive the adjoining residents of amenities and privacy which they might reasonably expect to enjoy” [1967]

“Access is unacceptable and the passage of vehicles...would be a considerable nuisance to adjacent residents...bungalow would be on rising ground...loss of privacy...Risk to Cedar tree (root damage)...and the proposal would be out of character with the neighbourhood and would introduce a disturbing activity at the rear...” These comments were summarised as (1) A form of undesirable backland development...detrimental to the amenities of adjoining properties and (2) Development would be out of character with the existing development in the vicinity, dominating and overlooking properties in St James Way” [1973]

“This piece of land...backland area between St James Way and The Grove...remains quite unsuitable for a building project of any kind, flanked as it is at each end by two very ancient and giant Lebanon Cedar Trees...their branches span a wide area of the plot...inevitably the roots of the trees will be subject to damage when foundations are being excavated for the building and the access road...it is a garden area and must remain so even if it is allowed to go back to nature” [1985]

The planning applications of 1973 and 1984 were for nothing more than a single-storey dwelling with an access drive from St James Way. The current application is for five large houses, garages and a new road running the length of this backland site, one also taking in garden land behind 28 St James Way.

The planning applications of 1973 and 1984 went to Appeal, and both were dismissed by the Inspectorate in the following terms: *“The Local Planning Authority maintains that the Appeal*

site is unsatisfactory for residential development. It is considered that the reasons for refusal...were soundly based” [14 June 1985]

I know of no subsequent changes in planning law that would contradict the views expressed by the then Chief Planning Officer/s so firmly and clearly in 1967, 1973 and in 1985; and by the Planning Inspector/s in 1973 and 1985. On the contrary, Bexley has expressly tightened up its approach to harmful backland development by its Policy CS17.

Harmful backland development In its Policy CS 17 Bexley re-affirmed its resistance to harmful backland development. What is now being proposed for the garden land behind 22-28 St James Way remains harmful for several reasons:-

- nuisance and loss of privacy
- threat to security, as a road is being proposed that will run behind houses in St James Way and The Grove and provide a new access/exit for burglars
- loss of amenity, ie people's right to quietly enjoy their gardens, free from noise and disturbance from traffic
- light pollution, not least from any street lighting along the line of the proposed road
- changed character of the neighbourhood (one which adjoins a Conservation Area) by the introduction of a cul-de-sac within garden land at the rear of people's homes
- the removal of several mature trees in order to create the road and new houses; and the threat to large, centuries-old Cedar trees which are protected by a TPO.
- effect on biodiversity (badgers, foxes etc.)

Historic Cedar Tree Of the two Cedar trees mentioned as being in this garden land in 1985, only one remains – the other having been lost in a gale some years ago. The surviving Cedar (and the one in the garden of No. 18 St James Way) is of great heritage importance as it was planted by Lancelot 'Capability' Brown in c1782 as part of his landscaping of North Cray Place (whose parkland now forms Foots Cray Meadows). The history of the Cedar trees in the gardens of Nos. 22 and 18 St James Way and their connection with 'Capability' Brown has been confirmed by English Heritage. Both are protected by TPOs (reference 68/1246). These trees are very important to local residents, and important too in the history of North Cray. We all share the concern expressed in 1973, and again in 1985, that their roots would be damaged in excavating for building foundations and in building a new access road. We are not reassured by the applicant's Arboricultural Survey Report as this makes no reference to the very real threat of root damage from the building of house foundations etc. We are also particularly concerned by the proposal (clearly shown on the Plans for this site) to severely prune this Cedar tree for the benefit of the proposed new houses. It is for this reason that we are copying this letter to Bexley's TPO officer.

Pre-planning application advice given to the applicants by Planning We found this advice very helpful, setting out as it does- comprehensively and clearly- the relevant factors that needed to be addressed. But with one very important exception. This is the statement under *Principle of Housing and Density* that the site is “previously developed” and that, as such, it is

“brownfield land” and so not precluded from development for housing. We find this statement inexplicable and unacceptable as the site for the proposed cul-de-sac and access road is garden land- *land that has not previously been built upon*. We strongly reject Planning's interpretation. If it was valid, then any garden or grounds with hard standing (say for a tennis court, as once existed on the application site) or laid down as a large patio or for some other use, would automatically become brownfield land and, as such, permissible for a residential development. We are sure that this was not the government's intention when drawing up the NPPF. In fact, we see from Annex 2 of the NPPF that the definition of **Previously developed land** is “*Land which is or was occupied by a permanent structure...This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes...land in built-up areas such as private residential gardens, parks [etc]; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time*”. This interpretation is repeated in the Dept. of Communities & Local Government's document *Building more homes on brownfield land – consultation proposals* dated January 2015.

We also know that Bexley is opposed to garden-division for residential purposes. We know this from several local cases where Planning has ensured that any building in a garden intended for residential use was legally tied to the main house as an ancillary to it. This is not the aim of this application!

Having said all this, we also wish to point out that the disputed “brownfield land” comment was only part of Planning's advice in its pre-app guidance to the applicant. The submitted application failed as regards Policies CS06, H3, H8, and CS17. And we are unconvinced by the applicant's *Arboricultural Survey* and *Preliminary Ecological Appraisal*.

Planning Statement:-

7.2 This argues that, as the NPPF encourages the re-use of vacant and derelict land for housing, the current application is appropriate for such planning approval. But in this case, the land in question is not vacant, nor derelict land but a garden (albeit neglected) with mature trees and valuable biodiversity.

7.5 This argues that the proposed five new dwellings would make a key contribution to Bexley's housing supply. It would not – and at what cost to local residents and their environment! And an examination of Bexley's *Growth Strategy: our Emerging Vision* confirms what we were told by Planning last year: there are no plans for new homes in the south of the borough – the targets for Bexley's housing growth are all in the north of the borough. Furthermore, we know of several houses within walking distance of the application site that are awaiting sale – and six more will become available at 139 North Cray Road (the same Developer?). We consider that with the latter (a very unwelcome development in Green Belt Land), together with the housing estate built a few years ago on the site of our school and playing fields, North Cray has already done its bit towards increasing Bexley's housing supply. Surely this is enough.

8.5 This acknowledges that the need to preserve residential amenity is a key consideration. But the current application fails in this respect. Please see **Harmful backland development** above, and below.

Concern expressed by residents Please see the Appx to this letter, which lists some of the concerns expressed directly to this Association by local residents. Following these emails, they called a public meeting – one attended by upwards of 35 people. Such is the strength of feeling against this proposed housing development on the part of local residents.

SUMMARY

- The application site is not previously developed land.
- An under-used, neglected garden with an area of hard-standing does not a “brownfield” site make!
- This land might be surrounded on all sides by houses, but it is, nonetheless, garden land
- There is no perceived change in planning law to contradict Planning's views in 1967, 1973 and 1984; nor those of two Planning Inspectors. On the contrary, Bexley has since produced Policy CS17, which promises that harmful backland development will be resisted.
- The garden's use as a backland development for houses with a new road will have a harmful impact: loss of amenity and privacy, more noise and disturbance, light pollution and less security.
- The proposed development will change the character of the area, one which adjoins a Conservation Area
- There will be a significant loss of mature trees; and a real threat to the Cedars protected by TPOs – both of them from root damage, and one from brutal pruning
- There will be a harmful impact on wildlife, eg badgers which are a protected species
- The development will make an insignificant contribution to Bexley's housing supply
- The plans present an unrealistic picture of the true nature and size of site.
- A Site Visit before any decision is made is strongly recommended,

Yours sincerely

Jean Gammons

Extracts from emails sent to The Committee of the North Cray Residents Association

“This kind of intensive development in the centre of a quiet residential area is wrong...”

“The ground rises and the scheme would overlook my property, mainly the bedrooms and bathroom”

“My friend [an octogenarian] has lived in St James Way for over 50 years and is frankly mortified that he will see the trees cut down and replaced with houses close to the bottom of his garden which will look down into his house, plus the fact that his peace will be shattered by the building of a road 1.5 metres away from his garden fence...he has asked me to register his outrage at and resistance to this development proceeding. There is also the thought of having to endure 18 months of disruption, effectively being forced to reside on a noisy building site. He is also fearful of the fact that the bungalow's [No. 20 St James Way] demolition will fundamentally change the character of the road and be the not so slim end of a wedge in terms of the future urbanisation of North Cray”.

“I live at 18 St James Way. Our house is sideways on to the development. [My concerns] are my ancient lights law to my lounge, kitchen and bedroom by plot 1; the old wall foundations that goes all along the boundary of the development; and the old tree and its roots”

“This is a very quiet area and we enjoy the privacy of our back garden and the view of the many mature trees in that plot of land. We are not in favour of this development and the main objections are:

- there are too many houses crammed into a small space. The piece of land is not as big as the layout depicts.

- since all the very large and mature trees will be cut down, the rear of the houses will overlook our garden from the elevated land. The peace, privacy and natural surroundings will be eroded

- security will be an issue. It is not easy to get in and out of that land as it stands now completely enclosed, but with this development it will feel less secure, even more so for those with the proposed access road at the back of their gardens

I have spoken to my neighbours about this and we, and several others affected, are very much against this development”.

“I dont like the idea of all back gardens being cut in half to accommodate more houses...The Development will obviously cause a lot of noise and mess with lorries going and out...I also have sympathy with the houses in The Grove as their gardens are not very long anyway, so the build will be quite close...”