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**APPEAL BY MR R POOKE
AGAINST A REFUSAL OF PLANNING PERMISSION
FOR A CHANGE OF USE OF GROUND & FIRST FLOOR
FROM SPORTS HALL (USE CLASS D2) TO C3
INCORPORATING THE EXISTING RESIDENTIAL UNIT
IN THE ROOF SPACE TO FORM A SINGLE FOUR BEDROOM
DWELLING, NEW VEHICULAR ACCESS ONO
BRACKEN HILL LANE & ASSOCIATED REPLACEMENT FENCING
AT
BLYTH WOOD PARK
20 BLYTH ROAD
BROMLEY
KENT BR1 3TN**

GROUNDS OF APPEAL

OCTOBER 2015

1.0 INTRODUCTION

1.1 We are instructed by Mr R Pooke to prepare and submit this appeal relating to the refusal of planning permission by the London Borough of Bromley. An application for a change of use of the redundant D2 space at Blyth Wood Park to incorporate additional residential space for Mr Pooke at his existing residential unit within the development, including the creation of a new vehicular access onto Bracken Hill Lane was submitted to the Council and validated on the 3rd September 2014. The application was allocated the application reference number DC/14/03400/FULL1.

1.2 Following protracted negotiations and discussions with the Local Authority, the application was eventually refused planning permission by the Council's Plans Sub Committee on the 2nd July 2015. The application was refused for the following reasons;

- *The proposal would prejudice the amenities of neighbouring residents along Bracken Hill Lane, by reasons of additional noise and disturbance resulting from the proposed vehicular access and associated activity, contrary to Policy BE1 of the Unitary Development Plan.*
- *The proposal, resulting as it does, in the loss of mature trees and foliage along the boundary of Bracken Hill Lane and replacement by a vehicular access and new fence and gate would result in an undesirable feature, undermining the established verdant frontage and the character and appearance of the wider street scene contrary to Policy BE1 of the Unitary Development Plan.*
- *The proposed vehicular access would lack adequate sight lines, which would therefore prejudice road safety conditions along Bracken Hill Lane contrary to Policy T18 of the Unitary Development Plan.*

- 1.3 There is a significant body of additional information relating to this application, and the ongoing discussions and liaison with the Council's Planning Officers, Tree Officers and Highway Engineer. This is discussed later in this statement, however, in light of the Council's reasons for refusal the main issues for consideration in this appeal are the impact of the provision of a new vehicular access onto Bracken Hill Lane on the amenities of neighbouring residents; the impact of the proposed development on the character and appearance of the wider street scene, and whether the proposed vehicular access would prejudice road safety conditions along Bracken Hill Lane.
- 1.4 The appeal proposal is assessed and analysed in this grounds of appeal statement, and it is the appellant's case that the proposed development would not result in any material harm to the residential amenities of nearby occupants or the conditions of road safety, nor would the creation of a new access onto Bracken Hill Lane result in a harmful impact on the character and appearance of the street scene. This appeal is further supported by a detailed assessment of the highway safety implications of the proposed access, and this is also covered later in this statement.

2.0 THE APPEAL SITE & SURROUNDING AREA

- 2.1 Blyth Wood Park is a development of apartments currently accessed via Blyth Road and incorporates undercroft car parking for existing residents. The development comprises three residential blocks with a fourth set to the rear (west) which originally contained a swimming pool and sports hall associated with the development. Planning consent for a residential unit above this space was subsequently granted by the Council. Mr Pooke's property is the residential unit set above the original sports hall, with the swimming pool and other facilities being unused and vacant for a considerable period of time.
- 2.2 Bracken Hill Lane is a cul-de-sac located to the west of the appeal site and is residential in nature made up of a series of terrace and semi-detached properties. The vast majority of these properties enjoy off street parking spaces within their frontages and the road carries low level of traffic.
- 2.3 The eastern side of Bracken Hill Lane is characterised by the rear boundary treatments of those developments in Blyth Road mainly made up of dwarf walls with timber fencing above. The western side of the appeal site is covered by a historic Tree Preservation Order (TPO No. 303) which was made by the Council in 1986.
- 2.4 The western side of Bracken Hill Lane is made up of hardstandings for off street car parking spaces for the residents of those properties on this side of the street.
- 2.5 The site is not located within a designated Conservation Area or within an area the subject of any specific policy protection.

3.0 PLANNING HISTORY

- 3.1 The site has been the subject of various planning applications dating back to the original planning permission for the residential development known as 'Blyth Wood Park' in the late 1980s.
- 3.2 Under planning application reference 98/00340/FUL the change of use of first floor of the leisure centre from offices to a one bedroom self-contained residential unit was granted planning consent (This consent was not implemented).
- 3.3 Under application reference 98/03273/FUL, an application for a change of use of the first floor of the leisure centre from offices to 1 two bedroom flat with elevational alterations including dormers to the north and south elevations, replacement of part of the roof on the western elevation with a glaze conservatory and a projecting balcony was granted planning consent and has been implemented. Further consent was granted under application reference 99/01840/FUL for additional roof lights and the formation of an open balcony with the roof space on the west facing elevation of the new unit granted in the first floor of the leisure centre. This consent has also been implemented. The consents in 1998 and 1999 relate to the existing flat at 39 Blyth Wood Park which is the subject of this appeal.

- 3.4 Under application reference 14/03230/FULL1, an application for the formation of a vehicular access onto Bracken Hill Lane was refused by the Council. It should be stressed at this point that the application was refused as the Council's Highways Engineer misunderstand the application and judged the creation of the access on the basis that it would be to serve the leisure facilities on site. This was incorrect as the proposed access would simply be to serve the residential unit at Flat 39 Blyth Wood Park. Application reference 14/03278/FULL1 sought planning permission for a fence and gate fronting Bracken Hill Lane (part retrospective) however this was withdrawn by the applicant prior to the determination.
- 3.5 The current application reference 14/03400/FULL1 was submitted to the Council in September 2014. This application has been the subject of various discussions and revisions following the validation of the application by the Council. For clarity, the following list sets out the key stages of the application, including discussions that have taken place with various Council Officers;
- September 2014 the application was submitted and validated by the Council.
 - November 2014 following discussions with the Council's Case Officer, revised plans were submitted which showed some variations to the proposed design of the parking layout. Further information was also submitted by the applicant's Agent at that time which supported the change of use of the redundant leisure space on site to form part of the residential unit known as Flat 39 Blyth Wood Park.
 - With a positive recommendation from the Council's Planning Officer, the application was recommended for permission at a Plans Sub Committee on the 18th December 2014. The Case Officer's Report is attached at **APPENDIX 1** which clearly sets out that the Council has no concerns with the loss of the

facility in light of the information submitted with the application, and that the Council's Highway Engineer has raised no objection to the application. It is worth highlighting and quoting the Council's Highways Engineer at this point where he stated "*I would not have an objection the application for a crossover as the application is for a change of use of the building to residential and not for dual use as a gym and a flat*". The Highways Engineer was clear that a house on its own would not generate additional traffic on this quiet residential road and the access would not interfere with the free flow of traffic resulting in any detrimental harm to highway safety. Despite this recommendation, the Officer's report was withdrawn from the Agenda by the Chief Planner in order to seek further clarification in respect of any impact of the development on any protected trees on site, and to seek a revised car parking layout following local objections. It should be noted at this point that the design proposed at this stage had been arrived at in conjunction with discussions with the Council's Tree Officer who had also raised no objection to the application.

- Following the deferral of the application from the December 2014 Planning Committee, the applicant employed the services of an Arboricultural Consultant to undertake a Tree Condition Survey of the site and prepare a Tree Constraints Plan. Also at this time, the appellant instructed an alternative Architect to prepare a revised parking layout taking account of the findings of the Tree Consultant. The revised plan (ref: 2444-15-PL001-P5) was then submitted to the Council alongside the updated Arboricultural Assessment.

- The Council's Case Officer dealing with the current application at this time left the Council, which meant a long delay in the application being processed any further. The requirement for the Council to further consult on the revised plans and documentation coupled with the purdah period pre the 2015 General Election meant that the application was finally placed onto a Committee Agenda

for a meeting on the 4th June 2015. The application was again recommended for permission by the Case Officer and the Case Officer's Report is attached for the Inspector's consideration at **APPENDIX 2**. The Inspector will note in this Report that under the "comments from consultees" section there is no objection raised by the Council's Highways Engineer and no objections are raised by the Council's Tree Officer. The application was therefore recommended for permission with Members of the Committee invited to accept their professional officer's recommendation.

- In light of significant local objection, Members of the Committee elected to again defer the determination of the application, although the reasoning for this decision was not immediately clear. A number of objections had been raised by local residents and Committee Members had been lobbied but it was clear that the Council could see no real reason to refuse the application and instead elected for deferral. Some days after the Committee the appellant was advised that the application had been deferred to allow the applicant to seek an alternative access to that proposed as part of the application.

- In light of the positive recommendation from the Council's Case Officer, and the lack of any formal objection to the proposal from the Council's Highway Engineer and the Council's Tree Officer, it appeared that the Committee had sought to defer the application rather than to determine it in its current form. The level of local objection and the interest of two Ward Councillors was clearly a consideration for the Council, but the suggestion that an alternative access to the site be sought from Blyth Road was both unreasonable and unnecessary in light of the technical comments received from the Council's own professional Officers. A detailed response to the Council's decision to defer the application was submitted to the Case Officer's at the Council on the 11th June 2015 which set out that the applicant wished for the proposal to be determined in its current

form and requested that the application be put back onto a Committee Agenda as soon as possible.

- The application was therefore placed onto a Committee Agenda for the 2nd July 2015 (**APPENDIX 3**) where it was ultimately refused planning permission for the three reasons set out in the first section of this statement.

3.6 In light of the above, the appellant is firmly of the view that the Council has acted unreasonably in light of the advice of their own professional Officers and appears to have been swayed by the significant body of local objection raised by local residents. Given the positive recommendation of the Council's Case Officers on three separate occasions (as set out above) and the Councillor's ultimate decision to go against this professional advice, the appellant reserves the right to apply for costs associated with this appeal.

4.0 THE APPEAL PROPOSAL

- 4.1 The development proposed as part of this appeal seeks to convert the currently redundant former swimming pool and leisure facilities on the ground and first floor of the appeal site to form part of the appellant's residential dwelling above. The existing ground and first floor of the building has a lawful use as a leisure centre for residents of the Blyth Wood Park development, however this has been vacant for many years and as such was offered for sale to the appellant some time ago.
- 4.2 At no point has the Council raised any issue with regard to the principle of the conversion of the ground and first floor of the building to residential use and indeed, Policy H12 of the Council's saved UDP sets out the steps for the applicant to demonstrate that the premises are genuinely redundant and capable of conversion. A supporting email was submitted to the Council as part of the initial application which set out comments from the Director of the Blyth Wood Park Management Company noting that the leisure centre facilities had never been open to the general public and had not been used for some time.
- 4.3 As the facilities were not available for use by the general public they were not in fact a "community facility" for the purposes of the Council's adopted C1 but it is clear that the space lent itself for conversion to form part of Mr Pooke's residential dwelling above, in line with the objectives of the Council's policies. The leisure centre had been closed since around 2005, and was sold to the appellant along with the freehold of the building in early 2014.

- 4.4 The application was supported by significant information which set out that the use was no longer viable within the building and no longer represented a viable facility to serve the residents of the Blyth Wood Park development and its conversion to residential use is entirely acceptable in principle. Again, it is noted that the Council has not at any point raised any objection to this element of the proposal.
- 4.5 The application also proposed the creation of a vehicular access onto Bracken Hill Lane, along with a hard standing set within the area to the rear of the building to provide off street car parking spaces for the appellant and his partner who is registered disabled. The parking layout has been designed in order to take account of the protected trees on site and proposes the use of semi permeable block paving above the existing ground level. This is in order to protect the tree roots of the existing trees on site. Two car parking spaces with sufficient turning and manoeuvring space are proposed, and would be located to the southern side of the site which now effectively forms the rear garden of Flat 39 Blyth Wood Park.
- 4.6 The access is proposed to be opened up in the existing boundary treatment to maintain the vast majority of the existing wall and fence already on site.
- 4.7 It should be noted that the parking layout and the design and location of the new access has come about in discussions with the Council's Highways Engineers and Tree Officers, neither of which raised any formal objection to the application.

5.0 PLANNING POLICY CONSIDERATIONS

National Planning Policy Framework (March 2012)

- 5.1 The main purpose of the Framework is to help achieve sustainable development through a plan-led system. The core principle of the Framework is that, if development is sustainable, it should go ahead without delay. As paragraph 14 explains, at the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking.

Core planning principles

- 5.2 Paragraph 17 sets out the 12 core land use planning principles which should underpin both plan making and decision taking. The relevant principles that apply to the appeal proposal are that planning should:

- *Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;*
- *Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*

- *Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; and*
- *Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.*

5.3 Paragraph 32 is clear that development should only be prevented or refused on transport grounds where the cumulative impacts are ‘severe’.

Delivering a wide choice of high quality homes

5.4 Paragraph 49 explains that housing applications should be considered in the context of the presumption in favour of sustainable development.

5.5 Paragraph 50 confirms that in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, Local Planning Authorities should:

- *Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community; and*
- *Identify the size, type, tenure and range of housing that is required in particular locations reflecting local demand.*

Requiring good design

- 5.6 Paragraph 57 specifies the importance for Local Authorities 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.
- 5.7 Paragraph 58 states that local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim 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;***
 - ***Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;***
 - ***Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks;***
 - ***Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;***
 - ***Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life of community cohesion; and***

- *Are visually attractive as a result of good architecture and appropriate landscaping.*

5.8 Paragraph 60 states that Local Authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Decision-taking

5.9 Paragraphs 186 and 187 confirm that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development, and they should look for solutions rather than problems. Decision-takers at every level should seek to approve applications for sustainable development where possible.

PLANNING PRACTICE GUIDANCE (PPG) (2014)

5.10 What we consider to be the relevant parts of the PPG are set out below.

Design

5.11 Achieving good design is about creating places, buildings or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations. Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development.

5.12 Planning policies should look to create streets that support the character and use of the area. Plans, policies and decisions can effectively manage physical form at a variety of scales. This is how planning can help achieve good design and connected objectives. Where appropriate the following should be considered:

- *Layout – the way in which buildings and spaces relate to each other.*
- *Form – the shape of buildings.*
- *Scale – the size of buildings.*
- *Detailing – the important smaller elements of buildings and spaces.*
- *Materials – what a building is made from*

THE DEVELOPMENT PLAN

Bromley UDP (2006)

5.20 In refusing to grant permission the Council allege there to be conflict Policies BE1, and T18 of the UDP. The objectives of these policies are set out below, along with all other UDP policies the appellant considers to be relevant in the determination of this appeal.

5.21 **Policy BE1** sets out general Development Control criteria to enable an assessment to be made as to whether the design of the development is of a high standard, achieves a good layout; respects the amenities of neighbouring residents and those of future occupants.

5.23 **Policy H12** states that the Council will permit the conversion of genuinely redundant office and other non-residential buildings to residential use, particularly above shops, subject to achieving a satisfactory quality of accommodation and amenity. Applicants are required to demonstrate that the premises are genuinely redundant.

- 5.24 **Policy C1** explains that consent will be granted for proposals that result in the loss of community facilities where there is no longer a need for them. A return to residential use for community facilities located within residential properties may be acceptable where the use has ceased.
- 5.25 **Policy T18** states that when determining planning applications, the Council will consider as appropriate the potential impact on road safety and will seek to ensure road safety is not adversely affected.

OTHER MATERIAL CONSIDERATIONS

London Borough of Bromley Supplementary Planning Guidance

- 5.26 The Council has adopted two SPG's related to new residential development in the borough. These are SPG1: General Design Principles and SPG2: Residential Design Guidance, and set out the Council's approach to improving the quality of the Borough's built environment.

6.0 PLANNING ISSUES & THE GROUNDS OF APPEAL

- 6.1 As is set out above, in light of the Council's grounds of refusal there would appear to be two main issues for consideration in this appeal. These are whether the proposed access onto Bracken Hill Lane would result in additional noise and disturbance and associated activity to the detriment of the amenities of nearby residential properties along Bracken Hill Lane, including whether the access would incorporate adequate sight lines so as not to prejudice road safety conditions. The second issue relates to the character and appearance of the wider street scene and whether the proposal would undermine this to such a degree as to warrant refusal of planning permission.
- 6.2 It should be reiterated that whilst the appeal also seeks consent for the change of use of the redundant use of the facilities within the building to form part of a residential dwelling above, the main issues and discussion arising from the application relate to the creation of the access and the impact it would have on the wider area including residential amenities.

Issue 1 – Would the proposed vehicular access prejudice the amenities of nearby residents by additional noise and disturbance, or prejudice the conditions of road safety along Bracken Hill Lane?

- 6.3 The Council's refusal grounds 1 and 3 suggest that the proposed access onto Bracken Hill Lane would result in a materially harmful impact on amenities of nearby residents and would also prejudice highway safety conditions. This is entirely at odds with the advice of the Council's Highways Engineer who stated that "*I would not have an objection to the application for a crossover as the application is for a change of use of the building to residential and not for dual use as a gym and a flat. A house on its own would generate additional traffic on this quiet residential road, the access, because of*

its proposed use as a house, will not interfere with the free flow of traffic and will not be detrimental to highway safety”.

- 6.4 Clearly in light of the above comments from the Council’s Highways Engineer, the Committee’s decision to refuse the application on highway safety grounds is both unjustified and unfounded. There has not been a technical objection to the proposed access from the Council’s own Officers throughout the entire application process, with concerns only being raised in light of local objection and concerns expressed to the Committee by local residents. The Council’s decision to refuse the application on these grounds would seem wholly unreasonable in light of this.
- 6.5 Notwithstanding the above, the appellant has gone to further considerable expense to employ the services of his own Highways Engineer to consider the implications of the creation of an access as proposed, and the findings are attached for the Inspector’s consideration at **APPENDIX 4**.
- 6.6 The Inspector will note the conclusions of this Technical Note which set out that the access junction in its proposed form is entirely acceptable in highways safety terms, taking account of the appeal site’s location, the scale of the proposal itself, site observations as to traffic movements in the vicinity of the site, and relevant transport policy and design guidance. This further supports the appellant’s view that the Council have made an unreasonable decision in the circumstances.

Issue 2 – Would the proposed vehicular access and alterations to the existing boundary treatment result in an undesirable feature, undermining the character and appearance of the wider street scene?

- 6.7 The Council's second ground of refusal relates to the "*loss of mature trees and foliage along the boundary with Bracken Hill Lane*", and suggests that this would "*undermine the established verdant frontage*" of the area. The Inspector will perceive upon undertaking a visit to the site that Bracken Hill Lane is characterised on its eastern side by the rear boundary treatments of those properties fronting Blyth Road, and these are in part characterised by established foliage. However, the appeal site has been visited several times by the Council's own Tree Officers to consider the proposal on site, and at no stage has any objection been raised to the proposed development.
- 6.8 The site is the subject of a historic "blanket" TPO which protects a series of mature trees on site, and the application is supported by a detailed assessment of these trees. The design has come about in order to ensure that no protected trees on site are harmed. There is, therefore, no reason for the appellant to refrain from removing any undergrowth or vegetation which is not the subject of this TPO as is the case in this instance.
- 6.9 The appellant was visited by the Council's Tree Officer on several occasions throughout the application process, along with one of the Council's Planning Enforcement Officers, to follow up on a complaint that had been made relating to suggested unauthorised works to protected trees. On each occasion, the applicant has been advised that the undergrowth and any young saplings that had been removed were not covered by the TPO that covered the site. There has been no unauthorised works to any protected trees on site. It is also relevant that the Council has not taken any enforcement action in respect of the works undertaken on site relating to any protected trees.

- 6.10 The Council's suggestion that the street scene is characterised by an established verdant frontage is a somewhat grandiose description of the appeal site and fails to recognise that much of the green vegetation visible on this side of Bracken Hill Lane is in fact new growth following the TPO in the late 1980s which in fact offers very little in the way of public amenity value.
- 6.11 It is noted that the removal of some vegetation from the site has had a visual impact over the existing set up prior to the purchase of the freehold by the appellant, however, there is nothing in any of the Council's adopted planning policies or guidance that restricts the removal of any unprotected trees or vegetation from the site. Therefore, there are no sustainable grounds upon which the Council can refuse the application based on the removal of any unprotected vegetation. As previously stated, no protected trees are proposed to be removed or affected by the development, and the Council's Tree Officers have raised no objection to the application at any stage.
- 6.12 The Committee's somewhat subjective view that the creation of an access in the rear boundary of the site fronting Bracken Hill Lane would be demonstrably harmful to the character and appearance of the street is also somewhat unfounded, as the western stretch of Bracken Hill Lane is entirely characterised by vehicular access point providing off street parking spaces to the dwellings on this side of the street. The proposal would therefore be entirely in character with the wider area.
- 6.13 Notwithstanding the above, the appellant has suggested previously to the Council that a suitably worded planning condition requiring additional planting at the boundary towards Bracken Hill Lane to be agreed with the Council Officers is acceptable to the appellant. This would further ensure that there would be no impact on the residential amenities in terms of visual impact on nearby residential properties. It should also be noted that there is a significant distance between the resulting residential development within Blyth Wood Park and the nearest residential properties on Bracken Hill Lane.

This distance is more than sufficient to ensure that there would be no harmful impact in respect of loss of privacy or overlooking; the suggestion that neighbouring developments should be invisible from nearby properties is unrealistic in any suburban environment.

Other Considerations for the Inspector

- 6.14 Whilst it is recognised that the Inspector must determine this appeal on its planning merits only, there are further circumstances which should be brought to his attention as part of this appeal. Flat 39 Blyth Wood Park (the appellant's property) originally benefitted from two underground car parking spaces beneath the Blyth Wood Park development. As a consequence of the applicant's purchase of the freehold interest of the land in question, a Deed of Surrender was signed by the appellant which relinquished these two car parking spaces. The purchase of the freehold by the appellant means that the site no longer forms part of the Blyth Wood Park development itself, and discussions with the Council's Address Management Team has taken place in order to allocate the address No. 21 Bracken Hill Lane, Bromley to the site now that it is effectively, physically and functionally severed from Blyth Wood Park itself.
- 6.15 Given the delays experienced with this planning application with the Council, the Deed of Surrender has been enacted meaning that the appellant currently has no allocated car parking for himself or his partner who is registered disabled. As is highlighted by the lack of any objection from the Council Officers, the provision of a vehicular access for the use of the appellant and his family will not result in any material increase in the level of vehicular movements along Bracken Hill Lane and would certainly not be to the detriment of the general conditions of highway safety. This is further supported by the Technical Note submitted alongside this appeal.

- 6.16 There is clearly a significant ground swell of objection to this proposal, which has ultimately resulted in a refusal of planning permission based on somewhat weak refusal grounds, which does not appear to be supported by the Council Officer's professional advice to the Committee. This has caused significant and unnecessary stress for the appellant and the Inspector is invited to review the reports submitted to the Committee on three separate occasions which recommend that planning permission be granted.

7.0 CONCLUSIONS

- 7.1 In light of the foregoing and as is set out in detail in the documentation that supported the original application to the Council, the appellant is firmly of the view that the proposed development would not result in a materially harmful impact on the character and appearance of the street scene and the proposed access would not result in any demonstrable harm to the residential amenities of nearby properties or the conditions of road safety along Bracken Hill Lane.
- 7.2 This appeal is supported by a detailed Technical Note carried out by consulting Highway Engineers on behalf of the appellant, which support the advice given from the Council's own Highways Engineer. There would not appear to be any sustainable ground of refusal relating to highway matters, particularly in relation to paragraph 32 of the Framework which sets out that proposals should not be refused unless transport impacts are 'severe'.
- 7.3 The removal of any vegetation on site has been reviewed by the Council's Tree Officers, and no objection has been raised. The subjective view that the removal of this unprotected vegetation would result in a harmful impact on the character and appearance of the street scene would also therefore appear to be unjustified and unreasonable in the circumstances.
- 7.4 There is no conflict with the Council's adopted Policy C1 in respect of the change of use of the redundant community facilities on site or with the objectives of the Council's adopted Policies BE1 and T18 relating to nearby residential amenity and highway safety conditions respectively.

- 7.5 The detailed Arboricultural Assessment that supported the application sets out that no protected trees on site would be harmed as a result of the development, which further supports the view of the Council's Tree Officers.
- 7.6 The proposal would create an access for use solely by the appellant and his immediate family which would result in a low level of vehicle activity and provide off street car parking space within the appellant's residential curtilage similar to that seen elsewhere within Bracken Hill Lane.
- 7.7 As such, it is respectfully suggested that the Inspector allows this appeal and grants planning consent subject to any necessary safeguarding planning conditions.

APPENDICES

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| APPENDIX 1 | Case Officer's Report to Plans Sub Committee of 18 December 2014 |
| APPENDIX 2 | Case Officer's Report to Plans Sub Committee of 14 June 2015 |
| APPENDIX 3 | Case Officer's Report to Plans Sub Committee of 22 July 2015 |
| APPENDIX 4 | Technical Note prepared by Gateway TSP, Highway Consultant |