

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: 25 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,

1. Precedents for refusal The current application is the fourth attempt to develop garden land at the rear of 22 St James Way for houses. All previous applications were refused. Please see Appx A to this letter and para 4 below.

We 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 its approach to harmful backland development by its Policy CS17, see 3 below.

2. What has changed? It seems to us that all that has changed since 1985 is new government pressure on Local Authorities to identify “brownfield” land (sites within existing Urban areas as opposed to Open Countryside) where new houses might be built.

However, North Cray has already made significant contributions to increasing Bexley's housing supply. Please see our comments below on para 7.5 of the applicant's Planning Statement.

Furthermore, Annex 2 of the NPPF defines **Previously developed land** as “*Land which is or was occupied by a permanent structure...This excludes: ...land in built-up areas such as private residential gardens, parks [etc]...*”. This interpretation is repeated in the Dept. of Communities & Local Government's document *Building more homes on brownfield land – consultation proposals* (January 2015).

The latest government guidance that we can find on Brownfield sites is the report of the House of Commons Select Committee for Communities and Local Government prepared in March 2016, para 22. This states that it continues to support the development of brownfield sites for housing where it contributes to meeting local housing needs. But this goes on to say “*However, it is important that local circumstances are taken into account when determining whether or not a particular brownfield site is suitable for housing development*”. Our view, and that of residents directly affected by the current application, is that the application site is unsuitable, see 3 below.

3. Harmful backland development In its Policy CS 17 (paras c and 4.8.10) 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.)

4. Another precedent for refusal An application to build a cul-de-sac comprising four detached dwellings in place of No.17 Wansunt Road, Bexley, and on land to the rear of Nos.15-23, was Refused in 2012; and an Appeal dismissed (11/01937/FUL). Such a development was declared wrong for Wansunt Road and it is even more wrong for St James Way, where there would be a far greater impact on neighbouring properties and amenities etc.

Please see comparison of the two sites in Appx C.

5. 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.

We consider that the submitted application fails as regards Policies UDP H3, H5 (particularly para 6.11), H8 (particularly para 6.17) and CS06 and CS17. And we are unconvinced by the applicant's *Arboricultural Survey* and *Preliminary Ecological Appraisal*. Moreover, we can see no evidence that Listed Building Consent has been granted in respect of the historic wall, see 8 below.

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 is legally tied to the main house as an ancillary to it. This is not the aim of this application!

6 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 the amenities of 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 identified 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 (another Brookworth Homes development?). 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 made a significant contribution 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 3 above.

7. 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.

8. Historic wall We can find no reference in any of the 32 Documents submitted by the applicant to any Listed Building Consent. Have they applied to Bexley Council? Have they been granted Consent?

9. Concern expressed by residents Please see Appx B 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. Since then, they have formed a sub-committee of ten under the umbrella of our Association. Such is the strength of feeling against this proposed housing development on the part of local residents.

SUMMARY

- The deciding factor should be Bexley's Policy CS17 against harmful backland development, not recent govt. pressure to increase housing supply
- The proposed development is also contrary to Policies UDP H3, H5, H8 and CS06
- There is no perceived change in planning law to contradict Planning's views in 1967, 1973 and 1984; nor those of two Planning Inspectors.
- The application site might be surrounded on all sides by houses, but it is, nonetheless, garden land
- The garden's use as a backland development for houses and 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
- What was wrong for Wansunt Road in 2012 is even more wrong for St James Way because of the greater impact on people's amenities etc.
- 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
- Whether or not Listed Building Consent has been granted in respect of the old wall is unclear
- There will be a harmful impact on wildlife, eg badgers which are a protected species
- The development would not make a significant contribution to Bexley's housing supply – one already made by North Cray in recent years
- 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

Appendixes:-

A- Precedents for refusal

B- Residents' concerns

C- Plans of Wansunt Road & St James Way

/APPX A

PRECEDENTS FOR REFUSAL

1. There have been three previous applications to build on the area of backland at the rear of 22 St James Way. These were in 1967, 1973 and 1984.

2. Below are 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...”. [1973] These views 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”.

“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 and 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]*

*protected by a Tree Preservation Order

3. 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 houses, garages and a new road running the length of this backland site, one also taking in garden land behind 28 St James Way.

4. The planning applications of 1973 and 1984 went to Appeal, and both were dismissed by the Planning 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]

EXTRACTS FROM EMAILS SENT TO THE COMMITTEE OF THE NCRA

“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

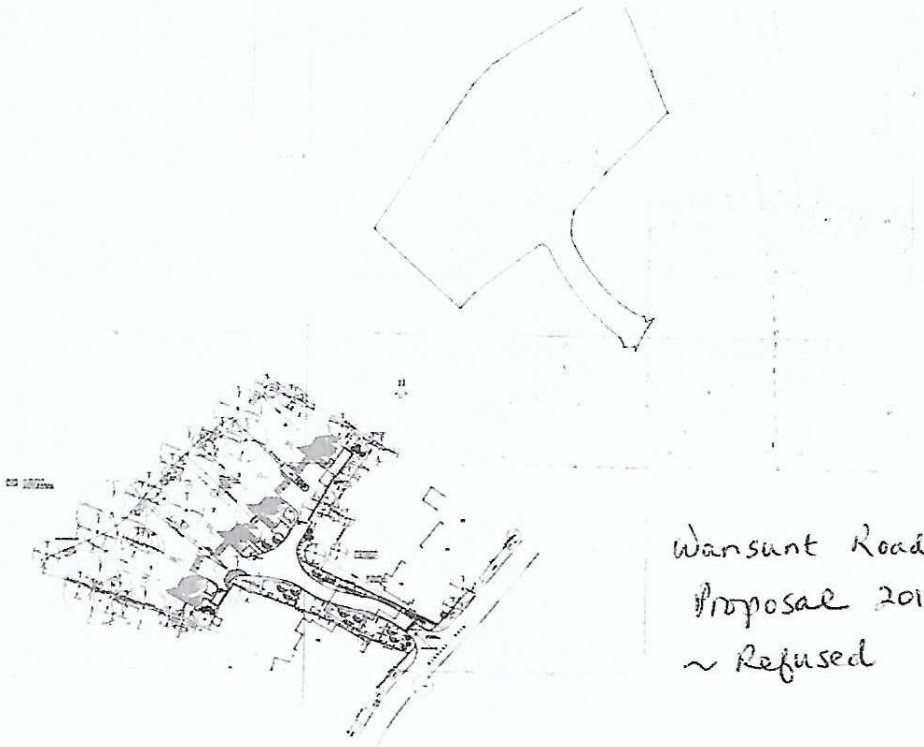
-security will be an issue. It is not easy to get in and out of that land as it stands now completely enclosed, but with this development it will feel less secure, even more so for those with the proposed access road at the back of their gardens

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...”

APPX C – plans for Wansunt Road and St James Way

(attached separately)



Wansunt Road
Proposal 2011
~ Refused

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Client
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Project
**15-23 WANSUNT ROAD
 DENLEY RENT BAS 2DQ**

File
 2011_04_04

WORTH
 3.11.11

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Brookworth Homes
Proposal 2016

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